

Chapter 27

Zoning

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Part 1**General Provisions****§27-100. Preamble and Introduction.**

1. *Preamble.* This Chapter is adopted pursuant to the Act No. 247 of July 31, 1968, as amended, of the General Assembly, Commonwealth of Pennsylvania, for the purpose of promoting and protecting the public health, safety, comfort, convenience, prosperity and other aspects of the general welfare of the Borough. These general goals include, among others, the specific purposes set forth in the statement of intent of the various regulations for the respective districts.

2. *Introduction.* The Borough of Glassport enacted this Chapter as an important part of the Borough's overall land use management program that is implemented to protect the health, safety, welfare and character of the Borough residential and business community. (Ord. 1174, 1/16/2018)

§27-101. Title.

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

2. *Short Title.* This Chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Glassport, Allegheny County, Pennsylvania." (Ord. 1174, 1/16/2018, §101)

§27-102. Statutory Authority.

Section 601 of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended) provides that the Glassport Borough Council may enact and amend a zoning ordinance to implement the Glassport Comprehensive Plan and to accomplish any of the purposes of Act 247.

(Ord. 1174, 1/16/2018, §102)

§27-103. Purpose, Community Development Objectives and Consistency with Comprehensive Plan.

The zoning regulations and districts set forth in this Chapter are made in accordance with the Twin Rivers Council of Governments Regional Comprehensive Plan, adopted June 15, 2004, and the Community Development Objectives of that Plan are hereby incorporated by reference. In addition, to protect the general welfare of the Borough, this Chapter is intended to achieve, among others, the following purposes:

A. To lessen congestion in the streets, to secure safety from fire and other dangers, to provide adequate light and air, to prevent the overcrowding of the land, avoid undue concentrations of population, to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements, as well as the conservation of

the value of land and buildings. These were made with reasonable consideration, among other things of the existing character of the various areas, their respective suitability for particular land uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough of Glassport.

B. This Chapter is adopted to promote an orderly plan of development according to the Borough's adopted Comprehensive Plan, including data on existing conditions, statements concerning the proposed plan and evaluations of implementation techniques. Such material shall be considered as legislative history and shall be utilized when necessary to establish policy in the interpretation of this Chapter.

(Ord. 1174, 1/16/2018, §103)

§27-104. Establishment of Controls.

1. *Minimum and Uniform Regulations.* The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

2. *For New Uses and Structures.* In all districts, after the effective date of this Chapter, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

3. *For Existing Uses and Structures.* In all districts, after the effective date of this Chapter, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as a legal, nonconforming use or structure, subject to the nonconforming uses and structure provisions of this Chapter.

4. *Type of Control.* The following minimum and uniform regulations shall apply in the respective districts: Use regulations, including uses by right, accessory uses, conditional uses, and uses by special exception, area and bulk regulations, including required front, side and rear yards; maximum permitted height and allowable lot coverage, and floor area ratio requirements in those districts in which they apply; off-street parking and loading regulations; sign regulations; and special regulations dealing with planned district development, open space, landscaping, storage, access and traffic control, lighting and slope areas.

(Ord. 1174, 1/16/2018, §104)

§27-105. Interpretation.

In the interpretation and application, the provisions of this Chapter shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough Council, in favor of the property owner and against any implied extension of the restriction.

(Ord. 1174, 1/16/2018, §105)

§27-106. Conflict, Validity and Severability.

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

2. All existing ordinances or parts of ordinances which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

(Ord. 1174, 1/16/2018, §106)

§27-107. Applicability.

The regulations of this Chapter shall apply to the Borough of Glassport, Allegheny County, Pennsylvania and to all zoning districts, lots, structures, land developments, and subdivisions in the Borough.

(Ord. 1174, 1/16/2018, §107)

§27-108. General Compliance.

1. No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except in conformity with this Chapter and in compliance with all standards, and upon performance of all conditions attached to any use approval, variance, appeal, rezoning, subdivision and land development approval, planned residential approval, or site plan approved pursuant to all land use regulations of Glassport Borough.

2. No person, firm, or corporation and no officer or employee (either as owner or as participating principal, agent, servant, or employee of such owner) shall sell, rent, or lease, or offer or attempt to sell, rent, or lease, any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this Chapter.

3. Every primary structure shall have its own water and sewer service.

(Ord. 1174, 1/16/2018, §108)

Part 2**Definitions****§27-201. General Interpretation of Words.**

For the purposes of this Chapter, the following rules of usage and interpretation shall apply, unless the context indicates otherwise. In the interpretation of this Chapter, the provisions and rules of this Chapter shall be observed and applied, except when the context clearly requires otherwise.

A. Words used in the present tense include the future. The singular number includes the plural and the plural the singular.

B. The word “building” includes “structure” and any part thereof.

C. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for.”

D. The word “person” includes an individual, corporation, partnership, incorporated association or any other similar entity.

E. The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

F. The word “shall” is intended to be mandatory.

G. The word “lot” shall include the word “plot” or “parcel.”

H. The word “and” indicates that all connected items, conditions, provisions or events shall apply.

I. The word “or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

J. The words “either,” “or” indicate that the connected items, conditions, provisions or events may apply singly but not in any combination.

K. The word “Borough” means the Borough of Glassport, Pennsylvania.

L. The word “County” means the County of Allegheny, Pennsylvania.

M. Any use of the gender specific words (his, hers, him, her) shall imply both genders.

N. In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration or table, the text shall control.

O. When a word or phrase is not specifically defined in this Chapter, or referenced in another ordinance, then the common meaning of the word or phrase, or the definition contained in Webster’s Dictionary, most current version, shall apply.

(Ord. 1174, 1/16/2018, §201)

§27-202. Definitions of Specific Terms.

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

Accessory building - a detached, subordinate building on the same lot with the principal building or structure, the use of which is clearly incidental to the principal structure or use of the lot.

Accessory equipment - any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "Accessory Equipment" includes but is not limited to utility or transmission equipment, power

supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Accessory structure - a detached, subordinate structure on the same lot with the principal building or structure, the use of which is clearly incidental to the principal structure or use of the lot, including accessory buildings.

Accessory use - a use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to, and customarily found in connection with a particular principal use.

Adult bookstore/video store - any commercial establishment in which more than 5% of the inventory offered for sale or rental to the public consists of books, publications, films or other media which depict nudity or sexual conduct, as defined herein.

Adult business - an adult bookstore/video store, adult live theater, adult movie theater or movie house or adult nightclub, as defined herein.

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

Adult mini movie theater - an enclosed building or structure offering video presentations or other visual media distinguished or characterized by an emphasis or matter depicting, describing, or relating to "sexual activities" or "nudity," for observation by patrons within private viewing booths.

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

Agricultural operation - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agronomy - a branch of agriculture dealing with field crop production and soil management.

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

Animal - domesticated animals, such as livestock and poultry, raised in commercial quantities in a farm setting.

Antenna - an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

Apartment - See *Dwelling, Multi-family*.

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

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

Arboriculture - the cultivation of trees and shrubs especially for ornamental purposes.

Art studio - See *Studio, Art, Photography or Music*.

Arterial roads - See *Master plan of streets*.

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

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

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

Barber - one whose business is cutting and dressing hair, shaving and trimming beards, and performing related services.

Barber shop - a barber's place of business.

Barn - a usually large building for the storage of farm products or feed and usually for the housing of farm animals or farm equipment.

Basement (or cellar) - an enclosed area partly or completely below grade which shall be considered a building story if more than 1/3 of the walls are five feet or more above exterior grades.

Beauty shop - an establishment or department where hairdressing, facials, manicures and related services are performed.

Belfry - a bell tower; one surmounting or attached to another structure.

Board - all references to the Board are to "The Zoning Hearing Board" of the Borough of Glassport created by this Chapter.

Boarding home - a lodging house at which meals are provided.

Buffer area - a landscaped area of a certain depth specified by this Chapter which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which

may be determined by Borough Council to duplicate the effect of the required Buffer Area.

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

Building height - See *Height of building*.

Building permit - a building permit shall be a permit required:

- (1) Prior to any excavation for foundation;
- (2) Prior to the erection, construction or alteration of any building, structure, or any portion thereof;
- (3) Prior to the moving of a building into the Borough of Glassport or from one place in the Borough to another;
- (4) Prior to the change in use of a building or land or occupation or the use of vacant land; and,
- (5) Prior to the change or extension of any nonconforming use.

Building setback line - an established line within a property defining the minimum required distance between the face of any structure to be erected and an adjacent right-of-way or street line.

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

Bus or railway passenger station - a terminal that serves bus or railway passengers.

Business office - See *Office, business*.

Card and gift shop - a store (such as a small store in a museum) that sells things which might be given to people as gifts.

Cargo - goods or merchandise conveyed in a ship, airplane, or vehicle.

Cellar - See *Basement*.

Center line of street - See *Street center line*.

Chimney - a vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke; the part of such a structure extending above a roof.

Church spire - a whole church tower.

Club, private - See *Private club*.

Collector road - See *Master Plan of Streets*.

Collocation - the mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

Commercial recreational facility - See *Recreational facility, commercial*.

Commercial school - See *School, commercial*.

Common dining facilities - a public, private or institutional facility where people gather to dine in either a cafeteria style or food court style in which the food and drink may come from one or more provider in a sit-down fashion.

Common laundry facilities - an onsite facility provided exclusively for the residents, employees or guests to do laundry in an apartment complex, dormitory, educational institution, hotel/motel, office or factory. Not for the general public use.

Common leisure and recreation facilities - developed or undeveloped open spaces and/or structures and facilities which are reserved for the residents of a plan of lots, apartment complex, schools, office complex sharing common relationships or associations for the purpose of play, amusement or relaxation, Such as may include sports fields, parks, passive areas, and related amenities. Not for the general public use.

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

Communications equipment cabinet - an unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground of no more than 200 square feet.

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

Community swimming pool - See *Swimming pool, community*.

Comparable use not specifically listed - a use which is not specifically listed in a particular zoning district, but which is determined by the Zoning Hearing Board in accordance with the express standards and criteria set forth in this Chapter to be similar in characteristics and impacts to another use which is specifically listed in the same zoning district as a permitted use, conditional use or use by special exception.

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

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

Connector roads - See *Master plan of streets*.

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

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

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

Corner lot - a lot bounded on at least two sides by streets.

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

Council - all references to the Council are to the Borough Council of the Borough of Glassport.

Coverage - See *Lot coverage*.

Crematory - an establishment containing the equipment necessary for cremating human remains.

Dairying - the business of operating a dairy.

Day care center - a facility licensed by the Commonwealth located within a building which is not used as a dwelling unit for the care during part of a 24-hour day of children under the age of 16 or handicapped or elderly persons.

Day care home - a facility licensed by the Commonwealth located within a dwelling for the care on a regular basis during part of a 24-hour day of not more than six children under 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.

Deck - a flat floored roofless area adjoining a house.

Delicatessen - a store where delicatessen (ready to eat food products, such as cooked meats and prepared salads) are sold.

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

Dining facilities - a public, private or institutional facility where people gather to dine in a sit-down fashion.

Distributed antenna system (DAS) - network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

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

Distribution - the marketing or merchandising of commodities.

Dome - a large hemispherical roof or ceiling.

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

Drive-through facilities - any principal or accessory use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services,

including, but not limited to, “drive-in” or “drive-through” windows at fast food restaurants or other businesses, exterior automated teller machines (ATM’s), quick oil change facilities, car washes and similar automotive services and other such facilities.

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

Dwelling, multi-family - a residential building or portion thereof containing three or more dwelling units.

Dwelling, single-family - a residential building containing one dwelling unit and which is the only principal building on the lot.

Dwelling, two-family - a residential building containing two independent dwelling units, separated from one another by continuous vertical walls, each having a separate entrance, and which is the only principal building on the lot.

Dwelling unit - one or more rooms in a residential building which are used as living quarters for one family. A dwelling unit shall have permanent facilities for sleeping, cooking and eating.

Dwelling unit density - the maximum number of dwelling units authorized per gross acre.

Elevator - a cage or platform and its hoisting machinery for conveying people or things to different levels.

Emergency - a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

Emergency call systems - a system that summons police, emergency services (ambulance), or Fire Department to help a person when they can't get help by phone due to illness, impairment, injury or power.

Employee cafeteria or dining room - an eating establishment located within a business establishment which is restricted to employees of the business establishment and their invited guests.

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

Equipment compound - an area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

Essential services - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, excluding communications towers and communications antennas, as defined herein.

Express agency - any establishment which provides packaging, mailing, shipping and/or delivery services to businesses and/or the general public.

Family - an individual or two or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three unrelated persons living together without supervision in a dwelling unit. *Family* shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement.

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

Farming - the practice of agriculture or aquaculture.

FCC - Federal Communications Commission.

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

Financial institution - banks, savings and loan associations and similar institutions that lend money or are engaged in a finance-related business.

Flagpole - a pole on which to raise a flag.

Floor area of building - The sum of the gross horizontal area of the several floors of the principal building(s). all dimensions shall be measured between exterior faces of walls.

Floriculture - the cultivation and management of ornamental and especially flowering plants.

Forestry - The cutting or harvesting of live or dead, standing or fallen trees for cordwood, for timber, for pulp or for any commercial purpose, when practiced in accordance with accepted silviculture principles, excluding the clearing of trees by the landowner for his own use, clearing for the development of building sites as part of an approved subdivision, land development or building permit, clearing for farming operations or selective removal of individual trees which are dead, damaged, diseased or constitute a danger to neighboring properties or the general public.

Foundation - an underlying base or support, especially the whole masonry substructure of a building.

Front yard - See *Yard, front*.

Front yard line - See *Yard line, front*.

Funeral home - a building used for the preparation and embalming of deceased human beings for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

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

Golf practice facility, semi-private - a recreational facility which is operated for profit and advertised to the general public, but which may or may not require membership for the use of some or all of its facilities and which includes as its principal use golf practice facilities such as putting greens, driving ranges and golf instruction and which may include miniature golf, a clubhouse/restaurant and related recreational facilities as accessory uses.

Goods - personal property having intrinsic value but usually excluding money, securities, and negotiable instruments.

Government office - a building or structure that houses federal, state or local government employees. An office of any federal, state, or local government or agency.

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

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

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

Group care facility - a facility operated by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation that provides room and board and specialized social, health and rehabilitative services on a 24-hour basis to permanent residents, including 24-hour supervision by staff qualified by the licensing or sponsoring agent.

Half story - a story with a cubic content of not more than 50% of the cubic content of the first, or ground, story of the building.

Handicapped facilities - Those facilities that meet the needs of any person who has a physical or mental impairment that substantially limits one or more major life activities. Including but not limited to building access, restrooms, parking spaces, sidewalks and all other amenities as list by the US Department of Housing and Urban Development.

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

Height of building - The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks, and similar projections of the building not intended for human occupancy, shall not be included in calculating the height. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

Height of a tower-based WCF - the vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

Home occupation - an accessory use of a service character, conducted entirely within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the residential character of the dwelling.

Horticulture - the science and art of growing fruits, vegetables, flowers, or ornamental plants.

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

House keeping services - The definition of housekeeping is doing basic cleaning tasks in a house, hotel, motel, school, institution facility, office or hospital or other locations, or the department of employees who manage and perform cleaning tasks.

Husbandry - the cultivation or production of plants or animals, the scientific control and management of a branch of farming and especially of domestic animals.

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

Indoor recreational facility - See *Recreational facility, indoor*.

Intermediate nursing facility - a nursing facility that provides at least eight hours of nursing supervision per day; generally catering to patients who are mobile and need less care than those at a skilled nursing facility. An intermediate nursing facility provides medical, pharmacy, and dietary services

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

Kennel - any household or other establishment where more than four dogs or more than six cats who are six months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

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

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

Landscaping contractor - a retail business which includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products which aid their growth and care and which may include one or more of the following activities as accessory uses only: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; and/or the storage of small amount of reddog, slag, sand or gravel to be used in landscaping or

preparation of driveways; and/or shredding or screening of topsoil; however, in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

Library - a place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

Life care facility - nursing home and/or personal care boarding home which is part of a development containing an assisted living facility and/or an independent living facility.

Light food processing - the manufacture, compounding, processing or treatment of such products as: bakery goods, confectionaries, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, and food products (except fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats).

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

Local street - See *Master plan of streets*.

Lodging facilities - temporary furnished room or rooms rented in another's house for sleeping and /or living accommodations.

Lot - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

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

Lot coverage - that percentage of the lot covered by all buildings on the lot including sun parlors, foyers, porches, breezeways, projecting eaves, gutters, awnings, steps, patios and so on. Swimming pools shall not be included in the calculation of lot coverage.

Lot line, front - the line contiguous with the street line.

Lot line, rear - the line generally parallel to the front lot line which defines the rear of the lot.

Lot line, side - any lot line which is not a front lot line or a rear lot line.

Lot width - the distance between the side lot lines measured along the front building line of the lot.

Major traffic thoroughfare - an arterial or collector route designated on the Borough Master Plan of Streets.

Manufactured housing unit - See *Mobile home*.

Manufacturing, heavy - See *Heavy manufacturing*.

Manufacturing, light - See *Light manufacturing*.

Mast - a slender vertical or nearly vertical structure (as an upright post in various cranes).

Materials - matter that has qualities which give it individuality and by which it may be categorized.

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

Medical center - a development comprised of two or more of the following uses: medical clinic, medical professional offices, medical research facility, nursing home or hospital.

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

Medical professional offices - a place where medical or dental diagnosis, evaluation, and treatment is prescribed or provided.

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

Mid-rise apartment - a residential building containing at least four stories which are no more than 45 feet in height, but no more than seven stories which are no more than 80 feet in height.

Mini-warehouse/self-storage facility - a building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal property.

Mobile home - 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.

Mobile home lot - a parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile home park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Modification or modify - the improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Motel/hotel - a building, or a group of buildings, having units containing sleeping accommodations which are available for temporary, rental occupancy by transients and

providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than two transient occupants not normally quartered on the premises shall be considered as a motel/hotel facility under the provisions of this Chapter.

Motor vehicle -

(1) a self-propelled conveyance with wheels and a motor, such as a car or truck, for use on roads to move people and property.

(2) an automotive vehicle not operated on rails, especially one with rubber tires for use on highways.

Multi-family dwelling - See *Dwelling, multi-family*.

Museum - an institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

Music studio - See *Studio, art, photography or music*.

Nature preserve - an area protected by public ownership or private ownership restricted by conservation easements where the natural environment is protected from man-made changes and only low intensity activities are allowed such as bird-watching, hiking, walking and passive enjoyment.

Nature trail or hiking/biking trail - an easement right-of-way or linear parcel of land improved to provide a pathway for walking, hiking or biking in a natural environment protected from more intense development.

Net density - the average number of dwelling units per acre of land that is proposed or actually in use for residential purposes.

Newsstand - a place (as an outdoor stall) where newspapers and periodicals are sold.

No-impact home-based business - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(1) No on-site parking of commercially identified vehicles shall be permitted. This does not preclude short-term parking of common carrier vehicles such as USPS, UPS, etc. in conjunction with delivery of supplies or shipment of product.

(2) The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.

(3) 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.

(4) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(5) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(6) The business may not involve any illegal activity.

(7) The business shall employ no employees other than members residing in the dwelling.

(8) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(9) There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.

Nonconforming building or structure - a building or structure or part of a building or structure, manifestly not designed to comply with the applicable use provisions of this Chapter or amendment thereto, where such building or structure lawfully existed prior to the enactment of this Chapter or amendment thereto. Nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming lot - a lot of record at the time of the adoption of this Chapter, which by reason of area or dimension, does not conform to the requirements of this Chapter.

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

Non-tower wireless communications facility (non-tower WCF) - Wireless communications facilities located or collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

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

Nursing home - an institution licensed by the Commonwealth for the care of human patients requiring either skilled nursing or intermediate nursing care or both levels of care for a period exceeding 24 hours.

Observation tower - an observation tower is a structure used to view events from a long distance and to create a full 360 degree range of vision. They are at least 60 feet tall and made from stone, iron, and wood. They can be for private, public or governmental use.

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

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

Off-street parking area - a paved, open off street area, accessory to the principal use of the lot containing two or more parking spaces, including the aisles and/or driveways which provide access to the parking spaces.

Oil and gas drilling - the removal of oil and gas resources from the ground by means of drilling in accordance with the provisions of the PA Oil and Gas Act (58 P.S. §§601.101 - 601.605) as now or hereafter amended.

Open space - open space is a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed as intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, driveways and areas set aside as public grounds.

Open space, private - See *Private open space*.

Open space, public - See *Public open space*.

Parking area - See *Off-street parking area*.

Parking space - an area within an enclosed garage or on the surface of the ground designated for the parking of one motor vehicle in accordance with the requirements of this Chapter.

Pasturage (pasture) - land or a plot of land used for grazing.

Patio - a recreation area that adjoins a dwelling, is often paved, and is adapted especially to outdoor dining.

Pennsylvania Municipalities Planning Code - Act 247 of 1968, 53 P.S. §10101 et seq., as amended.

Permanent facilities - permanent commercial, industrial, institutional or private property such as a building, plant, or structure, built, established, or installed for the performance of one or more specific activities or functions.

Person - individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that "Person" does not include or apply to the Borough, or to any department or agency of the Borough.

Personal care boarding home - a facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three permanent residents, 62 or more years of age, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding 24 consecutive hours, but who are not in need of hospitalization or skilled or intermediate nursing care. Twenty-four-hour supervision shall be provided by staff qualified to meet the licensing requirements.

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

Pharmacy - a place where medicines are compounded or dispensed.

Photography studio - See *Studio, art, photography or music*.

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

Plan - a survey of a lot upon which is shown the location of existing and/or proposed structures, existing contours, proposed grading, location and dimensions of yards, feasibility of proposals for the disposition of stormwater and sanitary waste, indications of zoning compliance, name of the applicant and landowner, area location map, dates of

preparation and revisions, and evidence of preparation by an architect, landscape architect or engineer.

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

Pole facility - a wireless communications facility located in the public rights-of-way with a support structure consisting of a single new utility pole installed for the primary purpose of supporting one or more WCF.

Porch - a covered area adjoining an entrance to a building and usually having a separate roof.

Poultry - domesticated birds kept for eggs or meat.

Principal building - the main building or buildings on a lot in which the principal use or uses are conducted.

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

Principal use - the single primary or predominant use to which a property is or may be devoted and to which all other uses on the property are accessory.

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

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

Private garage - a one-story building or an integral part of a dwelling used for storage of not more than four motor vehicles and used either by the owner or tenant of the lot on which it is erected, for a purpose accessory to the principal use of the lot, or rented by the owner or tenant of such lot on a weekly or monthly basis for such storage of motor vehicles by others.

Private instructions - the charge or fee for instruction, as at a private school, home, sports facility or a college or university for teaching a skill, sport or another activity.

Production - the act or process of producing, the creation of utility, especially the making of goods available for use.

Public building - any building which is owned and/or operated by a federal, state, county or local government.

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

Public hearing - a formal meeting held pursuant to public notice by Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

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

Public notice - notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. 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 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public open space - any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for use by the general public.

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

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

Public services - the business of supplying a commodity (as electricity or gas) or service (as transportation) to any or all members of a community.

Public utilities - services (such as those which provide light, power or water) provided to commercial or residential users by a public utility or municipality, including any equipment or a piece of equipment utilized to provide such service or a comparable service.

Rear yard - See *Yard, rear*.

Rear yard line - See *Yard line, rear*.

Recreational facility, commercial - an enterprise operated by other than a public entity for profit for the outdoor pursuit of sports, recreation and leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, swimming pools, amusement parks, arenas, stadia, amphitheaters, racetracks and similar facilities.

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

Recreational facility, private - an enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, the use of which is limited to members and their guests, including, but not limited to, such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities.

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

Replacement - the replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological, advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

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

Residential in combination with business - dwelling unit(s) located in the same building with a professional office, business office, retail store or other commercial use, where the dwelling units are not located on the first floor of the building.

Residential occupancy - occupancy of a building/structure in which sleeping and living accommodations are provided for normal residential purposes. The term excludes institutional occupancy.

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

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

Right-of-way - the total width of any land reserved or dedicated to use as a street, alley, crosswalk or other public purpose.

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

School, commercial - a privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

School, public or private - a place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education, but not including commercial schools.

Semi-private golf practice facility - See *Golf practice facility, semi-private*.

Setback - See *Building setback line*.

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

Shed - an accessory building used to store lawn and garden tools and equipment and other personal property of the residents of a dwelling on the same lot, but not including any motorized vehicles, except that residential riding mowers are permitted.

Shelter for domestic pets - an accessory building or other accessory structure used to protect or confine domestic pets owned by the residents of the dwelling on the same lot, excluding fenced runs or kennels as defined by this Chapter.

Shopping center - a site under single ownership and control which is developed as a unit for two or more retail establishments in one or more buildings and designed so that parking, loading and access facilities are shared.

Side yard - See *Yard, side*.

Side yard line - See *Yard line, side*.

Silo - a tall cylinder (as of wood or concrete) usually sealed to exclude air and used for making and storing silage.

Skilled nursing facility - an inpatient healthcare facility with the staff and equipment to provide skilled care, rehabilitation and other related health services to patients who need nursing care, but do not require hospitalization.

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

Small scale energy systems - electric power system, for supply, transmission and consumption of electric power, through the use of hydro, solar, natural gas, coal, or geo-thermal fuel source that produces less than 50 Kilowatts in power.

Small wireless communications facility - A wireless communications facility that meets the following criteria:

- (1) The structure on which antenna facilities are mounted-
 - (a) Is 50 feet or less in height, or
 - (b) Is no more than 10% taller than other adjacent structures, or
 - (c) Is not extended to a height of more than 50 feet or by more than 10% above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

Smokestack - a pipe or funnel through which smoke and gases are discharged.

Special exception - an authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria.

Stable - a building in which domestic animals are sheltered and fed, such a building having stalls or compartments.

Storage trailer - any vehicle or transportable structure which is enclosed and mounted on wheels and is used as a conveyance on streets drawn by its own or other motive power intended to carry materials, equipment or other vehicles, but which is not intended for human occupancy, and which is used without permanent foundation as an accessory structure for the storage of goods and materials directly related to the principal use(s) of the lot.

Storage - the safekeeping of goods in a depository (as in a warehouse).

Storm water detention facility - refers to the provision of surge volume to attenuate the run-off peak prior to discharge to some off-site point.

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

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

Street center line - a line which is usually at an equal distance from both street lines or right-of-way lines.

Street line - See *Lot line, front*.

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

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

Studio, art, photography or music - establishments engaged in the display and sale of music, art or photography products and supplies and which may include training of individuals or groups of students for a fee.

Substantially change or substantial change - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(a) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

- (4) It entails any excavation or deployment outside the current site;
 - (5) It would defeat the concealment elements of the eligible support structure;
- or
- (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

Supporting commercial uses - retail sales or personal services or business services for the convenience of the employees and visitors to an office park, including, but not limited to, a newsstand, travel agency, florist shop, card and gift shop, restaurant or delicatessen or coffee shop, sale of office supplies, copy service and similar facilities.

Swimming pool - a body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, inground or above ground, used as a recreational facility for swimming, bathing or wading and having a depth at any point of more than 18 inches or a surface area of more than 100 square feet, including the equipment necessary to maintain the swimming pool and the healthful condition of the water.

Tank - a usually large receptacle for holding or storing liquids (such as water or fuel).

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

Tobacco shop (tobacconist) - a dealer in tobacco, especially at retail.

Tourist home - a house in which rooms are available for rent to transients.

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

Transient - one that is transient, such as a guest or boarder who stays only briefly, including a person traveling about usually in search of work.

Transitional dwelling - a facility operated by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation that provides room and board and specialized social, health or rehabilitative services on a short term basis to residents who are assigned by a Court of Law, or referred by a public, semi-public or nonprofit agency for 24-hour supervision, counseling and care for a specified period of time, including alcoholic recover, shelters for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other court ordered treatment and other similar short-term supervised living arrangements.

Travel agency - an agency engaged in selling and arranging transportation, accommodations, tours, and trips for travelers.

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

Unenclosed - not enclosed or fenced in.

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

Variance - relief from the literal terms of this Chapter granted only by the Zoning Hearing Board in accordance with criteria established by the Pennsylvania Municipalities Planning Code.

Vehicle sales and service - a paved open area on a lot used for the display and sale of new or used motor vehicles, including a building or buildings which may contain offices, showrooms and a vehicle servicing area within a completely enclosed building.

Veterinary hospital - an establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment.

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

Watchman's facility - an accessory use located in either a principal structure or an accessory structure on property in an industrial zoning district to provide security for the principal use of the property.

WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq)

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

Windmill - a mill or machine operated by the wind usually acting on oblique vanes or sails that radiate from a horizontal shaft; a wind-driven water pump or electric generator.

Wireless - transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless communications facility applicant (WCF applicant) - any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way or other Borough owned land or property.

Wireless support structure - a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

Yard - an open space at grade between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

Yard, front - the yard extending along the full lot width parallel to or concentric with, the front lot line and being the minimum horizontal distance between the front lot line and the front yard line required by this Chapter.

Yard line - a line drawn parallel to or concentric with, the corresponding lot lines at a distance specified for the required depth of yard in each respective case.

Yard line, front - a *front yard line* bounds the front yard and is parallel to or concentric with, the front lot line.

Yard line, rear - a *rear yard line* bounds the rear yard and is parallel to the rear lot line.

Yard line, side - a *side yard line* bounds the side yard and is parallel to the side lot lines.

Yard, rear - a yard extending between the side yards of the lot parallel to the rear lot line and being the minimum horizontal distance between the rear lot line and the rear yard line required by this Chapter.

Yard, side - a yard extending along the side lot line from the required front yard to the rear lot line and being the minimum horizontal distance between the side lot line and the side yard line required by this Chapter.

Zoning district map - a map showing the various zoning districts into which the Borough has been divided, for the purpose of applying the regulations of this Chapter.

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

(*Ord. 1174*, 1/16/2018, §202; as amended by *Ord. 1190*, 2/18/2020, §II)

Part 3**Establishment of Zoning Districts****§27-300. Division into Districts.**

1. For the purpose of this Chapter, the entire Borough of Glassport is hereby divided into the following districts:

- R-1 Low Density Residential District
- R-2 Medium Density Residential
- R-3 High Density Residential District
- C Commercial
- I Industrial
- CS Conservation District
- MSBO Main Street Business Overlay
- M Municipal

2. Additional zoning districts may be added from time to time upon the recommendation of the Borough Planning Commission to the Borough Council pursuant to the Sections of this Chapter relating to zoning amendments.

(Ord. 1174, 1/16/2018, Art. 300)

Part 4**Purpose of Zoning Districts****§27-401. Residential Districts.**

1. In addition to the general goals listed in the Preamble and General Provisions, the districts established in this Part are intended to achieve the following:

A. To provide sufficient space, appropriately located for residential development to meet the housing needs of the present and expected future population of the Borough within the range of housing types and densities anticipated.

B. To assure light, air and privacy, as far as possible, by controlling the spacing and height of buildings and other structures.

C. To protect residential areas against hazards of fire, offensive noise, vibration, smoke, odors, glare or other objectionable influences.

D. To prevent congestion, as far as possible, by regulating the density of population and the bulk of buildings, and by providing for sufficient off-street parking.

E. To protect residential neighborhoods, as far as possible, from heavy or through traffic.

F. To make possible provisions of those public and private education, recreational, health and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectionable influences.

G. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the Borough tax revenues.

H. In all residential zoning districts, there shall only be one principal use/structure on a lot. Accessory uses/structures may be permitted in accordance with the applicable provisions of the Chapter.

2. *R-1 Low Density Residential District.* It is the purpose of this District to encourage residential development of low-density on lots of sufficient size which would preserve existing residential areas and allow for their natural expansion.

3. *R-2 Medium Density Residential District.* It is the purpose of this District to provide for single-family dwellings and two-family dwellings on small lots in areas where such medium density has already been established and to authorize certain compatible uses as conditional uses and uses by special exception.

4. *R-3 High Density Residential District.* It is the purpose of this District to provide for multiple-family dwellings in areas where such high density has already been established and to authorize certain compatible uses as conditional uses and uses by special exception.
(Ord. 1174, 1/16/2018, §401)

§27-402. Commercial Districts.

1. In addition to the general goals listed in the Preamble and General Intent, the districts established in this regulation are intended to achieve the following:

A. To provide sufficient space in appropriate locations for the types of commercial and service establishments anticipated in the Comprehensive Plan.

B. To provide appropriate space for the requirements of present day merchandising, including the provisions of off-street parking spaces, safe circulation of pedestrian and motor traffic in the zoning district and in nearby areas.

C. To promote the most desirable use of land and a pattern of building development in accordance with a well-considered plan, to promote stable commercial development, to strengthen the economic base of the Borough, to protect the character of the commercial areas and nearby districts, to conserve the value of land and buildings, and to promote municipal tax revenues.

2. *C General Commercial.* In addition to the general goals listed in the Preamble and Statement of Intent, it is the purpose of this District to provide commercial and other permitted facilities to serve primarily the needs of the local residents, including automotive or highway oriented facilities, neighborhood type facilities and general convenience needs.

3. *MSBO Main Street Business Overlay District.*

A. In addition to the general goals listed in the Preamble and Statement of Intent, the purpose of this District is to provide a neighborhood center which recognizes the need for a sense of community and a mix of land uses particular to a downtown main street corridor along Monongahela Avenue within the Borough.

B. Any property within the commercial base zoning district that has frontage abutting Monongahela Avenue is within the Main Street Business Overlay District.

(*Ord. 1174, 1/16/2018, §402*)

§27-403. Industrial Districts.

1. In addition to the general goals listed in the Preamble, the districts established in these regulations are intended to achieve the following:

A. To provide sufficient space, in appropriate locations, to meet the anticipated future needs for industrial activity with due allowance for the needs for a range in choice of sites.

B. To insure that the land most suitable for industrial and related activities will be available by prohibiting the use of such land for new residential development, and at the same time, to protect residences by separating them from such activities.

C. To protect industry against congestion by limiting the bulk of buildings in relation to the land around them and to one another, and by providing sufficient off street parking and loading facilities for such developments.

D. To promote the most desirable use of land and direction of building development in accordance with a well-considered plan, to promote stable industry, to strengthen the economic base, to protect the character of particular industrial areas and their peculiar suitability to uses, to conserve the value of land and buildings, and to protect local tax revenue.

E. To encourage the development of industrial parks through the provision of suitable regulations whereby a number of businesses may locate in a landscaped tract.

2. *I Industrial District.* In addition to the general goals listed in the Preamble and the Statement of Intent, it is the purpose of this District to provide industrial locations for plants which require a large area for their operations along the Monongahela River and which are normally undesirable adjacent to residential and commercial areas.

(*Ord. 1174, 1/16/2018, §403*)

§27-404. Other Districts.

1. *CS Conservation District.* In addition to the general goals listed in the Preamble, the districts established in these regulations are intended to achieve the following:

- A. To protect and preserve the special environmental features;
- B. To promote land uses that are complimentary to the natural features of the area; and
- C. To buffer this environmentally sensitive steep slope area from more intensive adjacent zoning classifications.

2. *M Municipal District.* In addition to the general goals listed in the Preamble and the Statement of Intent, it is the purpose of this District to accommodate Borough-owned property that is maintained for municipal purposes.

(Ord. 1174, 1/16/2018, §404)

§27-405. Zoning Map.

1. *Zoning Map Title.* The map showing the division of the Borough into the designated zoning districts shall be known as the Borough of Glassport Zoning Map. Said map shall be an integral part of this Chapter.

2. *Adoption of Zoning Map.* The Borough of Glassport Zoning Map shall be kept on file with the Borough Secretary.

(Ord. 1174, 1/16/2018, §405)

§27-406. Application and Interpretation of Zoning District Boundary Lines.

1. *District Boundary Lines.* The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets, the limits of the Borough, or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board as provided in Part 16, shall prevail.

2. Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways, or alleys shall be construed to follow the centerlines of streets, highways or alleys.

3. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

4. Boundaries indicated as approximately following Borough limits shall be construed as following the Borough boundary.

5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

6. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

7. Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the Borough the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all areas so involved shall then be subject to all regulations of the extended districts.

(Ord. 1174, 1/16/2018, §406)

Part 5

Authorized Uses

§27-501. Table of Authorized Uses.

1. Three classifications of principal uses are established in this Chapter. No principal use is permitted unless it is listed as a Permitted Use by Right (R), Conditional Use (C), or Special Exception (S) and identified in the table of authorized principal uses in this section. Uses permitted as principal uses or structures within each zoning district are those uses listed in the table of authorized principal uses. Uses not specifically listed in this section are allowable subject to the provisions of this Section and Part 9. The classification of uses include:

A. Permitted Uses by Right (R) are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer’s review of the application for development if the application for development indicates compliance with this Chapter.

B. Conditional Uses (C) are those authorized uses which are permitted by approval of the Council in accordance with this Chapter and more specifically Part 9 - Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception.

C. Uses by Special Exception (S) are those authorized uses which are permitted by approval of the Zoning Hearing Board in accordance with this Chapter and more specifically Part 9 - Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception.

2. Uses Not Listed. It is the intent of this Chapter to group similar or compatible land uses into specific zoning districts. Uses that are not specifically listed on the Tables of Authorized Uses (Principal and Accessory), shall not be permitted in the Borough unless determined to be a legitimate use, similar to a use specifically listed on the Tables of Authorized Uses (Principal and Accessory). Uses which are not specifically listed but are similar to a specifically listed use shall be permitted by conditional use in the same Zoning District in which the similar specially listed use is permitted and Borough Council shall make findings with regard to the similarity of the uses. In the event the Borough Council finds the use is similar and permissible as a conditional use within the proposed District, all standards and requirements related to the similar use within the District shall be applicable to the proposed use.

3. For the following identified uses and districts, the table below indicates whether identified principal uses are Permitted by Right (R), Conditional Uses (C) or Special Exceptions (S). Certain uses may also be permitted as a use within a Planned Residential Development (PRD).

R-1:	Low Density Residential
R-2:	Medium Density Residential
R-3:	High Density Residential
C:	Commercial
MSBO:	Main Street Business Overlay District

I: Industrial
 CS: Conservation
 M: Municipal

TABLE A: AUTHORIZED USES								
	R-1	R-2	R-3	C	MSBO	M	I	CS
Principal Land Uses								
<i>Residential Land Uses</i>								
Assisted Living Facility				C				
Comparable Residential Uses Not Specifically Listed			S					
Independent Living Facility			C					
Life Care Facility				C				
Multi-Family Dwelling/Apartment			R	R				
Mobile Home Lot			C					
Mobile Home Park				PRD				
Nursing Home				C				
Personal Care Boarding Home				C			C	
Planned Residential Development	R	R	R	R	R	R	R	
Residential in Combination with Business					R			
Single-Family Dwellings	R	R						C
Townhouse		R	R					
Transitional Dwelling				C				
Two-Family Dwelling		R						
<i>Non-Residential Land Uses</i>								
Adult Businesses							C	
Agricultural Uses	R							
Art, Photography and Music Studio				R	R			
Auto Body or Auto Repair Garages				C	C			
Automobile Laundries/Car Washing Facility				C	C			

	R-1	R-2	R-3	C	MSBO	M	I	CS
Principal Land Uses								
<i>Non-Residential Land Uses (Cont'd)</i>								
Bus or Railway Passenger Station				R				
Business Offices				R	R			
Professional Offices				R	R			
Commercial Recreational Facility						C		
Commercial School				R				
Communications Antenna	C	R		R	R		R	
Communications Equipment Building				C	C		C	
Communications Tower				C	C		C	
Community Center	C	C			C		C	
Community or Club Swimming Pool						C		
Comparable Industrial Uses Not Specifically Listed							S	
Comparable Commercial Uses Not Specifically Listed				S				
Conference and Training Center				C				
Contractor's Office							R	
Contractor's Yard							R	
Convenience Store				R	R		R	
Correctional Institution							C	
Crematories				C			C	
Day Care Center				C	C			
Distribution Plant							C	
Drive Through Facilities				C	C			
Essential Services				R	R	R	R	
Farm								C
Financial Institutions				R	R			

	R-1	R-2	R-3	C	MSBO	M	I	CS
Principal Land Uses								
<i>Non-Residential Land Uses(Cont'd)</i>								
Forestry	R	R		R	R		R	
Funeral Home				R	R			
Gasoline Service Stations				C	C			
Government Office				R	R			
Greenhouses or Nurseries				R				
Group Care Facility				C	C			
Heavy Manufacturing							R	
Home Occupation	C	C	C		C			
Hospital				C			C	
Indoor Recreation Facilities				R				
Junk Yard							C	
Kennel				C				
Landscaping Contractor				R			R	
Libraries				R	R			
Light Food Processing							R	
Light Manufacturing							R	
Medical Center							R	
Medical Clinic							C	
Medical Professional Office				R	R	R	R	
Medical Research Facility				R		R	R	
Mini-Warehous/Self-Storage							C	
Motels and Hotels				C			C	
Museums				R	R			
Nature Preserve								R
Nature Trail or Hiking/Biking Trail								R
Oil and Gas Drilling						C		

	R-1	R-2	R-3	C	MSBO	M	I	CS
Principal Land Uses								
<i>Non-Residential Land Uses(Cont'd)</i>								
Personal Services				R	R			
Place of Worship	C	C			C		C	
Private Club			C	C	C			
Private School	C	C						
Private Greenhouse						C	C	
Public Services	R	R	R	R	R	R	R	R
Public Garages				C				
Private Open Space				R	R	R	R	R
Public Recreational Facilities	C	C			R			
Public Schools	C	C						
Public Service Corporation Facilities				R	R	R	R	R
Public Utilities	C	C		C	C	C	C	
Retail Sales				R	R			
Research and Development				C			R	
Restaurant				R	R			
Semi-Private Golf Practice Facility				C			C	
Shopping Center				C			C	
Storage Trailers							C	
Surface Mining							C	
Truck Terminal							R	
Vehicle Sales and Service				C	C			
Veterinary Hospitals				C	C			
Warehousing							R	
Wholesaling							R	

(Ord. 1174, 1/16/2018, §501)

§27-502. Accessory Uses.

For the following identified uses and districts, the table below indicates whether identified accessory uses are Permitted (P).

TABLE B: ACCESSORY USES								
	R-1	R-2	R-3	C	MSBO	M	I	CS
Accessory Land Uses								
Customary non-residential accessory uses				P	P		P	P
Customary residential accessory uses including, but not limited to, private garages, sheds, shelters for domestic pets, fences, air conditioners, swimming pools and the like.	P	P	P					
Day Care Home	P	P	P					
Home Occupations, other than Home Office or Service	P	P						
No Impact Home Based Business	P	P	P					
Watchman's Facilities							P	

(Ord. 1174, 1/16/2018, §502)

Part 6**Zoning District Regulations****§27-600. Area and Bulk Regulations to Be Observed.**

The following area and bulk regulations for principal and accessory structures shall be observed for all permitted uses by right, conditional uses and uses by special exception. (*Ord. 1174, 1/16/2018, Art. 600*)

§27-601. R-1 Low Density Residential District.

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

- A. Maximum dwelling unit density: 4.5 units per acre.
- B. Lot size:
 - (1) Farm: ten acres minimum (435,600 square feet).
 - (2) Hospital: ten acres minimum (435,600 square feet).
 - (3) Nursing home: two acres minimum (87,120 square feet).
 - (4) Personal care boarding home or single-family dwelling: 10,500 square feet minimum.
 - (5) All other principal uses: One acre minimum (43,560 square feet).
- C. Lot width:
 - (1) Personal care boarding home or single-family dwelling: 70 feet minimum.
 - (2) All other principal uses: 110 feet minimum.
- D. Lot coverage: 30% maximum.
- E. Minimum front yard:
 - (1) Personal care boarding home or single-family dwelling and their accessory structures: 35 feet minimum.
 - (2) All other principal and accessory structures: 50 feet minimum.
- F. Minimum side yard:
 - (1) Hospitals adjacent to residential lots: 200 feet minimum.
 - (2) Personal care boarding home or single-family dwellings and their accessory structures: ten feet minimum.
 - (3) All other principal and accessory structures: 30 feet minimum.
- G. Minimum rear yard:
 - (1) Hospitals, adjacent to residential lots: 200 feet minimum.
 - (2) All other principal structures: 40 feet minimum.
 - (3) All accessory structures: ten feet minimum
- H. Special yard requirements:
 - (1) Community or club swimming pools: The pool, bathing area and accessory structures shall be no closer than 100 feet to any property line of the property on which the pool is located.
 - (2) Accessory structures: Accessory structures constructed within the rear yard must be located at least ten feet from the principal structure or from the road right-of-way, if the rear portion of the lot adjoins a road.
- I. Permitted projections into required yards:
 - (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 two feet.

(2) Patios, decks and unenclosed porches without enclosed foundation shall be permitted to project into required front and side yards no more than six feet and into required rear yards no more than 20 feet.

(3) Steps and open fire escapes shall be permitted to project into required yards no more than six feet.

J. Height of building:

(1) Single-family dwellings and personal care boarding homes: 30 feet and two and one-half stories maximum.

(2) All other principal structures: 35 feet and three stories maximum.

(3) All accessory structures: 15 feet and one story maximum.

K. Off-street loading regulations. Required off-street loading spaces for new construction, enlargement or change in use shall conform to the following:

(1) Schools, public buildings, community centers, churches, nursing homes and hospitals:

(a) Under 20,000 square feet floor area of building: None.

(b) 20,000 to 49,999 square feet floor area of building: One.

(c) 50,000 to 100,000 square feet floor area of building: Two.

(d) Over 100,000 square feet floor area of building: one plus one for each additional 100,000 square feet or fraction thereof.

(Ord. 1174, 1/16/2018, §601)

§27-602. R-2 Medium Density Residential District.

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

A. Maximum dwelling unit density: 5.6 units per acre.

B. Lot size:

(1) Nursing home: two acres minimum (87,120 square feet).

(2) Personal care boarding home or single-family dwelling: 7,800 square feet minimum.

(3) Two-family dwelling: 16,000 square feet minimum (8,000 square feet/dwelling unit).

(4) All other principal uses: one acre minimum (43,560 square feet).

C. Lot width:

(1) Personal care boarding home or single-family dwelling: 60 feet minimum.

(2) Two-family dwelling: 100 feet minimum.

(3) All other principal uses: 110 feet minimum.

D. Lot coverage: 30% maximum.

E. Minimum front yard:

(1) Single-family or two-family dwellings or personal care boarding homes and their accessory structures: 35 feet minimum.

(2) All other principal uses and their accessory structures: 50 feet minimum.

F. Minimum side yard:

(1) Single-family dwellings and their accessory structures: five feet on one side and ten feet on the other side provided a minimum of 15 feet is maintained between two adjacent buildings.

(2) Two-family dwellings and their accessory structures: 15 feet minimum.

(3) All other principal uses and their accessory structures: 30 feet minimum.

G. Minimum rear yard:

(1) All principal structures: 40 feet minimum.

(2) All accessory structures: 15 feet minimum.

H. Special yard requirements:

(1) Community or club swimming pools: The pool, bathing area and accessory structures shall be no closer than 100 feet to any property line of the property on which the pool is located.

(2) Accessory structures: Accessory structures constructed within the rear yard must be located at least ten feet from the principal structure.

I. Permitted projections into required yards:

(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 two feet.

(2) Patios, decks and unenclosed porches without enclosed foundation shall be permitted to project into required front and side yards no more than six feet and into required rear yards no more than 20 feet.

(3) Steps and open fire escapes shall be permitted to project into required yards no more than six feet.

J. Building height:

(1) Single-family and two-family dwellings and personal care boarding homes: 30 feet and two and one-half stories maximum.

(2) All other principal structures: 35 feet and three stories maximum.

(3) All accessory structures: 15 feet and one story maximum.

K. Off-street loading regulations. Required off-street loading spaces for new construction, enlargement or change in use shall conform to the following:

(1) Schools, public buildings, community centers, churches, nursing homes, hospitals:

(a) 20,000 to 49,999 square feet floor area of building: one.

(b) 50,000 to 100,000 square feet floor area of building: two.

(c) Over 100,000 square feet floor area of building: one plus one for each additional 100,000 square feet or fraction thereof.

(Ord. 1174, 1/16/2018, §602)

§27-603. R-3 High Density Residential.

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

A. Maximum dwelling unit density: 5.6 units per acre.

B. Lot size:

(1) Nursing home: two acres minimum (87,120 square feet).

(2) Personal care boarding home or single-family dwelling: 7,800 square feet minimum.

(3) Two-family dwelling: 16,000 square feet minimum (8,000 square feet/dwelling unit).

(4) All other principal uses: 1 acre minimum (43,560 square feet).

C. Lot width:

(1) Personal care boarding home or single-family dwelling: 60 feet minimum

(2) Two-family dwelling: 100 feet minimum.

(3) All other principal uses: 110 feet minimum.

D. Lot coverage: 30% maximum.

E. Minimum front yard:

(1) Single-family or two-family dwellings or personal care boarding homes and their accessory structures: 35 feet minimum.

- (2) All other principal uses and their accessory structures: 50 feet minimum.
- F. Minimum side yard:
 - (1) Single-family dwellings and their accessory structures: five feet on one side and ten feet on the other side provided a minimum of 15 feet is maintained between two adjacent buildings.
 - (2) Two-family dwellings and their accessory structures: 15 feet minimum.
 - (3) All other principal uses and their accessory structures: 30 feet minimum.
- G. Minimum rear yard:
 - (1) All principal structures: 40 feet minimum.
 - (2) All accessory structures: 15 feet minimum.
- H. Special yard requirements:
 - (1) Community or club swimming pools: The pool, bathing area and accessory structures shall be no closer than 100 feet to any property line of the property on which the pool is located.
 - (2) Accessory structures: Accessory structures constructed within the rear yard must be located at least ten feet from the principal structure.
- I. Permitted projections into required yards:
 - (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 two feet.
 - (2) Patios, decks and unenclosed porches without enclosed foundation shall be permitted to project into required front and side yards no more than six feet and into required rear yards no more than 20 feet.
 - (3) Steps and open fire escapes shall be permitted to project into required yards no more than six feet.
- J. Building height:
 - (1) Single-family and two-family dwellings and personal care boarding homes: 30 feet and two and one-half stories maximum.
 - (2) All other principal structures: 35 feet and three stories maximum.
 - (3) All accessory structures: 15 feet and one story maximum.
- K. Off-street loading regulations. Required off-street loading spaces for new construction, enlargement or change in use shall conform to the following:
 - (1) Schools, public buildings, community centers, churches, nursing homes, hospitals:
 - (a) 20,000 to 49,999 square feet floor area of building: one.
 - (b) 50,000 to 100,000 square feet floor area of building: two.
 - (c) Over 100,000 square feet floor area of building: one plus one for each additional 100,000 square feet or fraction thereof.

(Ord. 1174, 1/16/2018, §603)

§27-604. C Commercial.

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

- A. Lot size: 21,780 square feet minimum.
- B. Lot width: 100 feet at building setback line.
- C. Lot coverage: 50% maximum.
- D. Minimum front yard: 40 feet minimum.
- E. Minimum side yards: ten feet minimum per side; corner lots shall provide 30 feet to the side abutting the street.

(1) The minimum side yard setback may be reduced to five feet provided that no structure may be located less than 20 feet from any structure on an adjacent property and that the proposed structure must be accessible for fire safety purposes from at least three sides.

F. Minimum rear yard: 25 feet minimum.

G. Height of building:

(1) Mid-rise apartments: 80 feet maximum, but not to exceed seven stories.

(2) All other buildings: 35 feet maximum, but not to exceed three stories.

H. Principal buildings per two acre site: One principal commercial building.

I. Maximum dwelling unit density: 12 units per acre.

J. Off-street loading regulations: Required off-street loading spaces for new construction, enlargement or change in use for all uses which receive deliveries by tractor trailer shall conform to the following:

(1) 20,000 to 49,999 square feet floor area of building: one.

(2) 50,000 to 100,000 square feet floor area of building: two.

(3) Over 100,000 square feet floor area of building: one plus one for each additional 100,000 square feet or fraction thereof.

(Ord. 1174, 1/16/2018, §604)

§27-605. MSBO Main Street Business Overlay District.

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

A. Lot size:

(1) Gasoline service stations: 21,780 square feet.

(2) All other uses: 15,000 square feet.

B. Lot width at building setback line: 75 feet minimum.

C. Lot coverage: 75% maximum.

D. Minimum front yard: 50 feet minimum.

E. Minimum side yards: ten feet minimum; corner lot shall provide 35 feet where no rear access is available from a public street.

F. Minimum rear yard: ten feet or 25 feet where no rear access is available from a public street.

G. Maximum building height: two stories, but not to exceed 30 feet.

H. Drive-through facilities are not permitted in the MSBO.

(Ord. 1174, 1/16/2018, §605)

§27-606. I Industrial District.

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

A. Lot size: 43,560 square feet minimum (1 acre)

B. Lot width: 150 feet minimum at right-of-way and building setback lines.

C. Lot coverage: 40% maximum.

D. Minimum front yard: 50 feet minimum.

E. Minimum side yards: 25 feet minimum; corner lots shall provide 40 feet to the side abutting the street.

F. Minimum rear yard: 25 feet minimum.

G. Height of building: 60 feet maximum.

(Ord. 1174, 1/16/2018, §606)

§27-607. CS Conservation District.

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

- A. Lot size: none required.
- B. Lot width: none required.
- C. Lot coverage: 25%.
- D. Minimum front yard: 25 feet.
- E. Minimum side yards: ten feet each side.
- F. Minimum rear yard: 20 feet.
- G. Open space: 50% of the site shall be maintained in open space which may be natural vegetation, passive recreation areas or landscaped areas.
- H. Accessory uses: The principal structure to which an accessory structure or use is associated must be constructed prior to or simultaneous with the construction of the accessory use or structure.

(Ord. 1174, 1/16/2018, §607)

§27-608. M Municipal District.

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

- A. Lot size: none required.
- B. Lot width: none required.
- C. Lot coverage: none required.
- D. Minimum front yard: 25 feet.
- E. Minimum side yards: ten feet each side.
- F. Minimum rear yard: 20 feet.

(Ord. 1174, 1/16/2018, §608)

Part 7**Planned Residential Development****§27-701. Purpose.**

It is the purpose of this section to establish regulations and controls for the use of land and structures, areas of lots, bulk of buildings, amount and kind of open space, land, the provision of off-street parking and other similar accessory regulations in a Planned Residential Development in accordance with guidelines set forth in the Pennsylvania MPC, Act 247, as amended. Planned residential development is designed to provide for developments incorporating a single type or variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Further, planned residential development is intended to:

- A. Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
- B. Encourage a more efficient use of land and of public service.
- C. Provide a procedure which can relate the type, design and layout of residential development to the particular site.
- D. Encourage a pattern of development which is innovative and may not otherwise be allowable under current zoning standards.

(Ord. 1174, 1/16/2018, §701)

§27-702. Procedure for Approval.

1. *Authority.* The Borough shall hear and decide requests for planned residential development in accordance with the provisions of this Chapter and the procedures and regulations of this Chapter.

2. *Compliance.* No proposed planned residential development may be approved or recorded, and no lot of the proposed planned residential development may be sold or any structure built, altered, moved or enlarged in any proposed planned residential development unless and until the proposed planned residential development plan has been shown to meet all requirements of all applicable codes and ordinances of the Borough, including but limited to this Chapter.

3. *Relationship to Borough Subdivision and Land Development Ordinance.* All provisions of the Subdivision and Land Development Ordinance, which are not specifically modified by the Borough in approving a planned residential development, shall apply to any planned residential development involving subdivision or land development with the exception of the following:

- A. Application procedures.
- B. Review and approval process.

4. *Application Procedure, General.* An application for development of a planned residential development is governed by and follows the procedure of Article VII of the MPC, 53 P.S. § 10701 et seq. The applicant shall submit all applications to the Zoning Officer.

5. *Pre-application Conference (Optional).*

- A. *Purpose.* Before submission of an application for tentative approval, the applicant is strongly encouraged to have a meeting with the Planning Commission,

Municipal Engineer, Zoning Officer, the Building Official, and such other personnel as may be necessary to determine the feasibility, suitability and timing of the application. The intent of this step is for the applicant to obtain information and guidance from the Borough personnel before entering into any commitments or incurring substantial expenses with regard to the site and the PRD plan preparation.

6. *Tentative Approval.*

A. *Application Content.* An application for tentative approval of a planned residential development shall include the following:

(1) One copy of the application form, provided by the Borough, and completed by the applicant.

(2) Application fee for tentative approval of a planned residential development.

(3) Maps and information required by Subdivision and Land Development Ordinance, Application Content, which shall show compliance with Subsection (4) of § 707 of the MPC, 53 P.S. § 10707(4), and shall provide information to determine the location and size of the common areas and common open space and the form of the organization proposed to own and maintain the common areas for any planned residential development.

(4) Plans and information documenting compliance with Subsections (4) and (5) of § 707 of the MPC. Such plans and information shall indicate reasons why the planned residential development is consistent with the Comprehensive Plan and is in the interest of the Borough. Requested modifications to the Code otherwise applicable to the site shall be cited.

(5) Total number of lots for each type of residential use.

(6) Residential density. The total number of dwelling units, and for each type of residential use, the percentage in relation to the total number of residential dwelling units.

(7) Gross land area percentage for nonresidential uses. The acreage of each type of nonresidential use, square footage proposed, and location of areas proposed for nonresidential uses.

(8) General vehicular and non-vehicular patterns including all points of access to the site for the entire PRD. Including a map designating streets types and identifying those proposed for public dedication.

(9) Location and dimensions of streets and rights-of-way of the proposed street network. A street specification document shall be provided as part of the tentative plan if new streets are proposed with the PRD.

(10) Boundaries and conceptual depiction of the location and proposed use in each area of the development which includes depictions of residential and nonresidential uses.

(11) A narrative that describes the proposed covenants, restrictions and development standards and the proposed community association documents or a draft of such documents.

(12) Location of proposed public utilities including improvements that will be owned, operated, and maintained by a property owners association.

(13) A plan for providing storm water control. The plan for stormwater management facilities shall be accompanied by an analysis and discussion of anticipated storm water management methods.

(14) A plan for providing street lighting, street trees, sidewalks, and pedestrian or bicycle trails as proposed and/or required by this ordinance or the subdivision and land development ordinance of the Borough.

(15) Such other data as is reasonably found necessary by the Planning Commission and/or Council.

7. *Planning Commission Review and Comment.* The Planning Commission shall review and discuss the proposed PRD at an open meeting and take public comments on the proposed application for tentative approval. The Planning Commission shall make a written recommendation to the Council on any application for tentative approval of a planned residential development. The Planning Commission shall set forth the reasons for its recommendation that the proposal be either approved or denied.

8. *Allegheny County Planning Department Review and Comment.* At least 30 days before the public hearing, applicant shall submit the application for tentative approval of a planned residential development to the Allegheny County Planning Department for review and comment as required by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

9. *Public Hearing.* The Borough shall hold a public hearing on the application for tentative approval in accordance with § 708 of the MPC, 53 P.S. § 10708. The Borough shall cause notice of the public hearing to be given as required by law.

10. The Borough shall consider whether proposed modifications in any of the requirements of this Chapter for each zoning district, contained in an application for development of a planned residential development will make for a more efficient, attractive and harmonious planned development. If such modifications, in the judgment of the Borough, constitute a more beneficial use of the site than provided for under the requirements of the zoning district in which the site of the planned development is located, the Borough, in its sole discretion, may grant the approval of the plan with modifications to the underlying zoning district requirements subject to the following:

A. Authorized uses shall be limited to those specified for the given zoning district in which the site is located.

B. No modifications shall be given for density that exceed the density established in the underlying zoning district in which the proposed PRD is located. However, a density incentive of an additional 10% above the base density established in the underlying zoning district may be granted in the sole discretion of the Borough if the development provides a unique design and meets current housing needs of the Borough.

C. All common open space shall be reserved as permanent open space.

D. Provisions for all planned residential developments shall be in accordance with the laws of the Commonwealth of Pennsylvania for planned residential developments.

E. No modification shall be granted for any construction, development, use or activity within any floodplain areas, which would cause any increase in the 100-year flood elevation.

11. *Findings.* The Borough shall make findings in accordance with § 709 of the MPC, 53 P.S. § 10709.

12. *Official Written Communication.* The official written communication of findings shall be certified by the Borough Secretary/Treasurer and a certified copy shall be mailed to the landowner and developer in accordance with § 709 of the MPC, 53 P.S. § 10709.

13. *Status of Plan after Tentative Approval.* The status of a plan after tentative approval shall be in accordance with § 710 of the MPC, 53 P.S. § 10710.

14. *Final Approval.*

A. *Submission of Application.* The application for final approval of a planned residential development shall be submitted within six months after tentative approval, unless the Borough grants an extension upon written request of the developer to a date not to exceed 18 months from the date of tentative approval. However, planned residential developments proposed in phases shall have applications for final approval made pursuant to the phase schedule set forth in the official written communication of the findings of the Borough with respect to tentative approval.

B. *Application Content.* An application for final approval of a planned residential development shall include the following:

(1) Three copies of application form provided by the Borough and completed by the developer.

(2) Application fee and review fees for final approval of a planned residential development.

(3) Maps and information with the same number of copies as required by Subdivision and Land Development Ordinance, Final Application Content.

(4) Ten copies of final drawings including floor plans and elevations for all structures and buildings, other than residential dwellings; prepared by an architect, including all proposed signs, all exterior illumination and all outside storage areas.

(5) The final plat for the planned residential development shall contain those items approved in the application for tentative approval and the items in Subdivision and Land Development Ordinance.

C. Seven copies of a development schedule showing:

(1) The order of construction of the proposed sections delineated in the final development plan.

(2) The proposed date for the beginning of construction on said sections.

(3) The proposed date for the completion of construction on said sections.

(4) The proposed schedule for the construction and improvement of the common areas.

(5) Two copies of deed restriction proposals to preserve the character of the common areas.

(6) If the developer elects the association or nonprofit corporation method of administering common areas, the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation.

(7) If the developer elects the condominium method of ownership of common areas, the proposed declaration of condominium bylaws and related documents.

(8) Instruments dedicating all public and private rights-of-way, easements, and other public lots shown on the final development plan from all persons having any interest in said lots.

(9) *Financial Security.* The developer shall guarantee the installation of the private and public improvements specified in the final development plan by providing an improvement security in the amount of 110% of the estimated cost of construction of the private and public improvements as determined in accordance with § 509 of the MPC, 53 P.S. § 10509.

(10) *Two Copies of Tax Receipts.* Paid receipts from the taxing bodies indicating taxes have been paid in full up to and including the current period.

D. *Planning Commission Review and Recommendation.* The Planning Commission shall examine the application and determine if the application meets the criteria and includes the items required and if the application for final approval complies with the conditions of tentative approval, if any. The Planning Commission shall forward its written recommendation to the Borough for final approval, setting forth its findings and reasons.

E. *Action on Application for Final Approval.* Action on the application for final approval shall be in accordance with § 711 of the MPC, 53 P.S. § 10711.

F. *Recording of Final Development Plan.* Recording of the final development plan shall be in accordance with § 711(d) of the MPC, 53 P.S. § 10711(d). The time for recording of a final development plan granted final approval by the Borough shall be governed by the provisions of the Subdivision and Land Development Ordinance

G. *Zoning Approval.* No zoning approval for construction or erection of structures or for occupancy and use shall be issued until the final development plan has been approved and recorded. Upon proof of recording and certification of final approval by the Borough, a zoning approval shall be issued by the Zoning Officer.

15. *Procedure for Approval of Amendments to Planned Residential Developments after Final Approval and/or Recording.* Any amendment to a planned residential development submitted after final approval for recording which does not violate any of the conditions or requirements of the tentative approval or of the zoning district classification may be approved at an open meeting of the Borough after recommendation by the Planning Commission. Amendments involving substantive changes or modifications to conditions shall require a public hearing in the same manner as for an application for tentative approval of a planned residential development. Upon approval of the amendment, the recorded final development plan shall be amended and rerecorded to conform to the amendment.

16. *Completion and Acceptance of Public Improvements.* Upon completion of the public improvements in a final development plan, the provisions of the Subdivision and Land Development Ordinance shall apply and govern the completion and acceptance of public improvements.

17. *Release of Financial Security.* The release of the improvement security required under this Chapter shall be governed by the Subdivision and Land Development Ordinance, and the acceptance of public improvements and the required maintenance security shall be governed by the Subdivision and Land Development Ordinance.

18. *Remedies to Effect Completion.* The remedies available to the Borough to effect completion of public improvements shall be governed by the Subdivision and Land Development Ordinance.

19. *Uniformity with the Subdivision and Land Development Ordinance.* The provisions of the preceding sections are intended to make uniform the requirements of this Chapter and the Subdivision and Land Development Ordinance. Whenever the provisions of the Subdivision and Land Development Ordinance are amended, those amendments shall be incorporated into this Chapter as of the effective date of the amendment.
(Ord. 1174, 1/16/2018, §702)

§27-703. Standards for Planned Residential Developments (PRD).

1. *Site Requirements.* The site for any Development Plan shall meet the following requirements:

A. *Applicant.* The entire site for the Development Plan shall be owned or controlled by the Developer.

B. *Minimum Size.* The site shall not be less than one acre.

C. *Access.* The site must provide for direct access from existing streets per the official Borough Road Map to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

D. The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard.

2. *Natural Features.* Existing natural features, such as trees, steep slopes, watercourses, historic assets and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the development plan.

3. *Permitted Uses.* The following uses may be permitted in a development plan provided their design, arrangement, landscaping, and construction meet the requirements set forth in this Chapter.

A. In each of the residential districts, the following use types are permitted: single-family dwellings, two-family dwellings, townhouses, multi-family dwellings, mobile home park.

4. *Permitted Density.* The maximum number of dwelling units permitted shall be the same as the underlying zoning district unless a density incentive of a maximum of 10% is granted by the Borough. Minimum lot sizes of the underlying zoning may be modified in a PRD however the density that would be the result of the underlying zoning district shall be the base density for the purpose of developing a PRD.

5. *Building Spacing.* The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access.

6. *Minimum Building Setback.* No structure used for dwelling purposes shall be located closer to any boundary of the site than 15 feet. No accessory structure and no facility for off-street parking shall be located in this required setback area.

7. *Building Height.* Building height shall comply with the requirements of the underlying zoning district.

8. *Off Street Parking.* Off-street parking spaces shall be provided in accordance with the specifications of Part 13 of this Chapter.

9. *Streets.* Street design and construction shall comply with the street design and construction specifications of the Subdivision and Land Ordinance.

10. *Storm Drainage.* The construction of a storm drainage system shall conform to the regulations of the Subdivision and Land Development Ordinance.

11. *Sidewalks and Pedestrian Walkways.* Sidewalks shall be required on both sides of all streets. In addition pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. All sidewalks and walkways shall have a width of not less than four feet.

12. *Water Supply.* All uses within the proposed development shall be connected to the public water system.

13. *Sewers.* All uses within the proposed development shall be connected to the public sewer system.

14. *Utilities.* All utilities located within the planned residential development shall be located underground.

15. *Trees.* Trees shall be planted along all streets. The location and types must meet the approval of the Planning Commission.

16. *Signs.* See Part 12.

17. *Common Open Space.*

A. *Common Open Space.* Common open space if provided as part of the PRD shall be dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the development area.

B. *Ownership.* Any of the following methods may be used, either individually or together, to preserve, own, and maintain common open space: condominium, homeowners' association, dedication in fee simple, dedication of easements, and transfer of fee simple title and easements to a private conservation organization. Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this section. The following specific requirements are associated with each of the various methods.

(1) *Homeowners' Association.* The common open space may be held in common ownership by a homeowners' association. This method shall be subject to all of the provisions for homeowners' associations set forth in this Chapter.

(2) *Fee Simple Dedication.* The Borough may, but shall not be required to, accept any portion of the common open space, provided:

(a) Such land is accessible to the residents of the Borough;

(b) Is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and

(c) Borough agrees to and has access to maintain such lands.

(3) *Transfer to a Private Conservation Organization.* With permission of the Borough, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Borough, or restrictive easement to a private nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided:

(a) The organization is acceptable to the Borough and is a bona fide conservation organization with perpetual existence;

(b) The conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and

(c) A maintenance agreement acceptable to the Borough is reached.

(4) *Dedication of Easements.* The Borough may, but shall not be required to, accept easements for public use of any portion or portions of open space land, title to which is to remain in ownership by condominium or homeowners' association, provided:

(a) Such land is accessible to the residents of the Borough;

(b) Is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and

(c) Maintenance agreement acceptable to the Borough is reached.

(5) *Condominium.* The common open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the condominium laws of the Commonwealth of Pennsylvania.

C. *Specific Requirements for Homeowners' Associations.* If a homeowners' association is formed, it shall be governed according to the following regulations:

(1) The developer shall provide to the Borough a description of the organization, including its bylaws and documents governing open space maintenance and use restrictions.

(2) The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.

(3) Membership in the organization is mandatory for all purchasers of homes therein and their successors.

(4) The organization shall be responsible for maintenance of and insurance on common open space. The organization also shall be responsible for real estate taxes on common open space.

(5) The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with the procedures established by them.

18. *Phasing Development.*

A. *Residential Phasing.* The density of development within various phases of the Planned Residential Development may vary, provided each such area or portion of the Development Plan does not exceed the density requirements provided herein, in total.

(Ord. 1174, 1/16/2018, §703)

Part 8

[Reserved]

Part 9**Express Standards and Criteria for Granting Conditional Uses
and Uses by Special Exception****§27-900. Criteria to Apply to All Applicants for Conditional Use or Special Exception.**

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

(Ord. 1174, 1/16/2018, Art. 900)

§27-901. General Standards.

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

A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.

B. The use shall comply with the performance standards of this Chapter.

C. The use shall comply with all applicable requirements of governing signs, parking and loading, screening, landscaping and storage.

D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.

E. Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.

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

(Ord. 1174, 1/16/2018, §901)

§27-902. Standards for Specific Uses.

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

(Ord. 1174, 1/16/2018, §902)

§27-903. Wireless Communications Facilities.

1. *General and specific requirements for non-tower wireless communications facilities.*

A. The following regulations shall apply to all non-tower WCF:

(1) *Permitted in all zones subject to regulations.* non-tower WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to generally applicable permitting by the Borough.

(2) *Eligible facilities requests.* WCF Applicants proposing the collocation of a non-tower WCF that does not substantially change the physical dimensions of the wireless support structure to which they are attached shall obtain a building permit from the Borough Building Inspector or Codes Administrator. In order to be

considered for such permit, the WCF applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.

(3) *Non-commercial usage exemption.* Borough residents utilizing satellite dishes, citizen and/or band radios, and antennae for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this Section.

(4) *Non-conforming wireless support structures.* Non-tower WCF shall be permitted to collocate upon non-conforming tower-based WCF and other non-conforming structures. Collocation of WCF upon existing tower-based WCF is encouraged even if the tower-based WCF is non-conforming as to use within a zoning district.

(5) *Prohibited on certain structures.* No non-tower WCF shall be located on single-family detached residences, single-family attached residences, semi-detached residences, or duplexes.

(6) *Conditional use authorization required.* Any WCF applicant proposing the construction of a new non-tower WCF or the substantial change of an existing non-tower WCF, shall first obtain conditional use authorization from the Borough Council. The conditional use application shall demonstrate that the proposed facility complies with all applicable provisions in the Glassport Borough Zoning Ordinance.

(7) *Standard of care.* Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

(8) *Wind and ice.* All non-tower WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.

(9) *Aviation safety.* Non-tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.

(10) *Public safety communications.* Non-tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(11) *Radio frequency emissions.* A non-tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(12) *Development regulations.* Non-tower WCF shall be collocated on existing structures, such as existing buildings or tower-based WCF, subject to the following conditions:

(a) The total height of any wireless support structure and mounted WCF shall not exceed 20 feet above the maximum height permitted in the underlying zoning district.

(b) In accordance with industry standards, all non-tower WCF applicants must submit documentation to the Borough justifying the total height of the WCF.

(c) If the WCF applicant proposes to locate the accessory equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

(d) A security fence with a minimum height of six feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

(13) *Design regulations.* Non-tower WCF shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The application of the stealth technology utilized by the WCF applicant shall be subject to the approval of the Borough.

(14) *Removal, replacement and substantial change.*

(a) The removal and replacement of non-tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall height of the WCF or increase the number of antennae.

(b) Any substantial change to a WCF shall require notice to be provided to the Borough Zoning Officer, and possible supplemental permit approval as determined by the Borough Zoning Officer.

(15) *Inspection.* The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of the zoning ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the lease area of any property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(16) *Removal.* In the event that use of a non-tower WCF is to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:

(a) All abandoned or unused WCFs and accessory equipment shall be removed within 90 days of the cessation of operations at the site unless a time extension is approved by the Borough.

(b) If the WCF or accessory equipment is not removed within 90 days of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

(17) *Insurance.* Each person that owns or operates a non-tower WCF shall annually provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property

damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.

(18) *Indemnification.* Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

(19) *Maintenance.* To the extent permitted by law, the following maintenance requirements shall apply:

(a) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(b) Such maintenance shall be performed to ensure compliance with applicable structural safety standards and radio frequency emissions regulations.

(c) All maintenance activities shall conform to industry maintenance standards.

(20) *Timing of approval.*

(a) Within 90 days of receipt of a complete application for a non-tower WCF on a preexisting wireless support structure that substantially changes the wireless support structure to which it is attached, the Borough Council shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.

(b) Within 60 days of receipt of a complete application for a non-tower WCF on a preexisting wireless support structure that does not substantially change the wireless support structure to which it is attached, the Borough Zoning Officer shall issue the required building and zoning permits authorizing construction of the WCF. All applications for such WCF shall designate that the proposed WCF meets the requirements of an eligible facilities request.

(21) *Historic buildings.* No non-tower WCF may be located within 100 feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Borough.

(22) *Permit fees.* The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs. Such permit fees shall be established by the Borough fee schedule and shall comply with the applicable requirements of the FCC.

B. *Regulations applicable to all non-tower WCF located in the public rights-of-way.* In addition to the applicable non-tower WCF provisions listed in Section 20-7(B)(A)(l), the following regulations shall apply to non-tower WCF located in the public rights-of-way:

(1) *Design requirements.*

(a) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the least visibly intrusive equipment feasible.

(b) Antenna and accessory equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

(2) *Time, place and manner.* The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

(3) *Equipment location.* All accessory equipment shall be mounted on the wireless support structure to which the non-tower WCF is attached. If the it is not technically feasible to mount the accessory equipment on the wireless support structure, then such accessory equipment shall be located underground or, if undergrounding is demonstrated to be unfeasible, shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough Council. In addition:

(a) In no case shall ground-mounted accessory equipment, walls, or landscaping be located within 18 inches of the face of the curb, within four feet of the edge of the cartway, or within an easement extending onto a privately-owned lot;

(b) Ground-mounted accessory equipment that cannot be placed underground shall be screened from surrounding views, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough Council. Ground-mounted accessory equipment shall be screened, when possible, by utilizing existing structures.

(c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough Council. The WCF owner shall be solely responsible for this requirement.

(d) Any graffiti on any accessory equipment shall be removed within 30 days upon notification by the Borough at the sole expense of the owner.

(e) Any proposed underground vault related to non-tower WCF shall be reviewed and approved by the Borough Council.

(f) Accessory equipment attached to the wireless support structure shall have a minimum of eight feet of vertical clearance above finished grade.

(4) *Relocation or removal of facilities.* Within 90 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in

the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
- (b) The operations of the Borough or other governmental entity in the right-of-way;
- (c) Vacation of a street or road or the release of a utility easement; or
- (d) An emergency as determined by the Borough.

(5) *Reimbursement for ROW use.* In addition to permit fees as described in this section, every non-tower WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each non-tower WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. Such fees shall be established by the Borough fee schedule and shall comply with the applicable requirements of the FCC.

2. *General and specific requirements for tower-based wireless communications facilities and pole facilities.*

A. The following regulations shall apply to all tower-based wireless communications and pole facilities that do not meet the definition of a small WCF.

(1) *Standard of care.* Any tower-based WCF or pole facility shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Pennsylvania Uniform Construction Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF or pole facility shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

(2) *Conditional use authorization required.* Tower-based WCF and pole facilities are permitted by conditional use and at a height necessary to satisfy their function in the WCF applicant's wireless communications system, subject to the requirements of this Section 27-903.

(a) Upon submission of an application for a tower-based WCF or pole facility and the scheduling of the public hearing upon the application, the WCF applicant shall send via first class mail notice to all owners of every property within 300 feet of the proposed facility, advising of the subject matter and date of such hearing. Such notice shall be sent ten days in advance of any such hearing. The WCF applicant shall provide proof of the notification to the Borough Council along with the list of return receipts received.

(b) The conditional use application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment the frequency range (megahertz band) assigned to the WCF applicant, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant in determining the need for the proposed site and installation.

(c) The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based WCF or pole facility complies with all state and federal laws and regulations concerning aviation safety.

(d) Where the tower-based WCF or pole facility is located on a property that is not owned by the WCF applicant, the WCF applicant shall present documentation to Borough Council that the owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.

(e) *Engineer inspection.* Prior to the Borough Zoning Officer's issuance of a zoning permit authorizing construction and erection of a tower-based WCF or pole facility, a structural engineer licensed in the Commonwealth of Pennsylvania shall issue to the Borough Zoning Officer a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

(f) *Collocation and siting.* An application for a new tower-based WCF or pole facility shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Borough Council may deny an application to construct a new tower-based WCF or pole facility if the WCF applicant has not made a good faith effort to mount a non-tower WCF on an existing structure. The WCF applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within the search radius of the site proposed, sought permission to install a non-tower WCF on those structures, buildings, and towers and was denied for one of the following reasons:

i. The proposed non-tower WCF would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

ii. The proposed non-tower WCF would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

iii. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

iv. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

(g) The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based WCF or pole facility complies with all applicable provisions of this Chapter.

(3) *Wind and ice.* Any tower-based WCF or pole facility shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering department of the Telecommunications Industry Association (ANSI/TIA-222, as amended).

(4) *Public safety commutations.* No tower-based WCF or pole facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(5) *Maintenance.* The following maintenance requirements shall apply:

(a) Any tower-based WCF or pole facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair or replacement.

(b) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Borough's residents and utilize industry standard technology for preventing failures and accidents.

(6) *Radio frequency emissions.* A tower-based WCF or pole facility shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The owner or operator of such WCF shall submit proof of compliance with any applicable radio frequency emissions standards to the Borough Secretary on an annual basis.

(7) *Historic buildings.* No tower-based WCF or pole facility may be located within 100 feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Borough.

(8) *Signs.* All tower-based WCFs or pole facilities shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.

(9) *Lighting.* No tower-based WCF or pole facility shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Secretary.

(10) *Noise.* Tower-based WCF or pole facility shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

(11) *Timing of approval.* Within 30 calendar days of the date that an application for a tower-based WCF or pole facility is filed with the Borough Zoning Officer, the Borough shall notify the WCF applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF or pole facility and the Borough Council shall advise the WCF applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the 150-day review period.

(12) *Non-conforming uses.* Non-conforming tower-based WCF or pole facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section. The collocation of antennae is permitted on non-conforming structures.

(13) *Removal.* In the event that use of a tower-based WCF or pole facility is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

(a) All unused or abandoned tower-based WCFs or pole facilities and accessory equipment shall be removed within 90 days of the cessation of operations at the site unless a time extension is approved by the Borough.

(b) If the WCF and/or accessory equipment is not removed within 90 days of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

(c) Any unused portions of tower-based WCF or pole facility, including antennae, shall be removed within 90 days of the time of cessation of operations. The Borough must approve all replacements of portions of a tower-based WCF or pole facility previously removed.

(14) *Permit fees.* The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a tower-based WCF or pole facility, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Borough fee schedule and shall comply with the applicable requirements of the FCC.

(15) *Insurance.* Each person that owns or operates a tower-based WCF shall provide the Borough Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. Each person that owns or operates a pole facility shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.

(16) *Indemnification.* Each person that owns or operates a tower-based WCF or pole facility shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF or pole facility shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based WCF or pole facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

(17) *Engineer signature.* All plans and drawings for a tower-based WCF or pole facility shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

B. In addition to the applicable regulations in Section 20-7(B)(B)(l) the following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Public Rights-of-Way:

(1) *Development regulations.*

(a) Tower-based WCF shall not be located in, or within 50 feet of an area in which utilities are primarily located underground, unless the WCF applicant proves to the satisfaction of the Borough that installing its facility in such a location is necessary to provide wireless service and that no other feasible alternative exists.

(b) Tower-based WCF are permitted outside the public rights-of-way in the following zoning districts by conditional use, subject to the requirements of this Chapter:

- i. A Agricultural District
- ii. I Industry District
- iii. C-2 Highway Commercial District

(c) *Sole use on a lot.* A tower-based WCF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum requirements of the underlying zoning district. The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed WCF structure's height, unless the applicant shows to the satisfaction of the Borough Council that the proposed tower-based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

(d) *Combined with another use.* A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

- i. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.

ii. *Minimum lot area.* The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.

iii. *Minimum setbacks.* The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed height of the tower-based WCF, unless the applicant shows to the satisfaction of the Borough Council that the proposed tower-based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

(2) *Design regulations.*

(a) *Height.* Tower-based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a tower-based WCF, which is not located in the public ROW, shall not exceed 180 feet, as measured vertically from the ground level to the highest point on the structure, including antennae and subsequent alterations. No WCF applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF applicant shall demonstrate that the tower-based WCF is the minimum height necessary for the service area.

(b) *Visual appearance and land use compatibility.* Tower-based WCF shall employ stealth technology which may include the tower portion to be painted brown or another color approved by Council or shall have a galvanized finish. All tower-based WCF and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

(c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

(d) Any tower-based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.

(3) *Surrounding environs.*

(a) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

(b) The WCF applicant shall submit a soil report to the Borough Council complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

(4) *Fence/screen.*

(a) A security fence with a minimum height of six feet shall completely surround any tower-based WCF located outside the public rights-of-way, as well as guy wires, or any building housing WCF equipment.

(b) A screen consisting of a hedge planted three feet on center maximum or consisting of evergreen trees each at least four feet in height and planted ten

feet on center maximum, shall surround the tower-based WCF and security fence. Existing vegetation shall be preserved to the maximum extent possible.

(5) *Accessory equipment.*

(a) Ground-mounted accessory equipment associated or connected with a tower-based WCF shall not be located within 50 feet of a lot in residential use.

(b) Accessory equipment associated, or connected, with a tower-based WCF shall be placed underground or screened from public view using stealth technology. All ground-mounted accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

(c) Either one single-story wireless communications equipment building not exceeding 500 square feet in area for each unrelated company sharing commercial communications antenna(e) space on the tower-based WCF outside of the public ROW.

(6) *Additional antennae.* As a condition of approval for all tower-based WCF, the WCF applicant shall provide the Borough Council with a written commitment that it will allow other service providers to collocate antennae on tower-based WCF where technically and economically feasible.

(7) *FCC license.* Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

(8) *Access road.* If necessary, an access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement or other property right for the proposed facility.

(9) *Inspection.* The Borough reserves the right to inspect any tower-based WCF to ensure compliance with the zoning ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the lease property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

C. In addition to the applicable regulations in Section 20-7(B)(B)(1)-(2) the following regulations shall apply to pole facilities located in the public rights-of-way that do not meet the definition of a small WCF.

(1) *Location and development standards.*

(a) Pole facilities in the public ROW are prohibited in areas in which utilities are located underground.

(b) Pole facilities in the public ROW shall not be located directly in the front yard area of any residential structure.

(c) Pole facilities in the public ROW shall be permitted along certain arterial and collector roads throughout the Borough, regardless of the underlying zoning district. A map of such permitted roads is kept on file at the Borough Zoning Office.

(2) *Time, place and manner.* The Borough Zoning Officer shall determine the time, place and manner of construction, maintenance, repair and/or removal of all pole facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

(3) *Equipment location.* Pole facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Borough Council. In addition:

(a) In no case shall ground-mounted accessory equipment, walls, or landscaping be located within 18 inches of the face of the curb or within four feet of the edge of the cartway.

(b) Ground-mounted accessory equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough Council.

(c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough Council.

(d) Any graffiti on the pole facility or any accessory equipment shall be removed at the sole expense of the owner within 30 days of notification by the Borough.

(e) Any underground vaults related to pole facilities shall be reviewed and approved by the Borough Council.

(4) *Design regulations.*

(a) The pole facility shall employ stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough Council.

(b) Pole facilities in the public ROW shall not exceed 50 feet in height.

(c) Except in the case of eligible facilities requests pursuant to 47 CFR §1.40001, any height extensions to an existing pole facility shall require prior approval of the Borough Zoning Officer and shall not increase the overall height of the pole facility to more than 50 feet.

(d) Any proposed pole facility shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

(5) *Relocation or removal of facilities.* Within 90 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a pole facility in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

(a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;

(b) The operations of the Borough or other governmental entity in the right-of-way;

(c) Vacation of a street or road or the release of a utility easement; or

(d) An emergency as determined by the Borough.

(6) *Reimbursement for ROW use.* In addition to permit fees as described in this section, every pole facility in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each pole facility shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. Such fees shall be established by the Borough fee schedule and shall comply with the applicable requirements of the FCC.

3. *Regulations applicable to all small wireless communications facilities.* The following regulations shall apply to small wireless communications facilities:

A. *Location and development standards.*

(1) Small WCF are permitted by administrative approval by the Borough Zoning Officer in all zoning districts, subject to the requirements of this Section 20-7(B)(C).

(2) Small WCF in the public ROW requiring the installation of a new wireless support structure shall not be located in front of any building entrance or exit.

(3) All small WCF shall comply with the applicable requirements of the Americans with Disabilities Act and all Borough Code requirements applicable to streets and sidewalks.

B. *Non-conforming wireless support structures.* Small WCF shall be permitted to collocate upon non-conforming tower-based WCF and other non-conforming structures. Collocation of WCF upon existing tower-based WCF is encouraged even if the tower-based WCF is non-conforming as to use within a zoning district.

C. *Standard of care.* Any small WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

D. *Wind and ice.* All small WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.

E. *Aviation safety.* Small WCF shall comply with all federal and state laws and regulations concerning aviation safety.

F. *Public safety communications.* Small WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

G. *Radio frequency emissions.* A small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

H. *Time, place and manner.* The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

I. *Accessory equipment.* Small WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Borough.

J. *Graffiti.* Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 30 days of notification by the Borough.

K. *Design regulations.* All small WCF shall be designed in accordance with the standards of the Borough "Small Wireless Communications Facility Design Manual," a copy of which is kept on file at the Borough Zoning Office.

L. *Timing of approval.*

(1) Within 60 days of receipt of an application for collocation of a small WCF on a preexisting wireless support structure, the Borough Council shall make a final decision on whether to approve the application and shall notify the WCF applicant in writing of such decision.

(2) Within 90 days of receipt of an application for a small WCF requiring the installation of a new wireless support structure, the Borough Council shall make a final decision on whether to approve the application and shall notify the WCF applicant in writing of such decision.

M. *Relocation or removal of facilities.* Within 90 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

(1) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;

(2) The operations of the Borough or other governmental entity in the right-of-way;

(3) Vacation of a street or road or the release of a utility easement; or

(4) An emergency as determined by the Borough.

N. *Reimbursement for ROW use.* In addition to permit fees as described in this section, every small WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by

the Borough. The owner of each small WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.

(*Ord. 1190, 2/18/2020, § III*)

§27-904. Adult Business.

1. Adult businesses which are defined in this Chapter shall only be permitted in I-Industrial District when approved as a conditional use and if all of the requirements of this Section are adhered to. Adult businesses shall not be permitted in any other zoning district.

2. Adult businesses shall only be permitted in the I - Industrial District and shall also meet or exceed the following setback requirements. The building shall be setback as follows:

A. The building shall be at least 250 feet in any direction from any residential dwelling, (including multi-family buildings), also at least 500 feet from any public park property (including such uses in adjacent municipalities);

B. The building shall be at least 1,000 feet in any direction from any community center, school property, church property, preschool property, or child day care center property (including such uses in adjacent municipalities);

C. The building shall be at least 100 feet in any direction from any hotel or motel (including such uses in adjacent municipalities); and

D. The building shall be at least 2,500 feet in any direction from any other building which is utilized for any other adult business which is defined in this Section (including such uses in adjacent municipalities).

3. All activities pertaining to the adult business shall be conducted entirely within the confines of the building. Employees shall not be permitted to loiter in an open doorway or entrance of the adult business. All doors to the adult business must be closed except for the

limited time necessary to allow for ingress and egress during the hours of operation. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound emitting from the business shall be audible to normal human hearing at any time at any exterior property line of the business.

4. Any adult business which has liquor for sale shall abide by all rules and regulations of the Pennsylvania Liquor Control Board. If any of the applicable regulations of the Liquor Control Board are more stringent than the regulations specified in this Section, those regulations shall be adhered to by the applicant.

5. Unless governed by more stringent regulations by the Pennsylvania Liquor Control Board, the following hours of operation shall be adhered to by all adult businesses.

A. No adult business shall be open from 2:00 a.m. to 11:00 a.m. daily.

B. No adult business shall be open on Sundays and holidays except that an adult business open on Saturday may remain open until 2:00 a.m. on Sunday morning.

6. The maximum gross floor area of any building which is utilized for an adult business shall be 5,000 square feet. Dressing rooms shall be provided for all dancers and performers. A barrier, including but not limited to a handrail, half-wall or other similar device must be constructed that separates the performing area from the patrons.

7. No adult business shall display an exterior sign which displays obscene materials or which depicts nudity or sexually explicit activities. Adult business activities or photographs of the same shall not be displayed within any adult business in such a manner as to be open to the general public view from outside the licensed premise. All other regulations pertaining to commercial signs shall be complied with.

8. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Chapter.

9. To insure the regulations of this section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.

A. A site survey of the property and building proposed for the adult business and a survey illustrating the distance to the location, size, and type of all buildings and uses within 2,500 feet of the building proposed for the adult business. The survey shall be prepared and sealed by a surveyor licensed by the Commonwealth of Pennsylvania and shall be at a scale no less than one inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated, and shall be on paper measuring 24 inches by 36 inches. Twenty copies of the survey shall be submitted with the application.

B. The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, and any other exterior improvements.

C. If liquor for sale is proposed, a copy of the license issued by the Pennsylvania Liquor Control Board shall be submitted.

10. In addition to a conditional use permit, a land development plan shall be required for the development of the site. Requirements for the land development plan are in the Borough's Subdivision and Land Development Ordinance.

11. An applicant proposing an adult business shall satisfy all requirements of the Zoning Ordinance which relate to general requirements for approval of conditional uses.

12. Every person who engages in operating an adult business as defined herein shall obtain a license to operate such an establishment and pay to the Borough a license fee in an annual amount established by Borough Council by resolution. Such license must be renewed

annually by application of the person to whom the license was originally granted. Said license fee may be amended by council in the future by resolution. Said license fee shall be used by the Borough to offset its expenses in exercising its police and regulatory powers involving adult businesses.

13. Each application for an adult business license shall be accompanied by a photograph or drawing of any signs to be displayed on the exterior of the establishment with an indication as to the dimensions of the same.

14. Every person or entity engaged in or having any interest in the operation of an adult business, before being issued a license, shall be required to meet the following qualifications.

A. Applicant must be free of convictions for the following: any felony; any conviction related to prostitution; any conviction involving the presentation, exhibition and/or performance of an obscene production; and any conviction involving the maintenance of a nuisance in connection with the same or similar business, within the last two years. Applicant shall not have had any adult business license revoked for cause within the last two years.

B. Applicant must submit to fingerprinting by the Borough Police Department or its designated representative.

C. Applicant and any person or entity having any connection to the adult business cannot owe any fees or taxes of any kind or nature to the Borough.

D. Applicant's premises must meet all established health, zoning, fire, building, plumbing and UCC codes and cannot provide direct interior access to residential living quarters. Applicant shall file a floor plan which clearly exhibits all entrances, exits, stairways and all rooms in the building and their intended uses.

E. In the event applicant does not own the premises to be licensed, a copy of the lease agreement between the applicant and the property owner shall be submitted along with the application to the Borough.

F. Verification from the applicant that no person who has been convicted of any prostitution related offense within the last two years shall be employed.

15. Adult business license suspension or revocation can occur upon:

A. Conviction by the licensee, his employees, agents or independent contractors for any offense occurring on the licensed premises involving or related to:

(1) Disorderly conduct;

(2) Maintenance of a nuisance in connection with the same or similar business;

(3) Prostitution, solicitation for the purpose of prostitution or loitering for the purpose of prostitution;

(4) The sale, transfer, possession or use of any controlled substance;

(5) Any violation of any other section of this Chapter; or

(6) Any violation of the PA Liquor Control Code.

B. Non-compliance with any health, zoning, fire, building and/or plumbing codes adopted by the Borough.

C. The filing of a false application.

D. A conviction for permitting the on-premise sale or consumption of alcoholic beverages in any adult business that is not licensed to sell alcoholic beverages.

E. Any illegal on premises conduct by patrons that results in a criminal conviction of such patron.

F. A violation by any licensee or his agents, servants, or employees for any action or activity occurring in, on or at the premises covered by the license in violation of any

provision of this Chapter or any other ordinance of the Borough, or of any criminal or penal statute of the Commonwealth of Pennsylvania against gambling, disorderly conduct or any other criminal or penal offense; a judgment of conviction in any court of competent jurisdiction shall be conclusive evidence of such violation.

G. The occurrence in, on or at the premises covered by the license of any condition which is a nuisance or obnoxious to the morals and general welfare of the public.

16. When Borough Council has reasonable cause to believe that a license should be revoked or suspended for any of the offenses enumerated herein, it shall notify the licensee in writing of the hearing date and time and alleged charges. The notice to the licensee shall be mailed to the address shown on the license. At the hearing, which shall be held pursuant to Local Agency Law, the evidence shall be transcribed. The cost of transcription, and any other administrative fees related to the hearing, shall be borne by the licensee. Following the hearing, Borough Council shall make a decision which will be reduced to writing and forwarded to the licensee. Upon a decision by Borough Council to revoke or suspend a license issued under this Chapter, all business activity at that location shall cease immediately for the period of suspension or revocation.

17. A person commits a violation of this Chapter if the person knowingly allows a person under the age of 18 years on the premises of an adult business or a sexually oriented business as a patron or employee, or to sell a minor explicit sexual materials.
(*Ord. 1174, 1/16/2018, §904*)

§27-905. On-Site Retail Sales or On-Site Distribution of Products Related to the Permitted Uses in the I District.

1. Additional parking shall be required in accordance with the standard of one space for each 150 square feet of floor area of building devoted to sales and/or distribution.

2. Sales and/or distribution shall be conducted on the site of the permitted industrial use.

3. No more than 15% of the total floor area of the building shall be devoted to sales and/or distribution.

4. All sales and/or distribution activities shall be conducted within an enclosed building or structure.

(*Ord. 1174, 1/16/2018, §905*)

§27-906. Churches, Community Centers, Public Buildings, Public or Private Recreation Facilities, Public or Private Schools.

1. No storage of equipment or material shall be permitted outside a structure.

2. No school, playground, church or public building shall be located closer than 200 feet to any vehicular entrance or exit of a use involving the servicing or repair of motor vehicles.

3. All lights shall be shielded and reflected away from adjoining properties.

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

(*Ord. 1174, 1/16/2018, §906*)

§27-907. Community or Club Swimming Pools.

1. The pool shall be limited to use by the residents or members and their invited guests.

2. The pool and bathing area shall be completely enclosed by a wall or fence so as to prevent uncontrolled access by children from the street or adjacent properties. The area

immediately outside the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and shall be maintained in good condition.

3. All pools shall have permanent access to a public street.

4. The pool shall be constructed in accordance with all applicable state requirements.

5. No direct or sky-reflected glare, whether from floodlights or any other kind of lights, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

(Ord. 1174, 1/16/2018, §907)

§27-908. Comparable Uses Not Specifically Listed.

1. The Zoning Hearing Board shall consider a proposed use which is not listed in the zoning district in which the property is located only if it is comparable to other authorized uses listed in that same district. If a use is specifically listed in a less restrictive zoning district, it shall not be eligible for consideration as a “comparable use” in a more restrictive zoning district under this Subsection.

2. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the zoning district in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Board, at a minimum, shall consider the following characteristics of the proposed use:

A. The number of employees;

B. The floor area of the building or gross area of the lot devoted to the proposed use;

C. The type of products, materials or equipment and/or processes involved in the proposed use;

D. The magnitude of walk-in trade, if any;

E. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Chapter;

E. The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located;

G. The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable use by special exception or conditional use listed in the zoning district in which the comparable use is proposed;

H. The proposed use shall be consistent with the statement of intent for the zoning district in which it is proposed and shall be consistent with the community development objectives of this Chapter.

(Ord. 1174, 1/16/2018, §908)

§27-909. Correctional Institutions.

1. The site shall have frontage on a street defined by this Chapter as an arterial street or on a public or private street located entirely within the I-1 District. Vehicular access shall be directly to the arterial street or, if direct access to the arterial street is not feasible or practical, vehicular access to the site shall be limited to a public or private street located entirely within the I-1, Planned Industrial District.

2. In the event that the site has frontage on more than one arterial street, the vehicular access to the site shall be provided only from the street which has the higher volume of traffic.

3. The conditional use application shall include a traffic study prepared by a qualified traffic engineer which details the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers. The report shall include current and projected capacities and levels of services of all streets and intersections within 1,000 feet of the entire perimeter of the site proposed for development and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the site.

4. Perimeter security shall be provided appropriate to secure the highest level of custody to be provided at the correctional facility. Perimeter security is the system that controls ingress and egress to the interior of a correctional facility which may include one or more of the following features: electronic devices, walls, fences, patrols and/or towers.

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

6. All outdoor activity areas shall be located inside the required perimeter security, as defined in Subparagraph 4., above.

7. The minimum institutional buffer required for all correctional institutions, regardless of level of custody provided within the correctional institution, shall be 250 yards. Institutional buffer is that area between the perimeter security for a correctional institution and the property line of the site on which the correctional institution is located.

8. Off-street parking for correctional institutions which do not house any inmates with a level of custody of 3 or greater may be located within the institutional buffer. Off-street parking for levels of custody 3 through 5 shall be located outside the institutional buffer.

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

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

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

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

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

12. The emergency management plan shall include a proposal to provide an automatic alarm to the Borough Police Department and a unique audible warning signal acceptable to the Borough to warn the community in the event of a breach of security. Such warning signal shall be differentiated from other warning signals used by public safety and other public or private facilities in the area and the design and intensity of the warning signal shall be based on the location of the correctional institution, characteristics of the sounding physical environment and the proximity of commercial and residential uses.

A. Failure to timely file an emergency management plan or an updated plan or to properly maintain in working order the audible warning signal may be treated by the Borough as a violation of this Chapter and each day that a violation occurs shall be subject to the enforcement remedies contained in Part 15 of this Chapter.

13. Fire alarm and fire suppression systems shall be provided in accordance with the requirements of the Borough Fire Prevention Code and the Borough Building Code.

14. The applicant shall provide evidence of all required federal, state or county permits prior to issuance of the building permit and shall maintain valid permits throughout the operation of the facility. Any suspension or revocation of the permits required to operate the facility shall result in automatic revocation of the certificate of occupancy by the Borough. Reinstatement of the certificate of occupancy shall be subject to submission of all valid permits and a certification by the Zoning Officer regarding continued compliance with all conditions attached to approval of the conditional use.

15. Failure to maintain valid permits as required throughout the operation of the facility may be treated by the Borough as a violation of this Chapter and each day that a violation occurs shall be subject to the enforcement remedies contained in Part 15 of this Chapter.

16. The Chief Administrator shall supply an annual report to the Zoning Officer by January 31st of each year which indicates the peak prisoner population on any given day in the previous calendar year as a basis for the Zoning Officer to determine continued compliance with parking requirements and other conditions of approval.

A. Failure to file the required annual report may be treated by the Borough as a violation of this Chapter and each day that a violation occurs shall be subject to the enforcement remedies contained in this Chapter.

17. All correction institutions, whether governmental, quasi-governmental or private, shall be designed to meet the current performance criteria of the American Correctional Association (ACA) and the Pennsylvania Department of Corrections. In the event of a conflict between these criteria, the more restrictive shall apply.

18. In correctional institutions which contain several levels of custody, the design of the facility shall be such that there shall be no commingling of levels of custody and that sally ports or other entrances used by inmates, including work release inmates, are separate from entrances used by the general public.

(*Ord. 1174, 1/16/2018, §909*)

§27-910. Day Care Centers.

1. Safe access and areas for discharging and picking up children shall be provided.
 2. Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate.
 3. The general safety of the site proposed for a day care center shall be evaluated as it relates to the needs of small children.
 4. The facility shall be licensed by the Commonwealth.
- (Ord. 1174, 1/16/2018, §910)

§27-911. Day Care Homes.

1. All applicable standards for home occupations are met.
 2. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
 3. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
 4. Off-street parking shall be provided in accordance with the requirements of this Chapter.
- (Ord. 1174, 1/16/2018, §911)

§27-912. Essential Services and Public Service Corporation Facilities.

1. No storage of movable equipment or material shall be permitted outside a structure.
 2. Uses involving distribution equipment which is not enclosed by a structure shall be secured by a fence at least six feet in height with self-latching gate.
 3. Uses involving distribution equipment which is not enclosed by a structure shall be adequately screened by a six-foot compact evergreen planting area along all property lines adjacent to residential uses or zoning districts.
 4. Uses involving towers or other distribution structures which exceed the height limitations of the district shall be required to increase the yard clearance required for the structure by one foot for every two feet in excess of the height limitations.
- (Ord. 1174, 1/16/2018, §912)

§27-913. Gasoline Service Station.

1. Such use shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.
 2. All lighting shall be shielded away from adjacent lots.
 3. Gasoline pumps shall be located no closer than 25 feet to any property line.
 4. No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.
 5. Such operations as car washing, waxing and greasing shall be conducted within an enclosed building.
 6. There shall be no storage of wrecked or dismantled vehicles outside of a building, nor shall there be parking permitted on the lot of vehicles or trailers in excess of one automobile per employee and employer, plus three customers' vehicles per repair bay.
 7. Ingress, egress and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazard or great delay.
- (Ord. 1174, 1/16/2018, §913)

§27-914. Group Care Facility.

1. Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency.
2. The facility shall be licensed or certified by the sponsoring agency, if applicable, and evidence of certification or licensing shall be prerequisite to obtaining occupancy.
3. No group care facility shall be located within 3,500 feet of another group care facility.
4. Adequate open space opportunities for recreation shall be provided on the lot for the residents of the group care facility consistent with their needs. The outdoor play area shall be secured by a fence with self-latching gate.
5. A group care facility shall have direct access to a street defined as arterial or collector by this Chapter.
6. The group care facility shall submit an annual report to the Borough Zoning Officer by January 15th of the ensuing year describing the nature of the program operated in the group care facility along with evidence of recertification by the sponsoring agency, if applicable, to verify compliance with the provisions of this Chapter.
(*Ord. 1174, 1/16/2018, §914*)

§27-915. Personal Care Boarding Homes and Transitional Dwellings.

1. No personal care boarding home or transitional dwelling shall be established within 1,000 feet of another personal care boarding home or transitional dwelling.
2. On lots of at least one acre, but no more than two acres in any “R” Residential District, the maximum number of residents in a Personal Care Boarding Home shall be 12.
3. On lots in excess of two acres in any “R” Residential District, the maximum number of residents in a Personal Care Boarding Home shall be 25.
4. In any “R” Residential District, the site proposed for a Personal Care Boarding Home shall have frontage on and direct vehicular access to a street defined as arterial or collector by this Chapter.
5. Twenty-four-hour supervision shall be provided by staff qualified by the licensing or sponsoring agency.
6. Adequate provisions shall be made for access by emergency medical and fire-fighting vehicles.
7. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with a self-latching gate.
8. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification or licensing shall be submitted to the Building Inspector in January of each year.
(*Ord. 1174, 1/16/2018, §915*)

§27-916. [Reserved].**§27-917. Home Occupations, Other than Home Office or Service.**

1. There shall be no sign or other exterior evidence of the use.
2. No person other than residents of the dwelling shall be employed, except for medical or dental offices which shall be authorized to employ no more than one non-resident employee.
3. No more than 15% of the floor area of the dwelling shall be devoted to the conduct of a home occupation.

4. A home occupation shall not be permitted to be conducted in any accessory structure.
5. The use shall not create any additional environmental impact than those impacts normally resulting from residential use.
6. The use shall comply with the performance standards specified this Chapter.
7. The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
8. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
9. There shall be no use of materials or equipment except those of similar power and type normally used in a residential dwelling for domestic or household purposes.
10. There shall be no storage of materials or equipment outside an enclosed building.
11. The conduct of any home occupation, including, but not limited to, the storage of goods or equipment, shall not reduce or render unusable any area required for enclosed parking for the dwelling unit.
12. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
13. Any need for parking on a regular basis which is generated by the conduct of a home occupation and which exceeds the parking usually associated with a residential dwelling shall be provided for on the lot and shall not be permitted on the street. Borough Council shall determine the parking required for the conditional use based on the anticipated number of employees and visitors to the home occupation.
14. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.
15. There shall be no regular display of merchandise available for sale on the premises, other than samples of articles produced by residents of the dwelling; however, merchandise, whether produced on or off the premises, may be stored on the premises for pick-up or delivery.
16. The home occupation shall not involve the use of advertising signs on or off the premises or the use of any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a phone number.
17. The following uses shall not be considered to be home occupations and shall be limited to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception:
 - A. Animal hospitals;
 - B. Auto body repair shops;
 - C. Beauty shops and barber shops containing more than one chair;
 - D. Clinics, hospitals, nursing homes;
 - E. Kennels;
 - F. Mortuaries;
 - G. Private clubs;
 - H. Private instruction to more than five students at a time;
 - I. Restaurants or tea rooms;
 - J. Stables;
 - K. Tourist or boarding home;

- L. Vehicle or equipment rental or sales;
- M. Veterinary office or clinic.

(Ord. 1174, 1/16/2018, §917)

§27-918. Hospitals, Medical Clinics, or Nursing Homes.

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

(Ord. 1174, 1/16/2018, §918)

§27-919. Junk Yard.

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

(Ord. 1174, 1/16/2018, §919)

§27-920. Private Clubs.

1. Private clubs shall have a minimum lot area of one acre.
 2. Clubhouses shall be located at least 50 feet from any property line adjoining a residential dwelling.
 3. Parking areas accessory to a clubhouse which adjoins a property line abutting a residential use or zoning classification shall be screened by a buffer area as defined by this Chapter which is at least ten feet in depth measured from the property line.
 4. Where clubhouses are located within 300 feet of a residential dwelling, operations shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.
 5. Swimming pools shall be subject to the provisions of this Chapter governing community or club swimming pools.
- (Ord. 1174, 1/16/2018, §920)

§27-921. Mini-Warehouses and Self-Storage Buildings.

1. The minimum site required shall be five acres.
2. The site shall have direct vehicular access to an arterial or collector road, as defined by this Chapter, and access shall not be through any road on which the current use is single-family dwellings.
3. Vehicular access to the site shall be limited to one two-way or two one-way driveways from each arterial or collector road on which the site has frontage and which meets the requirements of Subparagraph 2., above.
4. All one-way driveways shall have a minimum of one ten-foot parking lane plus one 15-foot travel lane.
5. All two-way driveways shall provide a minimum of one 10-foot parking lane plus two 12-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
6. All interior driveways shall be paved with an impervious surface.
7. Parking shall be provided in accordance with the requirements of this Chapter.
8. A buffer area, as defined by this Chapter, at least ten feet in depth as measured from the property line shall be provided along all property lines which adjoin residential use or zoning classification.
9. The perimeter of the site shall be fenced with a minimum eight-foot fence with self-latching gate.
10. Maximum building height shall be 20 feet.
11. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be 28 feet for storage units which are less than 15 feet in depth and 42 feet for storage units which are more than 15 feet in depth.
12. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be 20 feet.
13. The maximum length of any storage building shall be 200 feet.
14. The maximum size of any storage unit shall be 14 feet wide, 40 feet deep and no more than one story and 15 feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed 40 feet.
15. Maximum lot coverage by all buildings shall be 40%.
16. Office space may be provided which shall not exceed 5% of the total floor area devoted to storage.
17. No storage shall take place outside of an enclosed building.

18. Storage units shall not be equipped with water or sanitary sewer service.

19. No business activity other than rental of storage units shall be conducted on the premises.

20. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.

21. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.

22. The design of the storage buildings shall be sealed by a Pennsylvania registered architect.

23. No signs shall be placed on the buildings or on their rooftops.

24. One freestanding sign shall be permitted which complies with the requirements of this Chapter for the zoning district in which the use is located.

25. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the Borough Building or Fire Codes. Both the landlord and the tenants of the storage buildings shall be responsible for the prevention of the storage of hazardous materials or substances in the storage buildings that would be beyond the allowance of the Borough Building or Fire Codes.

26. A minimum of one fire hydrant shall be provided on the site subject to the approval of the number and location of hydrants by the Allegheny County Fire Marshal.

27. The facility shall comply with all local Fire Codes.

(*Ord. 1174, 1/16/2018, §921*)

§27-922. Motel or Hotel.

1. The minimum floor area per sleeping unit shall be 240 square feet.

2. A landscaping screen, as required by this Chapter, at least four feet in depth shall be provided along interior property lines where a motel/hotel site adjoins the site of an existing or proposed light manufacturing, warehousing or wholesaling development.

3. The maximum permitted building height for motel/hotels may be increased to 75 feet provided that the required yards are increased by one foot for every foot of building height in excess of 50 feet.

4. Ingress, egress and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles and minimize congestion.

5. Vehicular access shall be provided from the site to a street defined as collector or arterial by this Chapter without traversing local streets beyond the frontage that the site may have on a local street.

6. Outdoor lighting shall be shielded and reflected away from adjoining streets and residential properties.

7. Swimming pools proposed as accessory to a motel/hotel shall be subject to the parking and fencing requirements for "Swimming Pools, Other Than Residential," and any other ordinance of the Borough regulating swimming pools.

(*Ord. 1174, 1/16/2018, §922*)

§27-923. Private Greenhouses.

1. The minimum site for a private greenhouse shall be three acres.

2. No storage of manure or odor or dust producing substances shall be permitted within 200 feet of any adjoining lot line.

3. No greenhouse heating plant shall be operated within 50 feet of any adjoining lot line.
4. No products shall be outwardly displayed or offered for sale from the roadside.
(*Ord. 1174, 1/16/2018, §923*)

§27-924. Private Recreational Facilities, Commercial Recreational Facilities and Recreation-Related Commercial Uses in the Conservation District.

1. Recreation-related commercial uses shall include, and are limited to: a concession stand, ice cream store, delicatessen, bicycle rental, bicycle repair, pro shops, retail sales of sporting goods and other similar retail or service uses which are directly related to the otherwise authorized recreational activities.
2. The proposed recreational or commercial structures shall be designed to preserve natural features. Grading and vegetation removal shall be minimized.
3. Lighting shall not be permitted except as necessary for public safety purposes as determine by the Borough and in no such instance shall sight lighting encroach upon adjacent properties. All site lighting shall be shielded to prevent such encroachment.
4. The design of the proposed recreational facilities and any proposed recreational or commercial structures shall comply with all applicable requirements governing floodplains and wetlands.
5. The maximum floor area of any recreational or commercial building shall be 5,000 square feet.
6. In addition to the required parking spaces for vehicles required by this Chapter for the proposed uses, parking areas for bicycles shall be provided.
7. No storage of equipment or materials shall be permitted outside a completely enclosed structure.
8. All areas which are not used for active recreational facilities, structures or parking areas shall be maintained in a natural state or attractively landscaped. Areas kept in a natural state shall be adequately maintained to eliminate the accumulation of litter and growth of weeds and tall grass.

(*Ord. 1174, 1/16/2018, §924*)

§27-925. Private Schools and Private Recreation Facilities.

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

(*Ord. 1174, 1/16/2018, §925*)

§27-926. Public Garage, Auto Body or Auto Repair Garage, Auto Laundries.

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

5. No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.

6. Such operations as car washing, waxing and greasing shall be conducted within an enclosed building.

7. There shall be no storage of dismantled or wrecked vehicles outside of a building, nor shall there be parking permitted on the lot of vehicles or trailers in excess of one automobile per employee and employer, plus three customers' vehicles per repair bay.

(Ord. 1174, 1/16/2018, §926)

§27-927. Residential in Combination with Business.

1. The minimum lot area required for each dwelling unit shall be 2,800 square feet and shall be provided in addition to the lot area required for the business use.

2. Dwelling units shall not be permitted on the street floor of a commercial building.

3. Dwelling units shall not be permitted in basement, garages or any other accessory buildings.

4. Dwelling units shall have a minimum habitable floor area of 800 square feet.

5. Off-street parking shall be provided on the lot in accordance with the ratios for each use specified in this Chapter. Shared parking for residential and commercial uses shall not be permitted.

6. A minimum of 500 square feet of usable yard area shall be provided for the enjoyment of the residents of the dwelling unit. The usable yard area shall be screened from adjacent commercial uses or parking areas by a buffer area, as defined by this Chapter which is at least three feet in depth.

(Ord. 1174, 1/16/2018, §927)

§27-928. [Reserved].

§27-929. Golf Practice Facility.

1. The minimum site required for the use shall be 25 acres.

2. The site shall have frontage on and direct vehicular access to a street defined as collector or arterial by this Chapter.

3. All lights shall be shielded and reflected away from adjoining properties and streets.

4. All facilities on sites which adjoin property containing single-family dwellings shall cease operations between 11:00 p.m. and 6:00 a.m. All site lighting, other than minimal security lighting, shall cease at midnight.

5. There shall be no external loudspeakers.

6. The site shall be secured when the facility is not in operation and vehicular access to the site shall be restricted during the hours when the site is not in operation.

7. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.

8. Off-street parking for the putting greens, driving ranges or other outdoor recreational instructional facilities shall be provided based on the ratio of one parking space for each hole or practice position. Parking for the pro shop shall be provided based on the ratio of one parking space for each 150 square feet of gross floor area devoted to the pro shop.

9. If a clubhouse and/or restaurant are proposed as accessory uses to the golf practice facility, off-street parking shall be provided based on the ratio of one parking space for each 60 square feet of net floor area of the building which is accessible to the public.

10. If a swimming pool is proposed as an accessory use to the golf practice facility, the pool shall be further subject to the conditional use criteria for community or club swimming pools. Off-street parking for the swimming pool shall be provided based on the ratio of one space for each 50 square feet of water surface area.

11. All practice facilities shall be located a minimum of 75 feet from any property line which adjoins single-family use or zoning classification. A buffer area, as defined by this Chapter, shall be provided along all property lines which adjoin single-family use or zoning classification which shall be at least five feet in depth as measured from the property line.

12. All practice facilities shall be oriented on the site and designed to protect adjoining single-family properties from any potential hazards.

13. All principal and accessory structures on the site shall be subject to the front and side yard requirements of this Chapter for "All Other Principal and Accessory Structures" and to the rear yard requirements for "All Principal Structures." Swimming pools, if proposed, shall be subject to the special yard requirements for community or club swimming pools specified in this Chapter.

14. If a clubhouse, restaurant, miniature golf course or any other recreational facilities such as swimming pools, tennis courts, batting cages or similar facilities, are proposed as accessory uses to the golf practice facility, submission of a conditional use application shall be required for the proposed accessory uses. In evaluating the application, the Planning Commission and Borough Council shall consider whether the proposed uses are, in fact, accessory to the principal golf practice facility and whether the additional accessory uses are appropriate for the site on which they are proposed, taking into consideration the impact on public streets and adjoining properties.

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

(Ord. 1174, 1/16/2018, §929)

§27-930. Shopping Centers.

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

7. All uses shall be located at least 50 feet from any property line which adjoins a residential use.

8. All parking areas shall be located at least 20 feet from any property line which adjoins a residential use.

(Ord. 1174, 1/16/2018, §930)

§27-931. Storage Trailers.

1. Storage trailers shall not be located in the required front yard.

2. Storage trailers may be located in the required rear or side yards if adequately screened from view from the public street or adjacent residential property by a six-foot compact evergreen hedge or screening fence in accordance with this Chapter.

3. Storage trailers shall be located so as to not reduce the required parking or loading area for the principal use, nor shall their location obstruct the tree and safe vehicular or pedestrian circulation on the lot.

4. No display or sale of merchandise shall be permitted from the storage trailer.

5. No office or other administrative use of the storage trailer shall be permitted.

6. Storage trailers shall be included in the computation of maximum permitted lot coverage for the principal use.

7. Storage trailers must be secured in the fixed location approved by the Borough and shall not be used for hauling while they are in use as a storage trailer as defined by this Chapter.

8. In approving the location of storage trailers on the lot, the Zoning Hearing Board may attach such reasonable conditions as necessary to protect the public health, safety and welfare, including limiting the duration of time during which a storage trailer may be used on a lot, if warranted.

(Ord. 1174, 1/16/2018, §931)

§27-932. Surface Mining.

1. Surface mining operations shall be subject to all applicable area and bulk regulations of this district for nonresidential uses.

2. Conditional use approval shall be subject to submission of all application materials required by this Chapter.

3. Borough Council shall determine compliance with these standards and criteria and consider such reasonable conditions and safeguards as may be necessary to protect the public health, safety and welfare of the residents of the Borough regarding routing and hours of operation of trucks and other vehicles serving the surface mining operation, and the minimizing of other noxious, offensive and hazardous conditions resulting from the proposed surface mining operation.

4. There shall be no removal of minerals or vegetative cover within 500 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).

5. Surface mining shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Resources as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

6. No surface mining operation shall be conducted within 300 feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.

7. No surface mining operation shall be conducted within 100 feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join the right-of-way line, except where the appropriate state or federal agency having jurisdiction over the conduct of surface mining operations shall permit in accordance with law.

8. No surface mining operation shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

9. No surface mining operations shall be conducted within 100 feet of a cemetery.

10. No surface mining operation shall be conducted within 300 feet of any occupied dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.

11. The applicant shall demonstrate that the proposed surface mining operation will not adversely affect any lawful existing or permitted uses of adjacent properties.

12. The applicant shall demonstrate that the proposed surface mining operation shall not pollute or diminish any public or private water supply source.

13. The applicant shall demonstrate that the proposed surface mining operation shall not adversely affect any flood-prone or landslide-prone areas within the Borough.

14. The applicant shall demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.

15. If blasting is to be undertaken, a seismograph shall be placed on the site of the surface mining operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Borough and whose fee is paid by the applicant.

16. The applicant shall provide reclamation plans for the site which demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. If the proposed re-use of the land is for single-family development, a sketch plan of the proposed layout of lots and public utilities shall be submitted with the reclamation plan. The sketch plan will be for information purposes only to assist in the review of the reclamation plan and approval of the reclamation plan shall not constitute approval of any aspect of the future development plan.

17. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall comply with designated weight limits on Borough roads and shall design the hauling routes for the surface mining operation to minimize the impact on local roads within the Borough.

18. Portions of the site where surface mining operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

19. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and federal permits before initiating any work and of maintaining the required state or federal permits throughout the duration of all surface mining operations. Any suspension or revocation of the required state or federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Chapter.

20. Upon approval of a conditional use application and prior to commencing operations, the applicant shall submit an escrow deposit to the Borough in an amount established by Borough Council upon the advice of the Borough Engineer. The escrow deposit shall be

maintained throughout the duration of the surface mining operation and shall be used to cover all costs to the Borough for engineering, consultant, legal and inspection fees and any other miscellaneous costs associated with the project.

21. Conditional use approval shall expire if work authorized in the conditional use application is not commenced within 90 days of the date of Borough Council's approval of the application, unless the applicant submits a written request for an extension to Borough Council prior to the expiration of the 90 days explaining the reasons for the delay in initiating the work and Borough Council approves the request.

22. Once work is initiated under an approved conditional use application, zoning approval shall be valid for a period of one year from the date of conditional use approval by Borough Council. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Zoning Officer upon demonstration by the applicant that all conditions of the conditional use approval and the required federal and state permits remain in full force and effect and that the applicant is diligently pursuing the completion of the surface mining operation. Upon expiration or revocation of zoning approval for the conditional use, the applicant shall reapply for conditional use approval.

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

A. The name and address of the applicant and the source of the applicant's right to remove the mineral deposit and whether the applicant is an owner, lessee, licensee or permittee. In all cases where an applicant is not the owner, the written consent of the owner in a form acceptable to the Borough Solicitor must be attached.

B. The purpose of the proposed mineral removal;

C. The amount of mineral proposed to be removed and the area of land to be affected by the removal and the type of equipment proposed to be used on the site;

D. A legal description of the area from which the mineral is proposed to be removed;

E. The anticipated depth of excavations;

F. The depth of any existing water table;

G. A statement from a registered professional engineer regarding the probable effect of the proposed mining on the following environmental features:

(1) Existing water table;

(2) Established water quality of surface and underground waters; and

(3) Landslide-prone or flood-prone areas.

H. The nature and content of the overburden to be removed during the mining and the underlying strata in which the minerals to be mined are located;

I. Qualified evidence regarding the probable effect of excavation methods on existing uses in the area surrounding the proposed mining site;

J. It is presumed that the applicant does not intend to blast, however, if blasting is proposed, the applicant shall show:

(1) Evidence of approval of the required state permit;

(2) Qualified evidence regarding the probable effect of blasting on existing properties, uses and structures in the area surrounding the proposed mining site; and

(3) Evidence of adequate indemnity insurance to save the Borough harmless from any claims.

K. Proposed hours of operation, frequency of blasting if any, and number of on-site employees.

L. The duration of the surface mining operation, including removal of overburden, removal of the mineral and restoration of the site;

M. The Borough, county and state roads to be utilized in the transportation of the mineral and equipment and the weight restrictions on those roads; the approximate number of truckloads per day, whether by operator or contract hauler, and the size of the average load in tons.

N. The amount and type of performance bond to be posted by the operator for maintenance of Borough roads which may be required by the transportation of said mineral and the amount and type of performance bond to be posted in accordance with the requirements for the federal and state permits pertaining to environmental protection and reclamation of the site.

O. Previous experience by the applicant in surface mining, including activities under any other company or corporate names, stating the number of operations, location and present status of those operations and explanation of reasons for forfeiture of performance bonds, if any.

P. Map or maps of the proposed site to be mined at a scale no greater than one inch to 100 feet showing:

- (1) A perimeter survey of the entire property;
- (2) The dimensions of the area proposed to be mined;
- (3) Topography at five-foot contour intervals;
- (4) The location of the proposed mining operation with respect to all dwellings, public, semi-public and commercial uses, historic structures, cemeteries, streams, floodplains, landslide-prone areas, protected watersheds and public roads in the immediate vicinity of the site;
- (5) The location of all access and haulage roads and their intersection with all existing public roads; and
- (6) The names and addresses of all property owners within 500 feet of the entire perimeter of the site. (Exception: applications for restricted surface mining operations limited to the right-of-way of roads and buildable area of lots in approved subdivisions or planned residential developments.)

(Ord. 1174, 1/16/2018, §932)

§27-933. Vehicle Sales and Services.

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

2. Such uses shall have direct access to a street defined as collector or arterial by this Chapter.

3. All lighting shall be shielded away from the street and adjacent lots.

4. Uses involving the servicing or repair of motor vehicles shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.

(Ord. 1174, 1/16/2018, §933)

§27-934. Veterinary Hospital.

1. All kennels shall be located within completely enclosed, air conditioned buildings.

2. If such use is located on a lot which adjoins residential property, a six-foot compact hedge or other evergreen screen shall be provided along all property lines adjoining residential use or zoning classification.

(Ord. 1174, 1/16/2018, §934)

§27-935. Watchman's Facilities.

1. Such facilities may be equipped with cooking and sleeping facilities, but shall not be utilized as a permanent dwelling unit.

2. Such facilities shall be necessary to the security of the principal use.

3. Such facilities shall be located so as to provide access to public safety and emergency vehicles.

(Ord. 1174, 1/16/2018, §935)

§27-936. Oil and Gas Drilling.

1. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within the Borough unless a zoning permit under §27-1901 of this Chapter has been issued by the Borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.

2. The permit application, or amended permit application, shall be accompanied by a fee as established by resolution in the Borough Fee Schedule.

3. When multiple wells are located on the same well pad, a separate zoning permit for each well is required.

4. In addition to the other requirements of this Chapter the applicant shall provide to the Borough at the time of application the following information:

A. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including DEP permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.

B. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.

C. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.

D. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Borough and all applicable Emergency Responders as determined by the Borough. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all applicable emergency responders as determined by the Borough of Glassport.

E. A site plan of the oil or gas well site showing the drilling pad, planned access roads, the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the

development site for vehicles to locate while gaining access to the oil or gas well site configured such that the normal flow of traffic on public streets shall be undisturbed.

F. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the oil or gas well site. The plan will identify, but not be limited to gathering lines, natural gas compressor stations, and other midstream and downstream facilities located within the (municipality) and extending 800 feet beyond the (municipality) boundary.

G. A site plan of the natural gas compressor station or natural gas processing plant including any major equipment and structures and all permanent improvements to the site.

H. A narrative and map describing the planned access routes to the well sites on public roads including the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the location, drilling, construction, maintenance and operation of the oil or gas well site.

I. Operator shall comply with any generally applicable bonding and permitting requirements for Glassport roads that are to be used by vehicles for site construction, drilling activities and site operations.

J. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the Borough streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

K. A statement that the applicant will make the operation's preparedness, prevention and contingency plan available to the Borough and all emergency responders at least 30 days prior to drilling of an oil or gas well and at least annually thereafter while drilling activities are taking place at the oil or gas well site.

L. An appropriate site orientation and training course of the preparedness, prevention and contingency plan for all applicable emergency responders as determined by the Borough. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple wells/well pads are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last 12 months shall be accepted. Site orientation for each well/well pad shall still be required for the appropriate emergency responders, as determined by the Borough.

M. At least 30 days prior to initial activities in the Borough, the applicant shall attend a public meeting to present general information about the applicant's plans in the Borough and allow for questions and answers related thereto. The applicant shall advertise, in a newspaper of general circulation within the Borough, the date, time and location of the meeting and the approximate location of the proposed well site or well sites at least once not more than 30 days and not less than seven days in advance of the meeting. If requested by the Borough and if drilling activities continue for more than 12 months, the applicant shall attend additional meetings and present information, but shall not be required to do so more often than annually, unless additional well sites not previously discussed at a public meeting are proposed.

N. Applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example persons waiting for public or school transportation). Where necessary and permitted, during

periods of anticipated heavy or frequent truck traffic associated with its activities, applicant will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

O. Applicant shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for its purposes. Applicant shall take the necessary safeguards to ensure appropriate dust control measures are in place.

Q. Recognizing that the specific location of equipment and facilities is an important and integral part of oil and gas development, as part of the planning process. Applicant shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Borough residents' enjoyment of their property and future Borough development activities.

R. Prior to drilling an oil and gas well or multiple oil and gas wells at a location, but no later than two weeks before hand, the applicant shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s):

- (1) A copy of the well survey plat showing the location(s) of the planned well(s);
- (2) A general description of the planned operations at the planned well(s) and associated equipment used in the development of the well(s);
- (3) The contact information for the applicant; and
- (4) The availability of the applicant to hold a meeting with such residents to present applicant's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.

S. For informational purposes only, the applicant shall provide to the Borough Zoning Officer, at least ten days prior to well site construction:

- (1) A map showing the planned access route to the well sites on public roads;
 - (2) Information on the status of road bonding;
 - (3) The applicant's erosion and sedimentation plan;
 - (4) The well survey plat showing the planned surface location(s) of the well(s);
- and
- (5) The contact information for the applicant.

5. *Access.*

A. Vehicular access to a natural gas well, oil well or well pad solely via a residential street is not permitted.

B. Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.

C. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

D. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit Approval. Prior to initiating any work at a drill site, the Borough shall be provided a copy of the highway occupancy permit.

E. Access directly to Borough/County roads shall require a driveway permit/highway occupancy permit prior to initiating any work at a well site.

6. *Height.*

A. Permanent structures associated with an oil and gas well site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.

B. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.

C. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, pad drilling and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well or pad drilling.

7. *Setbacks/Location.*

A. Drilling rigs and equipment shall be located a minimum setback distance of one foot for every foot of height of equipment from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.

B. Natural gas compressor stations and natural gas processing plants shall comply with all general setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.

C. Well pads shall be set back a minimum of 500 feet from any residential property.

D. Well heads shall be located 800 feet from any residential property.

E. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Borough residents' enjoyment of their property and future development activities as authorized by the Borough's applicable ordinances.

8. *Screening and Fencing.*

A. Security fencing shall be required at oil or gas well sites during the initial drilling, or re-drilling operations.

B. Twenty-four-hour on-site supervision and security are required during active drilling operations.

C. Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

D. Security fencing shall be at least six feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary.

E. First responders shall be given means to access oil or gas well sites in case of an emergency. Applicant must provide the County 911 communications center necessary information to access the well pad in the event of an emergency.

F. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an

emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.

G. In construction of oil or gas well sites, the natural surroundings should be considered and attempts made to minimize impacts to adjacent properties.

9. *Lighting.*

A. Lighting at the oil or gas well site, or other facilities associated with oil and gas development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.

B. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

10. *Noise.* The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:

A. Prior to drilling of an oil or gas well, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Chapter, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

B. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the zoning officer within three business days of such a request.

C. The noise generated during drilling and hydraulic fracturing activities shall not exceed the average ambient noise level (as determined by the 72-hour evaluation as identified in subsection 10.A. above) or default level, whichever is higher:

(1) During drilling activities, by more than ten decibels during the hours of 7:00 a.m. to 9:00 p.m.

(2) During drilling activities, by more than seven decibels during the hours of 9:00 p.m. and 7:00 a.m. or by more than ten decibels during hydraulic fracturing operations. The operator shall inform the Borough of which level (average ambient noise level or default level) is being used.

D. All permanent facilities associated with oil and gas well sites, including, but not limited to, natural gas compressor stations and natural gas processing plants, shall meet the general noise requirements of this Chapter. Where a conflict exists the more stringent requirements shall apply.

E. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.

F. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.

G. If a complaint is received by the Borough regarding noise generated during construction, drilling, or hydraulic fracturing activities, or for natural gas compressor stations, natural gas processing plants or midstream facilities, the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Borough and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

11. As a condition of approval, applicant shall provide all permits and plans from the Pennsylvania Department of Environmental Protection and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the Borough.

12. Temporary housing for well site workers on the site is not permitted.

13. *Surface Construction/Operation Requirements.*

A. *Access Roads.*

(1) All access roads to any well site shall be located in a manner that provides the most direct and feasible means of access to a well site from a public road or right of way, given the contours of the land and other surface particularities.

(2) Second and/or subsequent well sites on any property shall utilize the same access way from the public right-of-way and be directed from well site to well site unless otherwise approved by the Borough Council as part of the conditional use application process.

(3) During the construction of any gas well and related facilities, access roads shall be of sufficient width to accommodate the transportation of equipment used in the construction process and access by emergency equipment. Upon completion of construction activities, any access road which is not more than 15 feet in width must be constructed of materials that will facilitate removal and surface restoration following abandonment of the well, well site and/or drilling operations. The owner/operator shall restore any area around such access road in excess of 15 feet in width disturbed by the transportation of equipment during construction to as close as possible to its pre-construction condition.

(4) If access for any equipment used in the construction process is by travel on Borough roads, the pre-construction condition of the Borough road will be documented by the Borough. Before commencing any construction activity, the owner/operator shall be required to post a bond with the Borough, in a form approved by the Borough Solicitor and in an amount acceptable to the Borough Council, to cover the costs of repairing any damage to the Borough road as a result of the construction activities. The amount of any bond posted shall be determined by the Borough Engineer and be in an amount estimated to be sufficient to repair the roadway to its pre-construction condition and consistent with the requirements of Borough ordinances. The Borough may adjust the amount of such bond on an annual basis in the event the Borough Engineer determines that, through increases in repair and construction costs, inflation and/or the passage of time, the amount of the bond is insufficient to fund the repair of such road. Upon completion of the construction activities, the bond shall only be released after the Borough Engineer

has inspected the road and indicated, in writing, that the Engineer has observed no damage to the road. A similar bond must be posted at the time of cessation of drilling operations and/or the abandonment of any well or well sites prior to construction activities to restore the site to its pre-construction condition. Further, if access to the property requires the opening and/or extending of any Borough road or previously closed Borough right-of-way, the owner/operator shall be responsible for the full costs of said opening and/or extension and shall complete said work according to the specifications/requirements of the Borough Engineer and consistent with the design criteria of Borough ordinances and all bonding requirements set forth in Borough ordinances.

(5) Any access road constructed under this Chapter shall meet and maintain the following standards:

(a) The owner/operator must install and maintain such road to ensure a “mud free” gravel surface for at least 200 feet of its intersection with all public and private roads.

(b) The owner/operator must construct and maintain a “tire cleaning surface” consisting of a minimum of 100 feet of #3 PennDOT approved stone having a depth of not less than six inches, at all intersections with public roads during construction for drilling operations.

(c) No access road shall be installed with a surface slope greater than 20% without the approval of the Borough Council as part of the conditional use application process.

(d) The owner/operator shall submit a stormwater management plan providing for the regulation of surface water drainage consistent with the Borough stormwater management ordinance in effect at the time such road is constructed. Such plan shall be reviewed and approved by the Borough Engineer prior to the issuance of any permit hereunder.

(e) Any cross-pipes required to be installed under this Chapter shall be no less than 12 inches in diameter.

(f) Any “high side” access road shall have at least one cross-pipe within 50 feet of its intersection with any public or private road.

(g) If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form, evidencing such owners' permission to discharge surface water onto their property. Such surface drainage should be consistent with PA Department of Environmental Resources.

(6) Following the cessation of drilling operations on the property and the abandonment of any well or well site, the owner and/or well operator shall within 60 days, remove all access roads, re-grade and restore the surface to its natural preconstruction condition. The owner and/or operator may enter into a written agreement with the surface owner in possession at the time of abandonment to keep any access way in place in its then condition or to make other modifications to such access way that would leave all or portions of same in place. Upon presentation of such written agreement to the Borough Council, the obligation of the owner and/or

operator to remove the access road and restore the surface shall cease and any bond held by the Borough as security for such restoration shall be returned to the owner and/or operator.

(7) Upon the approval of any application for conditional use, the owner and/or well operator shall post a bond with the Borough, in a form approved by the Borough Solicitor and in an amount acceptable to the Borough Council, to cover the costs of removing the access way and the restoration of the surface of such abandoned access way. The amount of any bond posted shall be determined by the Borough Engineer and be in an amount estimated to be sufficient to remove the access road constructed. The Borough may adjust the amount of such bond on an annual basis in the event the Borough Engineer determines that, through increases in removal and replacement costs, inflation and/or the passage of time, the amount of the bond is insufficient to fund the removal of such road and the restoration of the road surface. At any time after the well is in production and before same is abandoned, the owner and/or operator may enter a written agreement, in a form sufficient for recording with the Recorder of Deeds of Allegheny County, to permit any access road to remain on the property after abandonment. Such agreement shall be presented to the Borough Council and, if approved, upon receipt of a recorded copy of such agreement, any bond held by the Borough shall be released.

(8) The owner and/or well operator shall not unreasonably restrict or otherwise impede the surface owner's access over or across such any access way during the course of drilling operations.

(9) Owner or operator shall install locking gates where an access road crosses or intersects with any public road entrance, fence line and/or property line. Such gate shall be of sufficient width to permit ingress and egress by vehicles, equipment and machinery of the owner or operator and surface owner and emergency equipment. The owner or operator shall provide the surface owner, the Borough Police Chief and the Borough Volunteer Fire Department Fire Chief with a key, combination or other means of opening such gate for ingress and egress over the property.

(10) The drilling operations shall be conducted so as not to create unreasonable noise as prescribed by this Chapter and such operations are not to be conducted before 8:00 a.m. and after 7:00 p.m. on weekdays and on Saturday and Sundays before 12:00 noon and after 7:00 p.m. or in such manner as to create a public nuisance or unreasonable interference with the surface use or abutting contiguous and other lands.

B. Transmission Lines.

(1) All transmission lines from an operating gas well on the property shall be constructed in a straight line from the well site to the closest point or near a public right-of-way within the Borough and not cause undue hardship to the surface overview of daily operations. Thereafter, such transmission line or lines shall run within such public right of way to minimize the impact on developable surface area of the property. Where possible, all transmission lines shall be located within or as close as practicable to existing access ways, property lines and/or fence lines to minimize the impact of their location upon the surface of the property.

(2) Where possible, the transmission lines from any second or subsequent wells on such property shall tie into existing transmission lines constructed for existing wells.

(3) All transmission lines shall be constructed at a minimum depth of 36 inches with a “warning ribbon” at a depth of 18 inches installed over same. Any and all plastic transmission lines shall be installed with a locator wire and backfilled with clean select fill or other appropriate materials designed to minimize the risk of cracking and/or leaks.

(4) Following the abandonment of any transmission line or drilling operations on the property, the owner and/or well operator shall, within 60 days, remove all above-ground appurtenances (including valves and gate boxes) to line depth and provide the Borough with notice that such transmission line has been abandoned.

(5) Unless other methods are approved by the Commonwealth of Pennsylvania Department of Environmental Protection, any transmission line crossing a stream, pond or other water source shall be encased in concrete or a steel casing.

(6) Unless otherwise regulated by the Commonwealth of Pennsylvania Department of Environmental Protection, any transmission line running beneath a public or private road servicing a residence shall have steel casing extending below the road surface to a distance of not less than ten feet past the wearing surface of the road.

C. Water Treatment Facilities.

(1) Any water treatment facility to treat water or any other waste product resulting from drilling operations shall be constructed as close as is reasonably practical to a public road or right-of-way to minimize its impact on the usable land of the surface owner.

(2) Any treatment facility so constructed shall meet any and all requirements imposed by the Commonwealth of Pennsylvania Department of Environmental Protection for same.

(3) At any time after the well is in production and before same is abandoned, the owner and/or operator may enter a written agreement, in a form sufficient for recording with the Department of Real Estate of Allegheny County, to permit such treatment facilities to remain on the property after abandonment. Such agreement shall be presented to the Borough Council and, if approved, upon receipt of a recorded copy of such agreement, any bond held by the Borough shall be released.

(4) Upon the approval of any application for conditional use, the owner and/or well operator shall post a bond with the Borough, in a form approved by the Borough Solicitor and in an amount acceptable to the Borough Council, to cover the costs of removing the treatment facility and the restoration of the surface of same. The amount of any bond posted shall be determined by the Borough Engineer and be in an amount estimated to be sufficient to remove the treatment facility constructed. The Borough may adjust the amount of such bond on an annual basis in the event the Borough Engineer determines that, through increases in removal and replacement costs, inflation and/or the passage of time, the amount of the bond is insufficient to fund the removal of such facility and the restoration of the surface of same.

D. Well Heads.

(1) Well heads shall be constructed in accordance with those requirements and regulations imposed by the Oil and Gas Act in effect at the time of construction and the Commonwealth of Pennsylvania Department of Environmental Protection.

(2) Following the cessation of drilling operations all well heads shall be immediately called in accordance with those requirements and regulations imposed by the Oil and Gas Act in effect at the time of construction and the Commonwealth of Pennsylvania Department of Environmental Protection and all above ground machinery immediately removed.

E. *Surface and Ground Water.*

(1) Upon receipt of a written complaint from the surface owner that the quantity of the water supply for the property has been affected by the drilling operations thereupon, the Borough shall report same to the owner and/or well operator. Within ten days of receipt of written notice of such report, the owner and/or operator shall perform a well recovery rate (flow) test for affected water wells or developed springs on the property and shall submit the results of same to the Borough and surface owner. The Borough shall immediately forward a copy of the original flow test results submitted as part of the permit application referenced above, together with the post-complaint flow test results to the Commonwealth of Pennsylvania Department of Environmental Protection for disposition pursuant to § 601.208 of the Oil and Gas Act (58 P.S. § 601.208), or its successor Section and any regulations associated with same. Nothing in this paragraph shall be deemed or construed to limit the ability of any affected surface owner from making a complaint directly to the DEP or pursuing actions through that agency.

(2) In the event the DEP takes or requires the owner and/or operator to take remedial action to correct deficiencies in the water supply on the property, or private remedial measures to correct deficiencies in the quality or quantity of the water supply on the property have occurred, the Borough may declare the drilling operations on the property to be a “public nuisance” pursuant to 58 P.S. § 601.502, or any successor Section, revoke or suspend any permit issued hereunder and pursue its right to restrain such conditions pursuant to 58 P.S. § 601.504, or any successor section.

(3) Nothing in this Section shall preclude the surface owner from performing independent testing or pursuing any private remedies, at law or in equity, through the Court of Common Pleas of Allegheny County or otherwise, for injunctive relief or money damages resulting from decreases in well recovery rates or contamination of ground or surface waters, arising or otherwise resulting from drilling operations, notwithstanding the requirements of this Chapter.

(4) Upon receipt of notice that a flow test or water quality test has given rise to corrective action taken by the DEP, or private remedial measures to correct deficiencies in the quality or quantity of the water supply on the property have occurred, the Borough shall send notice to the owner and/or operator to correct those conditions giving rise to the corrective action and/or remedial measures referenced herein. If the owner and/or operator fail to correct such conditions within 30 days of the date of the notice, the owner’s/operator’s permit shall be suspended and/or revoked and the Borough may take action to restrain the continuation of such conditions as referenced in this Chapter.

14. *Agreements Between Surface Owners and Well Operators.*

A. As part of the application for conditional use, the owner and/or the well operator and surface owner may enter into and submit a tentative agreement to the Borough Council for consideration, concerning the location of transmission lines, access

ways, surface/site restoration and/or the construction of those treatment facilities referenced above as part of the permit approval process. Any such agreement shall be in writing and be signed by the surface owner/leaser, well operator or their appropriate representatives and all surface owners, or person or entities including lessees who have a lawful interest in the property, of the property subject to the drilling operation in a recordable form.

B. In such agreement, the parties may reach tentative agreements or understandings, subject to approval by Borough Council, concerning the location of transmission lines, access ways, surface/site restoration, the construction of treatment facilities referenced above and the removal or non-removal of same. Any such agreement shall be submitted along with the application for consideration.

C. If a submission of an agreement between the owner, well operator and surface right owner containing provisions for the construction, location, removal and/or restoration of any transmission line, access road or treatment facility referenced herein is in conflict with the requirements of this Chapter, then a request for a variance from the terms of this Chapter must be submitted.

D. Within 60 days of receipt of any such request for variance, the Zoning Hearing Board shall conduct a public hearing on such request, subject to public notice pursuant to the terms of the Pennsylvania Municipalities Planning Code. Following such public hearing, the Zoning Hearing Board may accept or reject all or any part of such agreement and grant a variance from the terms of this Chapter consistent with same. The decision of the Zoning Hearing Board shall be in writing and transmitted to the parties to such agreement within 45 days of the public hearing. The failure of the Zoning Hearing Board to conduct such hearing within 60 days of the date of receipt of such agreement or to issue a written decision within 45 five days following same, shall result in a deemed decision in favor of the applicant(s)/parties to such agreement and the terms of such agreement shall be “deemed approved” in their entirety. No agreement between the owner, well operator and surface owner, regardless of its approval by the Zoning Hearing Board, shall contain provisions contrary to the Oil and Gas Act referenced above or any other law of the Commonwealth of Pennsylvania regulating drilling operations on the property.

E. Action upon a request for variance regarding any agreement between the surface owner and owner and/or operator shall be in writing. The written decision shall have affixed to it the final site development plan submitted by the owner and/or well operator referenced above and shall contain any other reasonable conditions imposed by the Zoning Hearing Board relating to such drilling operations. Such written decision shall be recorded with the Office of the Recorder of Deeds of Allegheny County at the cost of the surface owner and indexed under the name of the surface owner. No permit shall be issued under this Chapter until the Borough receives a copy of the recorded written decision.

F. Any party aggrieved by the determination of the Zoning Hearing Board made pursuant to this Chapter may appeal such determination to the Court of Common Pleas of Allegheny County, Pennsylvania, pursuant to the terms of the Pennsylvania Municipalities Planning Code.

(Ord. 1174, 1/16/2018, §936)

§27-937. Communications Antennas.

The following standards shall apply in all Districts where communications antennas are authorized:

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

B. The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

C. The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable airport zoning regulations.

D. Building mounted antennas shall be permitted to exceed the height limitations of the District by no more than 20 feet. Antennas mounted on an existing public service corporation facility storage or transmission tower shall not project more than 20 feet above the height of the tower.

E. Omnidirectional or whip antennas shall not exceed 20 feet in height or seven inches in diameter.

F. Directional or panel antennas shall not exceed five feet in height or two feet in width.

G. Satellite and microwave dish antennas mounted on the roof of a building or on a self-supported communications tower shall not exceed six feet in diameter.

H. Satellite and microwave dish antennas mounted on a monopole communications tower or existing public service corporation facility storage or transmission structure shall not exceed two feet in diameter.

I. The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.

J. Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Borough.

K. The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.

L. Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten-foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjoining residential property, the equipment cabinet or equipment building shall be screened by a minimum six-foot high compact evergreen hedge.

M. If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of 20 feet and which shall be improved with a dust-free all-weather surface for its entire length.

N. At least one off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

(Ord. 1174, 1/16/2018, §937)

§27-938. Communications Towers.

The following standards shall apply in all District where communications towers are authorized:

A. The Borough of Glassport shall be exempt from the requirement to obtain conditional use approval for any communications tower or communications antenna placed on an existing communications tower, provided all other applicable requirements of this Section are met.

B. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.

C. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

D. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.

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

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

(1) The proposed equipment would exceed the structural capacity of the existing building, existing public service corporation facility storage or transmission structure or existing communications tower and reinforcement of the structure cannot be accomplished at a reasonable cost.

(2) The proposed equipment would cause RF (Radio Frequency) interference with other existing and proposed equipment for that existing building, existing public service corporation facility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.

(3) Existing buildings, existing public service corporation facility storage or transmission structures or existing communications towers do not have adequate space, access or height to accommodate the proposed equipment.

(4) Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed adopted federal or state emission standards.

G. In the R-1 District, the only type of communications tower permitted to be constructed shall be a monopole tower and the maximum height of that communications tower shall be 75 feet.

H. In the C District, the maximum height of a communications tower shall be 100 feet.

I. In the I and CS Districts, the maximum height of a communications tower shall be 200 feet.

J. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.

K. In the R-1 District, all parts of the communications tower, including guy wires, if any, shall be set back from any adjoining residentially zoned property at least 150 feet. Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single-family dwellings.

L. The setback required from property lines which adjoin property other than residentially zoned property shall be 50 feet, except for guyed towers which shall be setback a distance equal to the height of the tower.

M. All parts of the communications tower, including guy wires, if any, shall be set back from the property line at least 50 feet, except for guyed towers which shall be setback a distance equal to the height of the tower. If the tower is located on property which adjoins a residential Zoning District, the setback shall be at least twice the height of the communications tower. Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single-family dwellings.

N. The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten-foot high chain link security fence with locking gate.

O. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the Borough Building Code and accepted engineering practice.

P. The tower shall be equipped with anticlimbing devices as approved by the manufacturer for the type of installation proposed.

Q. At least one off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one parking space for each employee working on the site.

R. Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.

S. Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of 20 feet in width and shall be improved with a dust-free, all-weather surface for its entire length.

T. Recording of a plat of subdivision shall not be required for the lease parcel on which the tower is proposed to be constructed, provided the equipment building is proposed to be unmanned and the required easement agreement for access is submitted for approval by the Borough.

U. Approval of a land development plan, prepared in accordance with the requirements of the Borough Subdivision and Land Development Ordinance, shall be required for all towers in excess of 50 feet in height.

V. The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.

W. The owner of any communications tower which exceeds 50 feet in height shall submit to the Borough proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Borough by a structural engineer at the owner's expense.

X. The owner of the communications tower shall notify the Borough immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within six months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Borough to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, then, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be subject to the enforcement provisions of this Chapter.

Y. The owner of the communications tower shall be responsible for maintaining the parcel on which the tower is located, as well as the means of access to the tower, including clearing and cutting of vegetation, snow removal and maintenance of the access driveway surface.

Z. There shall be no lighting, signs or other advertising on the tower, other than that required by the FCC or FAA.

AA. Landscaping may be required by Borough Council, upon recommendation by the Planning Commission, which is suitable to the proposed location of the tower in order to provide screening of the base of the tower from adjoining streets or residential properties.

BB. All standards for construction of the communications tower and supporting facilities shall conform to current engineering practice and the edition of the BOCA Building Code currently in effect in the Borough.

CC. In January of each year, the owner of the communications tower shall submit written verification to the Borough Zoning Officer that there have been no changes in the operating characteristics of the communications tower as approved by the Borough, including, at a minimum:

- (1) Copy of the current FCC license;
- (2) Name, address and emergency telephone number for the operator of the communications tower;
- (3) Copy of certificate of insurance at a level of coverage acceptable to the Borough Solicitor, naming the Borough as an additional insured on the policy; and
- (4) Copy of the annual inspection report and updated maintenance program.

DD. At any time during the calendar year, if an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Borough Zoning Officer.
(*Ord. 1174, 1/16/2018, §938*)

§27-939. [Reserved].

§27-940. Small-Scale Alternative Energy Systems.

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

A. *Standards Specific to Solar Energy Systems.*

(1) Siting that directs glare on neighboring properties or public roadways is not permitted.

(2) Ground-mounted solar systems shall not exceed 12 feet in height.

(3) Roof-mounted solar systems shall not extend more than two feet above the height of the roof to which it is attached or the maximum height established for the Zoning District, whichever is lower.

(4) Ground-mounted solar systems shall be screened from public view to provide safety and limit trespassing, by natural or man-made fencing; such screening should adhere to the standards of this Chapter for both installation and maintenance.

(5) Roof-mounted solar panels or solar hot water heaters shall be set back three feet from the edge of the roof to allow access to firefighters and other emergency personnel.

B. *Standards Specific to Wind Energy Systems.*

(1) Wind energy systems shall not produce sound that exceeds 55 decibels.

(2) Wind energy systems (either freestanding or roof-mounted) shall conform to setbacks for accessory structures in the Zoning District.

(3) Siting that creates shadow-flickering on neighboring properties is not permitted.

(4) Disruption to radio, television, and other communications is not permitted.

(5) Safety fencing is required.

(Ord. 1174, 1/16/2018, §940)

§27-941. Drive-Through Facilities.

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

A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Chapter.

B. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of 100 feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets or berms.

C. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

D. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

(Ord. 1174, 1/16/2018, §941)

§27-942. Single-Family in the Conservation District.

Minimum lot size: two acres.

(Ord. 1174, 1/16/2018, §941)

Part 10

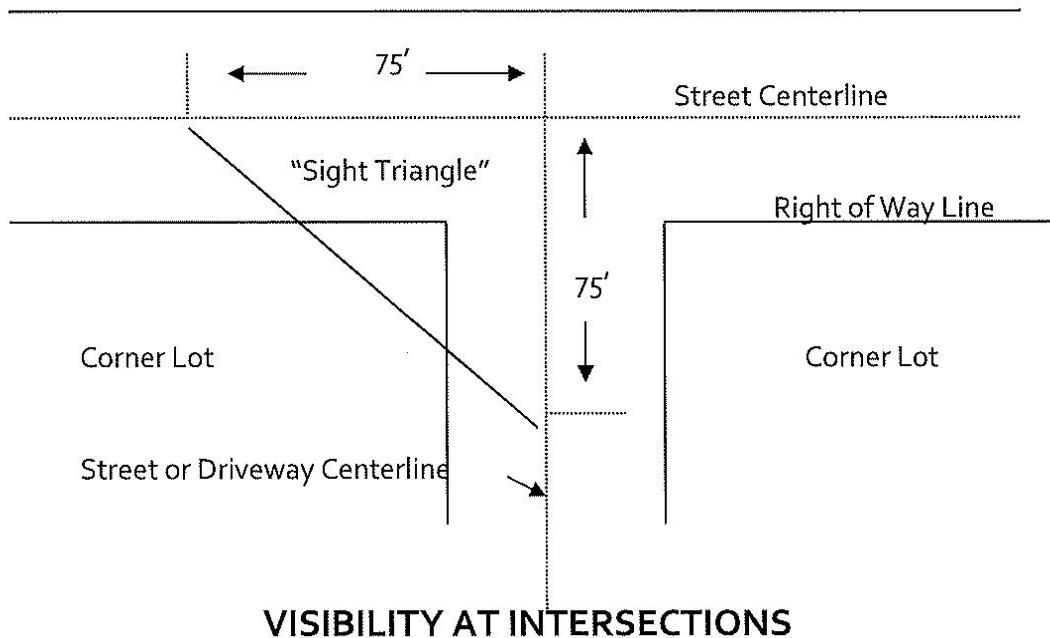
General Regulations

§27-1001. Visibility at Intersections.

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

Figure A

ILLUSTRATION OF CLEAR SIGHT TRIANGLE



(Ord. 1174, 1/16/2018, §1001)

§27-1002. Stripping of Topsoil, Excavation of Clay, Sand, Gravel or Rock.

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

- A. As part of the construction or alteration of a building or the grading incidental to such building;
- B. In connection with normal lawn preparation and maintenance;

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

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

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

(Ord. 1174, 1/16/2018, §1002)

§27-1003. Exception to Height Limitations.

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

2. Aerials and/or antennas may exceed the height limitations for principal or accessory structures for the zoning district in which they are proposed to be constructed subject to this Chapter.

(Ord. 1174, 1/16/2018, §1003)

§27-1004. Parking of Commercial Vehicles.

1. Commercial equipment, including trucks in excess of one ton capacity, tandems, tractor-trailers, tractors or other vehicles bearing commercial advertisement or construction or cargo-moving vehicles or equipment shall not, under any conditions, be stored outside an enclosed building or garage or be parked overnight on any lot in any recorded plan of subdivision in any Residential Zoning District. This regulation shall not apply to any commercial vehicles parked temporarily in residential areas for the purpose of loading, unloading or rendering service to any residential property.

2. Recreational vehicles may be parked on private property of the owner of such vehicle only under the following conditions:

A. A recreational vehicle may be parked for a continuous period not exceeding 72 hours consistent with the definition of recreational vehicle parking.

B. A recreational vehicle must be parked on the owner's property and behind the property line. It must be parked in such a manner so as not to restrict visibility of traffic using any adjacent public street. A recreational vehicle's wheels must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.

C. Any recreational vehicle stored for periods exceeding 72 continuous hours shall be parked in a garage or behind the building line. If the recreational vehicle is stored in a rear or side yard, it shall never be closer than 30 feet to a front property line nor closer than seven and one-half feet to a side or rear property line. Where the property on which the vehicle is stored is a corner lot, the distance of all parts of the vehicle from both streets shall be 30 feet or the distance between the street and the building line, whichever distance is greater.

D. Recreational vehicle parking is limited by the following regulations:

(1) Under no circumstances shall any recreational vehicle be parked on any public street in violation of existing federal, state or local laws.

(2) No recreational vehicle shall be used for purposes of habitation while parked or stored on an owner's property within the Borough.

(3) Not more than one recreational vehicle may be parked or stored on a private lot in the Borough unless that vehicle is parked in a garage.

(Ord. 1174, 1/16/2018, §1004)

§27-1005. Outside Storage.

1. Storage of materials or equipment outside of a completely enclosed structure shall not be permitted in Residential Zoning Districts.

2. Storage of materials and equipment outside a completely enclosed structure shall be permitted in Commercial and Industrial Zoning Districts only subject to the requirements of the design standards for Commercial and Industrial Districts.

(Ord. 1174, 1/16/2018, §1005)

§27-1006. Private Tennis and Other Sports Courts.

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

A. Courts shall not be constructed or installed on any premises unless a residential building is also located on the premises.

B. Courts shall only be located in the rear area of a lot. No court shall be permitted in the required front yard setback nor in the yard area in front of a residence that is located at a depth greater than the required minimum front yard setback.

C. In the case of a corner lot, a sports court shall not be constructed any closer to the side yard than the principal structure or the required minimum side yard, whichever is greater.

D. All court construction, including fencing in excess of six feet, shall be a minimum of 25 feet from the rear and side yard lines.

E. A fence not to exceed ten feet in height may be constructed surrounding a tennis or other sports court, provided that such fencing shall not be located closer than 25 feet from the rear and side yard lines and shall conform to requirements of the Construction Official in terms of construction details. A current survey by a surveyor licensed in the Commonwealth of Pennsylvania may be required by the Borough Engineer and/or Construction Official for determination of the placement of the court, fencing and any related construction.

F. No lighting shall be permitted.

G. A landscaping plan shall include location and caliper of trees to be removed and proposed plantings and buffers along adjacent properties.

H. Fencing shall be permitted at a height of six feet at the property line in accordance with the fencing requirements of this Chapter. Fencing around the tennis and sports courts in excess of six feet but not to exceed ten feet shall be located a minimum of 25 feet from rear and side yard lines.

(Ord. 1174, 1/16/2018, §1006)

§27-1007. Antennas.

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

A. In any Zoning District, freestanding antennas shall be permitted to exceed the height limitations for an accessory structure, subject to the following additional requirements:

(1) Parabolic or satellite dish antennas shall be permitted as accessory structures in any Zoning District, subject to:

(a) No such antenna shall be located in any front yard.

(b) No more than one satellite or parabolic dish antenna shall be located on any one lot.

B. In Residential Zoning Districts, no such antenna exceeding four feet in height, diameter or depth shall be installed on any roof or above any building.

C. No such antenna exceeding 12 feet in height, diameter or depth shall be installed on any roof or above any building.

D. When roof-mounted, the satellite or parabolic dish antenna shall be located on a portion of the roof which slopes away from the front of the lot and no part of the antenna shall project above the ridgeline of the roof.

E. The diameter of any satellite or parabolic dish antenna, other than those installed on a roof or above a building, shall not exceed 12 feet.

F. No part of any freestanding antenna structure shall be located any closer than 15 feet to any property line.

G. The maximum height of any freestanding satellite or parabolic dish antenna shall be 15 feet.

H. A building permit shall be required for the installation of any parabolic or satellite dish antenna. The permit shall be subject to payment of the required fee as established by resolution of Borough Council.

I. Other radio and TV antennas for transmitters licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens, shall be permitted subject to the following:

(1) The antenna shall be located at least 15 feet from any principal structure on the lot. This required distance shall be increased by one foot for every one foot of antenna height which is in excess of the maximum permitted height for principal structures.

(2) The antenna shall be located at least 15 feet from any property line. This required distance shall be increased by one foot for every one foot of antenna height which is in excess of 15 feet.

J. Antennas shall not be permitted in any front yard.

K. The antenna shall be securely anchored in a fixed location on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other such natural forces.

L. The antenna and its associated supports such as guy wires or the yard area containing the structure shall be protected and secured to guarantee the safety of the general public.

(Ord. 1174, 1/16/2018, §1007)

M. The applicant shall present qualified evidence that the signals transmitted by the proposed antenna shall not interfere with electrical equipment routinely operated on adjacent properties.

N. A building permit shall be required for the installation of all such antennas. The permit shall be subject to payment of the required fee as established by resolution of Borough Council.

§27-1008. Detached Garages and Accessory Storage Sheds.

Detached garages and storage sheds accessory to single-family dwellings in the “R” Residential Districts shall be subject to the height and yard requirements for accessory structures specified in the Zoning District in which they are located.

- A. The maximum gross floor area of a detached garage shall be:
 - (1) Seven hundred fifty square feet for lots less than two acres.
 - (2) Nine hundred fifty square feet for lots over two acres but less than ten acres.
 - (3) One thousand one hundred fifty square feet for lots over ten acres.
- B. The maximum gross floor area of an accessory storage structure shall be:
 - (1) One hundred eighty square feet for lots less than two acres.
 - (2) Three hundred sixty square feet for lots over two acres.
- C. Only one accessory storage structure shall be permitted on a lot in an “R” Residential District.

(Ord. 1174, 1/16/2018, §1008)

§27-1009. Household Pets.

Up to six adult (over six months in age) household pets are permitted for every dwelling unit. Household pets include dogs and cats. Household pets do not include chickens, ducks, miniature goats, full size goats, or pigs. In addition, six puppies or kittens may be kept until they reach six months of age. Where the number of household pets exceeds the permitted maximum number, the use shall be considered a kennel or animal shelter and subject to the regulations of this Chapter.

(Ord. 1174, 1/16/2018, §1009)

§27-1010. Accessory Agriculture.

This Chapter allows for the housing of chickens, ducks, farm animals, and/or bees as an accessory use where there is a separate primary use.

- A. *Chickens or Ducks.*
 - (1) Up to five chickens or ducks are permitted with a minimum lot size of one-half acre.
 - (2) No roosters are permitted.
 - (3) No structure housing chickens or ducks may be located closer than 15 feet from any property line.
- B. *Farm Animals.*
 - (1) Exactly two farm animals are permitted on lots over five acres that do not also have chickens or ducks.
- C. *Bees.* Beekeeping is permitted on lots with a minimum size of one-half acre.

(Ord. 1174, 1/16/2018, §1010)

§27-1011. Slope Controls.

Properties located within the confines of any zoning district which have areas where slopes exceed 25% shall be further subject to the slope controls of the Borough's Subdivision and Land Development Ordinance.

(Ord. 1174, 1/16/2018, §1011)

Part 11

[Reserved]

Part 12**Sign Regulations****§27-1201. Purpose.**

This chapter is intended to:

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

(Ord. 1174, 1/16/2018, §1201)

§27-1202. Applicability.

The regulations in this Chapter shall govern and control the erection, rehabilitation, maintenance, animation and illuminations of all signs displayed that are visible from the public right-of-way or from property other than that on which the subject sign is located. Any sign erected, altered, or maintained after the effective date of this Chapter shall conform to the following regulations.

(Ord. 1174, 1/16/2018, §1202)

§27-1203. Definitions.

The following definitions apply to this Part 12.

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

Advertising sign - a sign whose content refers to a business, product, service, event, activity, or commodity that is not manufactured, sold, or operated on the premises upon which the sign is located.

Animated sign - a sign whose content utilizes electrical or mechanical means to depict changes in action, motion, or lighting.

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

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

Backlight or backlighting - a lighting method that illuminates a subject or letters from behind.

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

Beacon lighting - any lighting, portable or fixed, that directs one or more beams skyward or illuminates one or more sign, structure, or object not on the same lot or site.

Billboard - an off-premises advertising sign whose message or display directs attention to a particular business, product, service, event or activity that is not produced, sold, or operated on the premises upon which the sign is located.

Borough - Glassport Borough.

Borough Secretary/Treasurer - the Manager of Glassport Borough.

Building - any structure with enclosing walls and roofs, and requiring a permanent location on land.

Building facade, front - the front facade of a structure that includes its primary entrance.

Business directory -

(1) A sign used to identify or list the names of individuals or organizations occupying, leasing or owning the premises and/or the profession of the occupants; or

(2) The name and/or management of the building for which the sign is displayed or the name of the major enterprise or principal product or service on the premises.

Business establishment - any business, trade, occupation, work, commerce or profession operated for profit or benefit, either directly or indirectly, on any commercial property in the Borough.

Candidate - an individual who seeks or offers himself or herself or is put forth by others for an office, privilege, or honor, by election or appointment.

Changeable copy - a sign or portion thereof on which the text or graphics can be changed or rearranged through electronic means or manually, without altering the face or surface of the sign.

Clearance - the distance between the walkway, or other specified surface and the bottom edge of a sign; or the horizontal distance between two objects.

Code Enforcement Officer - the Borough official appointed or elected to enforce the adherence of guidelines and requirements established within this Chapter and other Borough regulations.

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

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

Dwell time - the interval of change between each static message, which shall be at least ten seconds, and a change of which must be completed within one second or less.

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

Enforcement notice - a notice, sent by the Borough, to the owner or occupant of a parcel on which a violation of this chapter has occurred, for the purpose of initiating enforcement proceedings.

Flag - any sign that is printed or painted on cloth, plastic, or another fabric, containing distinctive colors, patterns, or symbols, and is attached to a pole or staff or supported or anchored by two corners.

Flashing sign - a sign whose illumination is set to intermittently blink or flash on and off, or whose intensity varies so as to appear to flash or blink. Such signs are prohibited.

Freestanding sign - a sign sustained by structures or supports that are placed on or anchored in the ground; and is independent and detached from any building or other structure. The following are subtypes of freestanding signs -

(1) *Ground sign* - a two-sided sign that is affixed to the ground at its base or supported by upright structural members anchored into the ground, not mounted to a pole or attached to a building.

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

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

Height - the vertical distance from the mean level of the ground surrounding a building to the top of the highest roof beams of a flat roof, or the mean level of the highest slope of a hip roof. For a structure other than a building, the height shall be the vertical distance from the mean level of the ground surrounding the structure to the highest point of the structure.

Holiday decorations (seasonal decoration) - any sign or display, including lighting, which is a non-permanent installation, which celebrates national, state, local, religious, or cultural holidays.

Identification sign - a sign used to identify one of the following -

(1) The name of an individual or organization occupying, leasing, or owning the premises and/or the profession of the occupant; or

(2) The name and/or management of the building on which the sign is displayed or the name of the major enterprise or principal product or service on the premises.

Illegal sign - any sign erected, altered, moved, repaired, maintained, or replaced in violation of this chapter.

Illuminated sign - a sign with electrical equipment installed for illumination, either internally or externally.

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

Institutional identification sign - a sign or bulletin board which identifies the name of a public, semipublic, or private institution of the site where the sign is located. (Institutions shall include churches, hospitals, nursing homes, schools and other nonprofit and charitable organizations).

Institutional informational sign - any sign offering information to employees, visitors, or delivery vehicles, but contain no advertising. Although such signs may include

the name of the institution, the purpose of these signs must predominantly be directional or informational.

Interactive sign - an electronic or animated sign that reacts to the movement, behavior, or electronic signals of motor vehicles or pedestrians.

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

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

Multi-tenant sign - a freestanding sign that identified the multiple businesses and/or tenants that occupy or building, complex, or shopping center.

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

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

Off-premises sign - a sign intended to advertise a business, commodity, service or entertainment that is not conducted, sold, or offered at the location upon which the sign is located. (Also known as a billboard or outdoor advertising sign.)

On-premises sign - a sign whose message and content identify a business, product, commodity, service, event, point-of-view, or other commercial or non-commercial activity that is conducted, sold, or offered on the site where the sign is located.

Pennant - any lightweight plastic, fabric, or other material, typically triangular or irregularly shaped, supported by strings or wire attached to a small pole and intended to move in the wind. May or may not contain a message of any kind.

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

Personal expression sign - an on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Portable sign - any sign that is not permanently affixed to a building, structure, or the ground, and designed to be transported or moved. Such signs include but are not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, sandwich board signs, balloons used as signs, signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

Projecting sign - a double-sided sign mounted perpendicular to a building facade, not including a canopy, awning, or marquee.

Reflective signs - a sign containing any material or device which has an intensifying reflective light or mirrored surface.

Residential identification sign - an on-site, noncommercial sign located in a residential district, the content of which identifies the name of the resident and/or the street number or apartment number of the dwelling unit.

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

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

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

Temporary political signs - a sign, placard, or sticker which announces a political candidate seeking office, political parties, and/or political and public issues.

Temporary signs - a non-permanent sign, the content of which identifies advertising or non-advertising information, which can be displayed for no more than 30 consecutive days at a time.

Vehicular sign - a sign displayed on a parked vehicle for the purpose of advertising a product, service, business, or direct people to a business or activity. For the purpose of this Chapter, a vehicular sign does not include business logos, identification, or advertising on vehicles used for daily business operations.

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

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

(Ord. 1174, 1/16/2018, §1203)

§27-1204. General Regulations.

1. No sign, except those erected by authority of the Commonwealth of Pennsylvania, Allegheny County, or Glassport Borough, shall be erected within the lines of a street right-of-way except traffic signs and similar regulatory notices the Borough, Allegheny County, or the state.

2. No sign established before the effective date of this Chapter shall be structurally altered or moved unless in compliance with the provisions of this Chapter.

3. All permanent signs in all zones will need approval from the Planning Commission.

4. Permits shall be required for all new permanent signs.

5. No sign shall exceed the height limitations specified for the zoning district in which it is located.

6. All signs over 50 square feet shall be constructed of non-combustible material.

7. *Sign Location.*

A. No sign shall be placed in such a position that endanger pedestrians, bicyclists, or vehicular traffic by interfering with official street signs or signals.

B. All signs and their supporting structures shall maintain clearance of all surface and underground utility lines or equipment.

C. No sign shall be placed closer than ten feet to any property line or right-of-way.

8. *Sign Materials and Construction.*

A. All signs shall be constructed of a durable material, using non-corrosive fastenings and maintained in good condition so that all sign information is clearly legible.

B. All signs shall be structurally safe and erected or installed in accordance with the Pennsylvania Uniform Construction Code.

9. When the Zoning Office determines that a sign becomes a threat to public health and safety or nuisance from damage of natural or human events, or prolonged neglect, the Zoning Officer may provide written notice and require the owner of the sign to repair it. If the sign is not repaired after 30 days from the date of written notice to repair had been sent, the Zoning Officer may order it removed within 30 additional days.

10. *Sign Area.*

A. The area of a sign includes all lettering and accompanying designs, logos, and symbols.

B. No sign shall have more than four sides, and the areas of signs indicated in this Chapter shall be the maximum for one side.

C. In the event that a sign has movable elements attached, the sign area measurements shall be taken when the elements are fully extended.

11. *Sign Height.*

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

B. The sign height is the measurement from the grade immediately below the sign to the highest point of the sign, including the sign face structure, pole and any projections, decoration or trim of the sign face, structure or pole.

12. *Sign Spacing.* The straight line between sign structures, measured by the distance from the closest edge of one sign to another.

13. *Sign Illumination.*

A. Illuminated signs are permitted in nonresidential zoning districts, unless otherwise prohibited by the regulations in this Chapter.

B. Light sources for illuminated signs shall not be a glare hazard, distraction to motorists, pedestrians, or adjacent properties.

14. *Signs Prohibited in All Districts.* All signs not expressly authorized under this Chapter or exempt from regulation hereunder in accordance with subsequent sections, are prohibited in the Borough. Prohibited signs shall include, but are not limited to:

A. Abandoned signs.

B. All illegal signs and all signs not in compliance with this chapter or any other ordinance of the Borough.

C. Animated signs such as flashing signs or signs that scroll or flash text or graphic.

D. Any sign erected closer than five feet to any underground utility line.

E. Any banner or sign suspended across a public street, without the permission of the owner of the property or road.

F. Beacons.

G. Inflatable devices or balloon signs; except those used in temporary, non-commercial situations.

H. Interactive signs.

I. Reflective signs or signs containing mirrors.

J. Roof signs.

K. Signs not in good condition or repair.

L. Signs interfering with or impeding driver line of sight, vehicular traffic, or visibility of safety signs.

M. Pennants.

N. Portable signs.

O. Vehicular sign. (This does not include the use of business logos, identification or advertising on vehicles used for business and/or personal transportation).

(Ord. 1174, 1/16/2018, §1204)

§27-1205. Permanent, On-Premises Signs.

1. *Wall Signs.*
 - A. Wall signs shall not be mounted less than eight feet above the grade nor extend more than 12 inches from the building wall on which it is attached.
2. *Awning or Canopy Signs.*
 - A. Awnings and canopies void of graphics or texts shall not be regulated as signs.
 - B. No awning/canopy signs shall be wider than the building wall it identifies.
 - C. Text and graphics shall be permitted only on the front and side vertical faces of the sign.
 - D. The minimum vertical clearance for awnings/canopies shall be at least eight feet from the finished grade.
3. *Projecting Signs.*
 - A. No projecting sign shall project more than four feet from the building façade.
 - B. The minimum vertical clearance for projecting signs shall be at least eight feet from the finished grade.
 - C. The edge of the projecting sign shall be no closer than five feet from the curb of a public street.
4. *Freestanding Signs.*
 - A. Freestanding signs shall not extend into or interfere with a right-of-way.
 - B. Freestanding signs shall not exceed the maximum height for a primary structure for the zoning district in which it is located.

(Ord. 1174, 1/16/2018, §1205)

§27-1206. Permanent, Off-Premises Signs.

1. *Permitted Districts.* Off-premises signs are permitted in Industrial Districts:
2. *Location.*
 - A. Off-premises signs shall not be on lots of less than one-fourth of an acre.
 - B. Off-premises signs shall be located a minimum of 500 feet from a right-of-way, intersection, or interchange.
 - C. Off-premises signs shall be located a minimum 1,000 feet of a public park, playground, religious institution, school, cemetery, or residential district property line.
 - D. Off-premises signs shall be located no closer than 1,500 feet from another off-premises sign.
 - E. No more than one off-premises sign is permitted per lot.
3. *Size and Height.*
 - A. Off-premises signs shall have a maximum height of 100 square feet.
 - B. Off-premises signs shall have a clearance of seven feet above the finished grade.
4. *Sign Area.* All off-premises signs shall follow the following sign area restrictions, based on the posted speed limit of the road the sign faces:

	Posted Speed Limit (MPH)				
	≤35	36 - 45	46 - 55	56 - 65	Limited Access
Maximum Sign Area (square feet)	60	100	150	200	300

5. *Illumination and Changeable Copy.*

A. Off-premises signs may be illuminated, provided that all light sources are not visible from any street or abutting property.

B. External illumination, internal illumination, digital display, and message center signs are permitted forms of illumination, subject to the regulations outlined in this Chapter.

C. The owner/ applicant bears the burden of proof that the proposed off-premises sign will not interfere with public health or be a safety hazard in the matter of location, design, and manner of operation.

6. *Identification.* Off-premises signs must display on the structure the name and contact information of the owner of the structure.

7. *Construction and Maintenance.*

A. Off-premises signs may be single- or double sided-, provided they meet the sign area regulations outlined in this Chapter.

B. All off-premises advertising signs shall adhere to the standards established by the Outdoor Advertising Associate of America and the Institute of Outdoor Advertising, or their successor organization.

C. The owner of the off-premises sign shall have an inspection conducted every three years by a Pennsylvania registered, licensed engineer, to ensure the sign is structurally sound and in good condition.

(Ord. 1174, 1/16/2018, §1206)

§27-1207. Limited Duration Signs.

1. Limited duration signs are a type of non-permanent sign that typically requires longer display times than other types of non-permanent signs (i.e. a temporary sign). Such a sign will require the application for a one-year permit, which may be renewed annually. Such signs are restricted by size, height, and number permitted per property, as outlined by this Chapter. Such signs typically include development signs, contractor signs, and seasonal home grown produce signs.

2. *Size and Number.*

A. *Non-Residential Zones.*

(1) *Large Limited Duration Sign.*

(a) *Type.*

1) Freestanding sign.

2) Window sign.

3) Wall sign.

(b) One permitted per property.

(c) One additional limited duration sign may be permitted, provided the property is at least five acres in size and has at least 400 feet of frontage or more than 10,000 square feet of floor area; and there is at least 200 feet between large limited duration signs.

(d) *Area.* Each large, limited duration sign shall have a maximum area of 16 square feet.

(e) *Height.* Freestanding, large limited duration signs shall have a maximum height of 12 feet.

- (2) *Small Limited Duration Sign.*
 - (a) *Type.*
 - (1) Freestanding sign.
 - (2) Window sign.
 - (3) Wall sign.
 - (b) Two small limited duration signs are permitted per property.
 - (c) One additional limited duration sign may be permitted, provided the property is at least five acres in size and has at least 400 feet of frontage or more than 10,000 square feet of floor area.
 - (d) *Area.* Each small, limited duration sign shall have a maximum area of six square feet.
 - (e) *Height.* Freestanding, small limited duration signs shall have a maximum height of six feet.
- B. *Residential Zones.*
 - (1) *Large Limited Duration Sign.*
 - (a) *Type.*
 - 1) Freestanding sign.
 - 2) Window sign.
 - 3) Wall sign.
 - (b) One permitted per property.
 - (c) *Area.* Each large, limited duration sign shall have a maximum area of 16 square feet.
 - (d) *Height.* Freestanding, large limited duration signs shall have a maximum height of eight feet.
 - (2) *Small Limited Duration Sign.*
 - (a) *Type.*
 - 1) Freestanding sign.
 - 2) Window sign.
 - 3) Wall sign.
 - (b) One small limited duration sign is permitted per property.
 - (c) *Area.* Each small, limited duration sign shall have a maximum area of six square feet.
 - (d) *Height.* Freestanding, small limited duration signs shall have a maximum height of six feet.
3. *Construction and Maintenance.*
 - A. All signs must be made of durable materials, well-maintained, and installed in a manner that does not create any safety hazards.
 - B. Any signs that do not maintain good condition will be considered unmaintained and required to be removed.
4. *Illumination.* Illumination of any type is not permitted for limited duration signs.
(Ord. 1174, 1/16/2018, §1207)

§27-1208. Temporary Signs.

1. Temporary signs are a type of non-permanent sign that is displayed for a short period of time, once or twice per year. Such signs are permitted to be displayed for up to 30 consecutive days. Such signs are exempt from standard permit requirements and not included

in the total allowable sign area for permanent signs on a property. Temporary signs typically include such signs related to special events such as a festival, yard sale, or estate sale.

2. *Size and Number.*

A. *Non-Residential Districts.*

(1) *Large Temporary Signs.*

(a) *Type.*

- 1) Freestanding sign.
- 2) Window sign.
- 3) Wall sign.
- 4) Banner.

(b) One permitted per property.

(c) One additional temporary sign may be permitted, provided the property is at least five acres in size and has at least 400 feet of frontage or more than 10,000 square feet of floor area; and there is at least 200 feet between temporary signs.

(d) *Area.*

- 1) Each temporary freestanding, window, or wall sign shall have a maximum area of 16 square feet.
- 2) Each large temporary banner shall have a maximum area of 32 square feet.

(e) *Height.*

- 1) Freestanding large temporary signs shall have a maximum height of 12 feet.
- 2) Temporary banners shall hang at maximum height of 24 feet.

(2) *Small Temporary Signs.*

(a) *Type.*

- 1) Freestanding sign.
- 2) Window sign.
- 3) Wall sign.

(b) Three small temporary signs are permitted per property.

(c) Three additional small temporary sign are permitted, provided the property is greater than five acres and has at least 400 feet of frontage or greater than 10,000 square feet of floor area; and there is at least 200 feet between temporary signs.

(d) *Area.* Each small temporary sign shall have a maximum area of six square feet.

(e) *Height.* Each small temporary sign shall have a maximum height of six feet.

B. *Residential Districts.*

(1) *Large Temporary Signs.*

(a) *Type.*

- 1) Freestanding sign.
- 2) Window sign.
- 3) Wall sign.
- 4) Banner.

(b) One permitted per property.

- (c) *Area.*
 - (1) Each temporary freestanding, window, or wall sign shall have a maximum area of 16 square feet.
 - (2) Each large temporary banner shall have a maximum area of 32 square feet.
- (d) *Height.*
 - (1) Freestanding large temporary signs shall have a maximum height of eight feet.
 - (2) Temporary banners shall hang at maximum height of 24 feet.
- (2) *Small Temporary Signs.*
 - (a) *Type.*
 - 1) Freestanding sign.
 - 2) Window sign.
 - 3) Wall sign.
 - (b) Two small temporary signs permitted per property.
 - (c) Two additional small temporary signs are permitted, provided the property is greater than five acres and has at least 400 feet of frontage or greater than 10,000 square feet of floor area; and there is at least 200 feet between temporary signs.
 - (d) *Area.* Each small temporary sign shall have a maximum area of six square feet.
 - (e) *Height.* Each small temporary sign shall have a maximum height of six feet.
- 3. *Duration and Removal.* Temporary signs shall be displayed for no longer than 30 consecutive days, two times per year.
- 4. *Permission.*
 - A. Temporary signs are exempt from the standard permit requirements; however, a date of erection must be legibly written on the lower right hand corner of the sign.
 - B. The owner of the temporary sign is responsible for obtaining permission of the property owner prior to posting the temporary sign.
 - C. Failure to obtain permission can result in the confiscation of the temporary sign
 - D. Any temporary signs installed in violation of this chapter may be confiscated by the municipality or property owner.
- 5. *Construction and Maintenance.*
 - A. All signs must be made of durable materials, well-maintained, and installed in a manner that does not create any safety hazards.
 - B. Any signs that do not maintain good condition will be considered unmaintained and required to be removed.
- 6. *Illumination.* Illumination of any type is not permitted for limited duration signs. (Ord. 1174, 1/16/2018, §1208)

§27-1209. Signs Permitted in Residential Districts.

The following signs are permitted in residential districts and subject to the regulations identified in this Chapter:

- A. Permanent signs.

(1) Home occupation signs may be free-standing, or may be attached to a dwelling, provided that each sign does not exceed 16 square feet in surface area. The home occupation sign may only identify the name of the business, the address and or directions related to the business and must be constructed of materials which are the same or similar to the home. Home occupation signs are not permitted in multi-family housing developments, or in multi-family housing units.

(2) Residential development identification signs may not exceed 32 square feet width to length ratio e.g. eight feet by four feet, exclusive of structural support. These signs may be located at the entrance to any residential development, and may be placed inside the median of an entrance road with prior approval from the public entity responsible for the maintenance of the right-of way. The maximum height of a residential development sign shall be eight feet including structural support.

(3) Signs identifying public or semi-public institutions or those identifying activities carried on by them are not to exceed 32 square feet. These signs must be monument-style and may not exceed a height of eight feet.

- B. Temporary signs.
- C. Freestanding signs.
- D. Limited duration signs.

(Ord. 1174, 1/16/2018, §1209)

§27-1210. [Reserved].

§27-1211. Signs Permitted in Commercial and Industrial Districts.

In addition to signs that are identified as exempt, the following signs are permitted in commercial and industrial districts and subject to the regulations identified in this Chapter.

- A. Freestanding signs.

(1) In any shopping center in a commercial zoning district, one collective freestanding sign structure may be erected at the main entrance to a height not to exceed 25 feet and an area not to exceed 1,000 square feet, displaying the name of the shopping center and stores contained therein.

(2) Free standing signs on single-use sites shall not exceed 150 square feet in I-G and 64 square feet in MSBO.

- B. Illuminated signs.

(1) Signs in commercial and industrial districts may be illuminated provided that no reflective glare occurs on adjacent roads or properties. Illumination may be from internal or external sources.

(2) No sign that is within 100 feet of a property that is used as a single-family residence or is zoned to permit single-family dwellings may be illuminated, unless it can be demonstrated that such illumination will not adversely impact such residential property.

- C. Off-premises signs.
- D. On-premises signs.
- E. Temporary signs.
- F. Limited duration signs.
- G. Banners.
- H. Awning/canopy.
- I. Projecting signs.

- J. Wall signs.
- K. Window signs.
- L. Marquee signs.
- M. Monument signs.

(Ord. 1174, 1/16/2018, §1211)

§27-1212. Nonconforming Signs.

1. All nonconforming signs in existence prior to the effective date of this Chapter are permitted to continue provided that such sign adheres to the following guidelines.

2. No nonconforming sign shall be changed, altered, or expanded in any way that increases the sign's nonconformity or be replaced by another nonconforming sign.

3. All permanent signs and sign structures shall be brought into conformance with the regulations outlines in this Chapter should the following occur:

A. The sign is removed, relocated, or significantly altered. Significant alterations include changes in size or dimension. Changeable copy changes on the face of an existing nonconforming sign shall not be considered a significant alteration.

B. Conforming repairs are required in the event that 50% of a sign is damaged.

C. Change in illumination methods or mechanical operations.

D. Change in the sign's structural or sign face material.

4. Nonconforming signs may be exempt from the provisions provided in this section, provided that:

A. The nonconforming sign possessed documented historic value;

B. The nonconforming sign has special designation, value, or design as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or a local historical commission; and/or

C. In the event that public right-of-way improvements require that the nonconforming sign be relocated.

5. Unless special approval has been granted, all nonconforming temporary signs must be removed within 90 days of the effective date of this Chapter.

(Ord. 1174, 1/16/2018, §1212)

§27-1213. Signs Exempt From Permitting Requirements.

The following signs shall be exempt from permitting requirements and shall not be included in the type, number, or area of signs permitted in each zoning district.

A. Official traffic signs.

B. Government/regulatory signs.

C. Holiday and seasonal decorations.

D. Legal notices.

E. Memorial, public monument, or historical identification signs.

F. Temporary signs in accordance with the regulations in this Part.

(Ord. 1174, 1/16/2018, §1213)

Part 13**Off-Street Parking and Loading****§27-1301. Off-Street Parking Standards.**

In all zoning districts, whenever any new use is established or an existing use is structurally altered, converted or enlarged, off-street parking spaces shall be provided in accordance with the requirements of this Section.

1. *Off-Street Parking Design.* Parking areas in all zoning districts shall comply with the following standards.

A. *Size.* Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine feet in width and 20 feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto the cartway of any public street.

B. *Access.* Where an existing parking area does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. The street frontage shall be curbed to restrict access to the lot, except where access drives are proposed. The number of access drives from a single lot or development to any public street shall not exceed two for every 400 feet of street frontage.

(1) Where a site has frontage on more than one street, access shall be provided from the street with the lower traffic volume, if physically practical.

(2) Access drives entering state and county highways or roads are subject to a highway occupancy permit issued by the Pennsylvania Department of Transportation (Perm DOT) or Allegheny County Department of Public Works, as appropriate.

(3) Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

C. *Safety Requirements.* Borough Council shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings.

D. *Marking.* All parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

E. *Parking Areas Serving Residential Dwellings.* Parking requirements for single-family, two-family, triplex, quadruplex and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.

F. *Standards for Parking Areas Serving Townhouses and Apartments in Planned Residential Developments.*

(1) The minimum depth of a driveway serving an individual dwelling unit shall be 25 feet measured between the wall of the building containing the dwelling unit and the edge of paving of a public or private street or common driveway which provides access to the individual driveway.

(2) The minimum width of a common driveway which is parallel to the dwelling units and which provides access to individual driveways at right angles to it shall be 14 feet.

(3) A hammerhead turnaround shall be provided where a common driveway terminates in a dead end.

(4) The minimum distance between the edge of paving of a common driveway or parking area and the top of any slope shall be ten feet.

G. *Parking Areas Serving Uses Other Than Residential Dwellings.*

(1) Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area or parking in a garage structure. Parking serving authorized nonresidential uses in any residential zoning district shall not be located in front of the minimum required building line.

H. *Driveways Serving Nonresidential Uses.* Single lane driveways which provide access to lots and parking areas shall be a minimum of ten feet wide and a maximum of 12 feet wide; two lane driveways shall be a minimum of 20 feet wide and a maximum of 24 feet wide.

(1) If parking spaces are aligned at less than 90°, the driveways shall be restricted to one-way traffic and head-in parking only.

(2) There shall be at least 15 feet between separate driveways at the street right-of-way line and at least five feet between a driveway and a fire hydrant, catch basin or property line. There shall be at least 40 feet between the centerline of a driveway and the right-of-way line of any street which intersects with the street on which the lot has frontage.

(3) Adequate sight distance shall be provided, subject to review and approval by the Borough Engineer. Driveways shall not exceed a slope of 10% within 12 feet of the street right-of-way line.

I. *Location of Parking Areas.*

(1) Required parking spaces shall be located on the same lot with the principal use.

(2) For all uses other than single-family or two-family dwellings, no parking area containing more than five parking spaces shall be located closer than ten feet to any adjoining property line and parking authorized in front yards shall be located at least ten feet from the street right-of-way line.

J. *Screening and Landscaping.*

(1) Parking areas containing more than five parking spaces shall be effectively screened by a buffer area, as defined by this Chapter, along any property line which adjoins a residential use or residential zoning district classification which is at least five feet in depth as measured from the property line.

(2) In addition, a planting strip at least five 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 street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.

K. *Surfacing.* With the exception of home occupations, single-family dwellings and two-family dwellings, all parking areas and access drives shall have a paved concrete, bituminous or similar surface, graded with positive drainage to dispose of surface water.

L. *Lighting.* Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any residential zoning district or residential use and away from any streets or highways. Lighting standards shall be located not more than 80 feet apart and the lighting system shall furnish an average minimum of 2.0 foot candles during hours of operation.

M. *Compliance with ADA Requirements.* Parking areas accessory to nonresidential uses, multi-family dwellings and planned residential developments shall comply with all applicable requirements of the Americans with Disabilities Act (ADA).

2. *Off-Street Parking Requirements.* Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces.

A. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one parking space.

B. Where more than one use exists on a lot, parking requirements for each use shall be provided.

C. The following table of parking requirements specifies the number of spaces required for various categories of uses in any zoning district.

TABLE C - PARKING

<i>Use</i>	<i>Requirement</i>
Any Use Not Specifically Listed	One space for each 300 square feet of gross floor area of building or one space for each three persons authorized to occupy the building or site at maximum permitted occupancy, whichever is greater.
Auto Body and Auto Repair Garage	One space for each employee plus one space for each vehicle owned by the business plus a minimum of five spaces per bay for vehicles waiting for repair.
Bus/Railway Passenger-Station	One space for each 50 square feet of waiting area plus one space for each employee on peak shift.
Community Center	One space for every three members.
Convenience Store	One space for each employee on peak shift plus one space for each 250 square feet of gross floor area in addition to the standing lanes for the gasoline pumps, if any.
Day Care Center	One space for each staff person plus a minimum of four spaces for visitors.
Day Care Home	Two spaces in addition to the two spaces required for the dwelling.

<i>Use</i>	<i>Requirement</i>
Eating Establishment	One space per 50 square feet of floor area excluding areas devoted to food preparation plus one space per employee on peak shift.
Essential Services	None, if structure is not intended for occupancy; or one space for each 300 square feet of floor area of building, if intended for occupancy.
Financial Institutions and Offices, other than Medical or Dental	One space per 300 square feet of floor area of building.
Funeral Homes and Crematories	One space for each three seats in a chapel plus one space for each employee plus 20 spaces for each parlor plus one space for each vehicle maintained on the premises.
Garden Apartment	Two spaces per dwelling unit plus 0.5 spaces per dwelling unit to be provided for visitor parking. All unenclosed spaces must be located within 150 feet of the common entrance for the units they are intended to serve.
Gasoline Service Station	One space for each employee plus three spaces for each repair bay, if any, plus one space for each 150 square feet of floor area devoted to a convenience store, if any.
Government Office	One space for each 300 square feet of gross floor area of building.
Greenhouses, Nurseries and Landscaping Contractors	One space for each employee on peak shift plus one space for each 300 square feet of indoor display and sales area and one space for each 500 square feet of outdoor display and sales area.
Group Care Facility	Eight spaces.
Group Home	Five spaces.
Home Occupation	As determined by Borough Council at the time of conditional use approval.
Home Office or Service	None required.
Hospital	One and one-half spaces per bed plus one for each physician and for each two other employees.
Indoor Recreational Facilities	One space for each two persons authorized by the Borough Building Code to occupy the premises at maximum permitted occupancy.
Junk Yard	One space for each employee plus one space for each acre of storage and sales area.
Library and Museum	One space for each employee plus one space for each three seats in rooms used for meetings or public assembly plus one space for each 1,000 square feet of floor area, excluding storage areas and rooms used for meetings or public assembly.

<i>Use</i>	<i>Requirement</i>
Manufacturing	One space per employee on peak shift or one space per 1,500 square feet of floor area of building, whichever is greater, plus one visitor space per 25 employees.
Medical and dental clinics and offices	One space for each two employees plus four spaces per doctor.
Mid Rise Apartment	Two spaces per dwelling unit plus 0.5 spaces per dwelling unit to be provided for visitor parking. All unenclosed spaces must be located within 200 feet of the common entrance for the units they are intended to serve, but shall not be located in any front yard.
Mini-Warehouse/Self-Storage	Two spaces for manager's quarters plus one space for each ten storage units equally distributed throughout the storage area plus one space for each 25 storage units located near the manager's quarters to be used by prospective clients.
Motel-Hotel	One space for each rental room or suite plus one space for each 80 square feet of floor area accessible to the public, including shops, corridors, lobbies, meeting rooms, offices, restaurants, lounges, ballrooms and the like.
Nature Trail/Bike Trail	Ten spaces for each mile of trail distributed at key locations along the trail.
Nursing Home	One space per three beds.
Oil and Gas Drilling	One space with an all-weather surface located near the well-head that accommodates a pick-up truck.
Other Public Buildings	One space for every 400 square feet of floor area of building.
Personal Care Boarding Home	One space for every two full-time staff plus one space for every three residents.
Place of Worship	One space per 200 square feet of net usable floor area of building, or one space for each five fixed seats, whichever is greater.
Private Club	One space for each three members.
Public, private or commercial outdoor recreation, other than swimming pools	Four spaces for each tennis court, golf tee or practice station at a sports practice facility, 10 spaces for each playing field or other active areas such as playground, basketball court, etc.; one space for each three seats in a stadium, amphitheater or racetrack; one space for each three persons authorized by the Borough Building Code to occupy the premises of an amusement park.
Recreation-Related Commercial Uses	One space for each employee plus one space for each 500 square feet of gross floor area.
Research and Development	One space for each 300 square feet of floor area devoted to offices plus one space for each 1,000 square feet devoted to laboratories or pilot manufacturing.

<i>Use</i>	<i>Requirement</i>
Residence in Combination with Business	Two spaces for each dwelling unit in addition to the spaces required for the business use or uses.
Retail Sales	One space for each 150 square feet of floor area used for retail trade.
School, Elementary	One space per 20 classroom seats.
Schools, Other	One space per ten classroom seats or for each 200 square feet of auditorium, whichever is greater.
Shopping Center	One space for each 250 square feet of gross floor area.
Single-Family Dwelling, Two-Family Dwelling	Two spaces per dwelling unit.
Storage Garages and Public Garages	No additional parking is required beyond the number of spaces provided in the garage.
Storage Trailer	None required.
Supporting Commercial Uses in an Office Park	One space for each 500 square feet of gross floor area.
Swimming Pools, other than private residential	One space per 50 square feet of surface water area.
Theater, Auditorium, Stadium and Similar Places of Public Assembly	One space for each three seats or if there are no fixed seats, one space for each 40 square feet of floor area devoted to spectator seating.
Transitional Dwelling	One space for each employee on peak shift plus one space for each resident authorized to operate a motor vehicle and/or one space for each vehicle kept on the property for transportation of residents plus 0.25 spaces per resident to accommodate visitors and visiting service providers.
Triplex, Quadruplex, Townhouse	Two spaces per dwelling unit, 50% of which must be in an enclosed garage, plus 0.5 spaces per dwelling unit to be provided for visitor parking. All unenclosed spaces must be located within 150 feet of the common entrance for the units they are intended to serve.
Vehicle Sales and Service	One space for each employee on peak shift plus three spaces for each repair bay plus one space for each 500 square feet of showroom floor area.
Veterinary Hospital	One space for each doctor and each employee plus four spaces for each examining and treatment room.
Warehousing, Wholesaling, Distribution Plant, Truck Terminal	One space per employee on peak shift or one space per 2,500 square feet of floor area of building, whichever is greater, plus a minimum of five visitor spaces.
Watchman's Facility	Two spaces.

§27-1302. Off-Street Loading Standards.

Off-street loading or unloading spaces shall be provided on each lot where required and shall have proper and safe access from a street or alley.

A. Loading spaces shall be at least 14 feet wide and 60 feet long and shall have at least 15 feet vertical clearance.

B. Loading spaces shall have a 60-foot maneuvering area.

C. Loading spaces shall be constructed with a concrete, bituminous or similar paved surface to provide safe and convenient access during all seasons.

D. Loading spaces shall not be constructed between the street right-of-way line and the building setback line.

E. Loading and unloading facilities shall be designed so that trucks need not back into, nor park in, the public right-of-way.

F. No truck shall be allowed to stand in a right-of-way or automobile parking area (including aisles serving parking spaces) nor shall the effective flow of persons or vehicles be blocked in any way.

G. Required off-street parking areas (including aisles) shall not be used for loading or unloading purposes except during hours when business operations are suspended.

H. The area used for loading shall not be used to satisfy parking requirements.

I. Loading areas shall be provided on the site of the principal structure(s) served by the loading area.

J. No loading area shall be located within 30 feet of the nearest point of intersection of any two streets.

K. No loading area for vehicles over a two-ton capacity shall be closer than 30 feet to any lot in a residential zoning district unless completely enclosed by walls or a fence or any combination thereof not less than six feet in height.

(Ord. 1174, 1/16/2018, §1302)

Part 14**Nonconforming Uses, Structures and Lots****§27-1401. Purpose.**

The purpose of this Part 14 is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots and nonconforming signs. The zoning districts established by this Chapter are designed to guide the future use of the Borough's land by encouraging the development of desirable residential, commercial and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety and general welfare. The regulations of this Chapter are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

(Ord. 1174, 1/16/2018, §1401)

§27-1402. Nonconforming Use.

1. *Continuation of Nonconforming Use.* Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed.

2. *Change of Nonconforming Use to Conforming.*

A. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Chapter or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Chapter or its amendments.

B. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this Chapter should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or noncompliance.

3. *Expansion or Extension of Nonconforming Use.*

A. No nonconforming use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming.

B. No such nonconforming use shall be enlarged or increased or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this Chapter, unless the Zoning Hearing Board shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use. For the purposes of determining if an enlargement or expansion of nonconforming use meets this requirement the applicant shall file an application for special exception pursuant to the requirements of this Chapter. The applicant must meet all the applicable requirements and criteria of this Chapter in addition to providing evidence that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use.

C. Whenever a use district shall be hereafter changed by a duly adopted amendment to this Chapter, then any existing legal, nonconforming use of such changed district may be continued, and such use may be extended throughout the structure.

4. *Abandonment or Discontinuance of Nonconforming Uses.*

A. The lawful use of the land existing at the time this Chapter or any of its amendments was adopted, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is abandoned for a period of one year, any future use of said land shall conform to the provisions of this Chapter.

B. Any subsequent use shall conform to the applicable provisions of this Chapter or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this Chapter or its amendments.

C. Nonconforming accessory uses and structures. No use, structure or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

(Ord. 1174, 1/16/2018, §1402)

§27-1403. Discontinuance.

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

A. *Repairs or Maintenance.* Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any public official charged with protecting the safety of the public.

B. *Damage or Destruction.*

(1) Except for single-family dwellings located in any zoning district, other nonconforming uses located in any zoning district which are damaged or partially destroyed by fire, explosion, or any other cause, or are otherwise damaged to the extent of 50% or more of either their assessed valuation (as determined from the assessment rolls effective at the time of damage or destruction) or the bulk of all buildings, structures or other improvement on the lot, shall terminate and the lot shall thereafter be used only for conforming uses.

(2) Single-family dwellings which are nonconforming uses in any zoning district shall be permitted to be reconstructed regardless of the amount of damage or destruction.

(3) In any case, the remains of any building so destroyed, whether conforming or nonconforming, shall be removed from the premises within six calendar months from the date of damage or destruction unless a building permit is issued for the repair or reconstruction of the structure.

C. *Change of Use.*

(1) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:

(a) The new use will more closely correspond to the uses permitted in the district.

(b) The changed use will be in keeping with the character of the neighborhood in which it is located.

(c) The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of for obtaining a variance.

(2) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements for the use and shall be subject to the area, bulk and other applicable regulations for such use in the district where such use is authorized.

(3) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

D. *Nonconforming Structures Other Than Signs.* These regulations shall apply to all nonconforming structures as defined by this Chapter in all zoning districts.

E. *Structural Alteration.* No such structure may be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.

F. *Damage or Destruction.* Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within 18 months of the date that the original structure was damaged or destroyed.

G. *Moving.* Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.

H. *Repair or Maintenance.* Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

(Ord. 1174, 1/16/2018, §1403)

§27-1404. Nonconforming Signs.

Continuation of nonconforming signs. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Chapter.

A. *Alteration or Moving.* A nonconforming sign of any type may not be moved to another position or location upon the building, structure or lot on which it is located, nor may the size or area of such nonconforming sign be changed or its structure or construction changed unless such changes are to change the face of the sign.

B. *Damage, Destruction or Replacement.* Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this Chapter. Damage only to the face of a sign shall not be construed to constitute 50% of its market value, and the sign face may be replaced.

C. *Abandonment.* If use of a nonconforming sign is abandoned or interrupted for a continuous period of more than 180 days, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within 14 days from the end of the aforesaid period and the use of such sign shall not be resumed except in accordance with the provisions of this Chapter.

D. *Health, Safety, Welfare.* If any sign or supporting structure subject to the regulation of the provisions of this Chapter constitutes a threat to health, safety or welfare of the area surrounding said sign or has been constructed, installed or maintained in violation of any provision of this Chapter, the Borough Zoning Officer shall give written notice to the person or entity who owns or is maintaining such sign. If the owner or entity maintaining such sign fails to modify the sign so as to comply with the provisions of this Part within 20 days after the date of said written notice from the Zoning Officer, then the Zoning Officer and other Borough officials shall take steps as necessary to promptly have said sign brought into compliance with this Chapter up to and including removal of the sign to comply with this Chapter.

(*Ord. 1174, 1/16/2018, §1404*)

§27-1405. Nonconforming Lots of Record.

1. In any district in which single-family dwellings are a use by right, notwithstanding the regulations imposed by any other provisions of this Chapter, a single-family detached dwelling which complies with the yard, space and bulk requirements of the district in which it is located may be erected on a nonconforming lot adjacent to an improved street. Nothing in the requirements of this Chapter relating to lot area per dwelling unit shall be held to prohibit the erection of a single-dwelling unit upon a lot having less than the required street frontage or the area of which is less than that prescribed as the lot area per dwelling unit, provided that such lot, at the time of the passage of this Chapter, was held under separate ownership from any adjoining lots or provided that, at the time of the passage of this ordinance, a recorded plan of lots or subdivision of property shows such lot to be a separate and distinct numbered lot.

2. In any district in which single-family dwellings are not permitted, a nonconforming lot of record may be used for any use by right in the district in which it is located if land development approval is granted in accordance with the provisions of this Chapter.

(*Ord. 1174, 1/16/2018, §1405*)

§27-1406. Nonconforming Lots in the MSBO and I-1 Districts.

Any lot of record existing at the effective date of this Chapter may be used for erection of a structure proposed to house an authorized use in the zoning district in which it is located without a lot area or lot width variance, even though its lot area and lot width are less than the minimum required by this Chapter, provided all other applicable requirements governing yards, height and lot coverage are met.

(*Ord. 1174, 1/16/2018, §1406*)

§27-1407. Registration of Nonconformity.

In the course of administering and enforcing this Chapter and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Officer may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the property owner.

(*Ord. 1174, 1/16/2018, §1407*)

Part 15**Administration and Enforcement****§27-1501. Applicability.**

1. It shall be unlawful to use or occupy any structure or lot or part thereof until zoning approval has been issued by the Borough. Further, no structure shall be erected, added to or otherwise have any structural alterations made to it until zoning approval has been issued by the Borough. No zoning approval shall be issued until prior approvals and requirements of this Chapter and the Borough's Subdivision and Land Development Ordinance, have been complied with, including but not limited to conditional use, use by special exception and recording of the final plat of a subdivision or land development. Any zoning approval issued in conflict with the provisions of this Chapter shall be null and void.

2. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this Chapter. Any change in use category shall require the requisite approval as set forth in this Chapter, Zoning District Regulations and the Table of Authorized Uses.

(Ord. 1174, 1/16/2018, §1501)

§27-1502. Repairs and Maintenance.

Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by themselves be regulated by this Chapter.

(Ord. 1174, 1/16/2018, §1502)

§27-1503. Authorization of Types of Uses.

1. *Permitted by Right Uses.* The Zoning Officer shall issue a permit under this Chapter in response to an application for a use that is permitted by right if it meets all of the requirements of this Chapter.

2. *Special Exception Use or Application Requiring a Variance.* A permit under this Chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

3. *Conditional Use.* A permit under this Chapter for a use requiring conditional use approval shall be issued by the Zoning Officer only after the Borough Council grants conditional use approval.

(Ord. 1174, 1/16/2018, §1503)

§27-1504. Permits Required.

A zoning permit for use and occupancy shall be required prior to use or occupancy of any structure or lot or part thereof throughout the Borough. A permit shall be applied for on forms supplied by the Borough and submitted to the Zoning Officer.

(Ord. 1174, 1/16/2018, §1504)

§27-1505. Enforcement.

If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

B. The enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Borough intends to take action.

(2) The location of the property 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 Chapter.

(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 Borough Zoning Hearing Board within 30 days of the mailing date of the notice in accordance with procedures set forth in this Chapter. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, and upon being found liable therefore in a civil enforcement proceeding, shall pay a fine of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough, or alternatively sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed 90 days.

(Ord. 1174, 1/16/2018, §1505)

§27-1506. Causes of Action.

1. *Action or Proceeding.* In case any building, structure, landscaping, sign or land is or is proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the 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 effected 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, sign 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 Borough, by certified mail, at least 30 days prior to the time the action is to begin by serving a copy of the complaint on the Borough Council. No such action may be maintained unless such notice has been given.

2. *Jurisdiction.* Magisterial district judges shall have initial jurisdiction over proceedings brought under this Part.

(Ord. 1174, 1/16/2018, §1506)

§27-1507. Enforcement Remedies; Violations and Penalties.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a fine of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough as a

result thereof, or alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed 90 days. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge; 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 Chapter shall be paid to the Borough.

2. The Court of Common Pleas of Allegheny County, upon petition, may grant an order or stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

(Ord. 1174, 1/16/2018, §1507)

§27-1508. Amendments.

The regulations and provisions of this Chapter may be amended from time to time, upon recommendation of the Planning Commission or the Borough Council, or by application of an effected party.

A. *Enactment of Amendments.* Zoning amendments procedures shall adhere to the requirements of § 609 of the MPC, 53 P.S. § 10609.

B. *Public Hearing.* The Borough Council shall hold a public hearing on a proposed amendment pursuant to public notice before voting on enactment of an amendment. The Borough Council shall by motion adopted at a public meeting, fix the time and place of a public hearing on the proposed amendment and cause public notice to be given. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

C. *Planning Commission Review.* In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on the proposed amendment for recommendations.

D. *County Planning Review.* The recommendation of the County planning agency shall be made to the Borough Council within 45 days and the proposed action shall not be taken until such recommendation is made. If, however, the County fails to act within 45 days, the Borough Council shall proceed without its recommendation.

(Ord. 1174, 1/16/2018, §1508)

§27-1509. Zoning Officer.

1. *Appointment.* The Zoning Officer(s) shall be appointed by the Borough Council pursuant to qualifications that may be established by Council. The Zoning Officer shall not hold any elective office within the Borough.

2. *Duties and Powers.* The Zoning Officer's duties and powers shall include the following:

A. Administer this Chapter in accordance with its literal terms, including to receive and examine all applications required under the terms of this Chapter, and issue or refuse permits within the provisions of this Chapter;

B. Conduct inspections to determine compliance, and receive complaints of violation of this Chapter;

C. Keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;

D. Review proposed subdivisions and land developments for compliance with this Chapter;

E. Take enforcement actions as provided by the Pennsylvania MPC;

F. Maintain available records concerning nonconformities, provided that the Borough is not required to document every nonconformity; and

G. Serve such other functions as are provided in this Chapter.

(*Ord. 1174, 1/16/2018, §1509*)

Part 16**Zoning Hearing Board****§27-1601. Membership.**

1. *Appointment.* The membership of the Zoning Hearing Board shall consist of three residents of the Borough appointed by motion of the Borough Council. Their terms of office shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the municipality nor shall any member be an employee of the municipality.

2. *Alternate Members.* The Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. Alternates shall hold no other elective or appointive office in the Borough including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Borough. Any alternate may participate in proceedings or discussions of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member pursuant to the following process:

A. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the board to sit on the Board as may be needed to provide a quorum.

B. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case.

C. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

3. *Vacancies.* Appointments to fill vacancies on the Board shall be for the duration of the unexpired portion of the term only.

4. *Removal of Members.* Any member of the Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Council. No vote shall take place until such time as the member has received a 15-day 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.

5. *Compensation.* Members of the Board shall not receive compensation for the performance of their duties.

(Ord. 1174, 1/16/2018, §2002)

§27-1602. Organization.

1. *Conduct of the Board.* The Zoning Hearing 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. The Board may appoint a hearing officer from its own membership to conduct the hearing on its behalf, and the parties may waive further action by the Board and accept the decision or findings of the hearing officer as final, as provided in Section 908 of the MPC, 53 P.S. § 10908.

2. *Establishment of Procedure.* The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and the laws of the Commonwealth. The Board shall maintain full public records of its business. (Ord. 1174, 1/16/2018, §2003)

§27-1603. Expenditures; Fees.

1. *Expenditures.* Within the limits of funds appropriated by the Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

2. *Fees.* An applicant before the Zoning Hearing Board shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of the Council. (Ord. 1174, 1/16/2018, §2004)

§27-1604. Powers and Functions.

The Zoning Hearing Board shall function in strict accordance with and pursuant to the MPC and shall have the following powers:

1. *Appeals from the Zoning Officer.* The Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map of the Borough or any valid rule or regulation covering the duties of the Zoning Officer.

2. *Special Exceptions.* The Board shall hear and decide requests for special exceptions authorized by this Chapter in accordance with the standards and criteria set forth in this Section and Part 19 of this Chapter. The Board may attach such reasonable conditions and safeguards as it may deem necessary.

3. *Variances.* The Board shall hear requests for variances where it is alleged that the provisions of this Chapter create unnecessary hardship on an applicant when applied to a tract of land. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary.

4. *Validity of the Zoning Ordinance.* The Board shall hear and make findings on challenges to the validity of any provision of this Chapter with respect to substantive questions.

5. *Jurisdiction.* Jurisdiction in the matters as granted by section 909.1 of the MPC, 53 P.S. §10909.1.

(Ord. 1174, 1/16/2018, §2005)

§27-1605. Hearing Procedures.

1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

2. Filing appeals and requests to the Zoning Hearing Board. Requests for hearings before the Zoning Hearing Board shall be made as follows:

A. *Filing.* An appeal to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the Borough or any person aggrieved. Such appeal shall be taken within the time as stipulated by the MPC and the rules of the Board, by filing

with the Zoning Officer a notice of appeal specifying the grounds thereof. The appropriate fee, established by Resolution of the Borough, shall be paid in advance for each appeal or application. Requests for a variance and special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

B. *Notice.* Public notice shall be given pursuant to this Chapter and written notice shall be given to the applicant, zoning officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

C. *Timing.* A hearing shall be held within 60 days from the official application date requesting a hearing unless the applicant has agreed to an extension of time. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, when no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

D. *Parties to the Hearing.* The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

E. *Powers of the Chairperson.* The Chairperson, Acting Chairperson, or hearing officer, presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. *Rights of the Parties.* The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence and to argue and cross-examine adverse witnesses on all relevant issues.

G. *Exclusion of Evidence.* Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded by the Board.

H. *Record of the Proceedings.* A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board. Any party requesting the original transcript or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.

I. *Communications.* Once a formal application has been duly filed, the Board shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Further, the Board shall not take notice of any communication unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

(Ord. 1174, 1/16/2018, §2006)

§27-1606. Decisions.

The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within 45 days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.

A. Conclusions based on any provisions of any act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the Hearing Officer. Except for challenges filed under section 916.1 of the MPC, 53 P.S. §10916.1 where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Section 1105(B) of this Article. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

B. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 1174, 1/16/2018, §2007)

§27-1607. Standards for Review of Variance Requests.

1. *Required Findings.* The Zoning Hearing Board may grant a variance to the provisions of this Chapter, provided that the findings prescribed in Section 910.2 of the MPC 53 P.S. §10910.2. are made where relevant in a given case.

2. *Conditions.* In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

(Ord. 1174, 1/16/2018, §2008)

§27-1608. Standards for Review of Special Exception Requests.

The Zoning Hearing Board shall hear and decide all requests for special exceptions, as identified within §27-2101 of this Chapter.

(Ord. 1174, 1/16/2018, §2009)

§27-1609. Appeals to Court.

The provisions for appeals to court that are stated in the Pennsylvania MPC, as amended, shall apply.

(Ord. 1174, 1/16/2018, §2010)

Part 17**Fees****§27-1700. Fees.**

1. In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Borough Council of Glassport shall establish reasonable fees with respect to the administration of this Chapter, including but not limited to zoning permits, appeals, variances, special exceptions, conditional uses, amendments, bonds, and other matters pertaining to this Chapter. Such fee schedule shall be adopted by resolution of the Borough Council, and may be amended, from time to time and shall be posted in the Borough Office.

2. Such fees shall be payable to the Borough, and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete, and no action shall be taken on the applications.

3. Any fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

(Ord. 1174, 1/16/2018, §1700)

Part 18**Inspection by the Zoning Officer****§27-1800. Inspections Required.**

1. It shall be the duty of the Zoning Officer, Building Permit Officer, or other qualified individual authorized by the Borough Council, to make the following minimum number of inspections of property for which a permit has been issued.

2. *Beginning of Construction.* A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

3. *Completion of Construction.* A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Chapter. (Ord. 1174, 1/16/2018, §1800)

Part 19**Permits****§27-1901. Zoning Permit.**

1. *Requirement to Obtain a Permit.* It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefor. No such zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure. A zoning permit shall be required prior to any of the following actions:

- A. The erection, addition, or alteration of any building or portion thereof;
- B. The erection, addition, or alteration of a sign;
- C. The use or change of use of a building or land; or
- D. The change or extension of a nonconforming use.

2. *Application for Permits.* All applications for a permit shall be made to the Zoning Officer and shall conform to the following requirements. A copy of all permit application materials shall be returned to the applicant when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become public record after a permit is issued or denied.

- A. Name, address and telephone number of applicant.
- B. A note indicating what zoning district(s) the property is located in.
- C. Scaled drawings indicating:
 - (1) The actual shape and dimensions of the lot to be built upon.
 - (2) The exact size and location of any buildings existing on the lot.
 - (3) The required building setback lines, per applicable section of the Zoning Ordinance.
 - (4) The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown.
 - (5) The existence and intended use of each building or part of a building.
 - (6) The number of dwelling units the building is designed to accommodate.

D. Name of the person, firm, corporation, or associations erecting building, structure or use, if different from the applicant.

E. Written consent of the owner of the building, structure, or land to or on which the building, structure or use is to be located.

F. Other information as required by the Zoning Officer to demonstrate full compliance with this and all other codes and ordinances of the Borough of Glassport.

G. All applicable permits fees, as established by resolution by the Glassport Borough Council, shall be paid.

3. *Issuance of Permits.* No permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, addition, alteration, sign, or other design feature complies with all the applicable provisions of this Chapter, as well as the provisions of all other applicable ordinances. A zoning permit issued in error shall become null and void.

4. *Time Frame for Zoning Officer Action.* The Zoning Officer shall act upon a request within 30 days following the submission of a complete application.

5. *Permit Validity.* Unless construction shall have been commenced within one year of the permit issuance date, any permit issued hereunder shall become void 12 months after said issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.

(*Ord. 1174, 1/16/2018, §1901*)

Part 20**Conditional Uses****§27-2001. Conditional Use Applications.**

1. Where provided for in this Chapter, the Borough Council shall hear and decide requests for conditional uses in accordance with stated standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter. The Board may grant approval of a conditional use provided that the applicant complies with the following standards for conditional uses as set forth in applicable sections of this Chapter, and that the proposed conditional use shall not be detrimental to the health, safety, or welfare of the neighborhood.

2. The applicant shall submit eight copies of a site plan, containing the required information, as part of the application for conditional use. Said site plans shall remain with the Borough Council and in the Borough's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.

(Ord. 1174, 1/16/2018, §2001)

§27-2002. Hearings on Conditional Use Applications.

The Borough Council shall conduct hearings and make decisions on conditional use applications in accordance with the following:

A. The Borough Council shall conduct hearings and make decisions in regard to applications for conditional use in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. Public notice shall be given of such hearing. In addition, notice shall be given to the applicant, the land owner, all owners of adjacent property, the zoning officer, such other persons as the Borough Council shall designate, and any person who has made timely requests for the same. Such notices shall be in writing and shall be given not more than 30 days nor less than seven days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

B. The Borough Council may establish reasonable fees for the holding of such hearing. Fees may include compensation for the secretary, the cost of advertising and giving notice, and other necessary administrative overhead connected with the hearing. The cost shall not include legal expenses in regard to the hearing, or expenses for engineering, architectural, or other technical consultants or expert witness costs.

C. The hearing shall be scheduled within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. The parties to the hearing shall be the applicant, Zoning Officer, any person affected by the application who has made timely appearance of record before the Borough Council, and any other person, including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have the power to require that all persons who wish to be considered parties enter appearances in writing.

E. The chairperson or acting chairperson of the Borough Council shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses

and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross examine adverse witnesses on all relevant issues.

G. Formal rules of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Borough Council shall consider any and all recommendations from the Planning Commission on the conditional use application.

I. The Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by them, or it shall be paid by the person appealing from the decision of the Borough Council if such an appeal is made. In either event, the cost of additional copies shall be paid by the person or persons requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

(*Ord. 1174, 1/16/2018, §2002*)

§27-2003. Decisions on Conditional Use Applications.

1. The Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. When the Borough Council fails to render a decision within the period required by this section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

2. When a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Borough Council shall fail to provide such notice, the applicant may do so.

3. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Borough Council not later than the last day of the hearing, the Borough Council shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

4. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(*Ord. 1174, 1/16/2018, §2003*)

Part 21**Special Exceptions****§27-2101. Requirements for Special Exceptions**

1. Where the Borough Council of Glassport, in the Glassport Borough Zoning Ordinance have stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Glassport Borough Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.

2. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer.

3. The Zoning Officer shall concurrently refer the matter to the Glassport Borough Planning Commission for a report thereon as specified in this Section.

4. Application requirements shall be as follows:

A. The submittal of an application for a hearing before the Zoning Hearing Board,

B. A plan drawing including the following:

(1) Name, address and telephone number of applicant.

(2) A note indicating what Zoning District(s) the property is located in.

(3) Scaled drawings indicating:

(a) The actual shape and dimensions of the lot to be built upon.

(b) The exact size and location of any buildings existing on the lot.

(c) The required building setback lines, per applicable section of this

Chapter.

(d) The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown.

(e) The existence and intended use of each building or part of a building.

(f) The number of dwelling units the building is designed to accommodate.

(4) Name of the person, firm, corporation, or associations erecting building, structure or use, if different from the applicant.

(5) Written consent of the owner of the building, structure, or land to or on which the building, structure or use is to be located.

(6) Other information as required by the Zoning Officer to demonstrate full compliance with this and all other codes and ordinances of the Borough of Glassport.

(7) All applicable permits fees, as established by resolution by the Glassport Borough Council, shall be paid.

5. The application shall provide information sufficient to evaluate conformance with the standards specified in the pertinent section of this Chapter.

6. In granting a special exception, the Board may attach such reasonable conditions and safeguards in additions to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code, this Chapter and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public. In considering special exceptions, the Board shall utilize the following procedures:

A. The Board's decisions to approve or deny an application for a special exception use shall be made only after public notices and Zoning Hearing Board hearing as set forth in this Chapter.

B. The Board shall consider any and all recommendations from the Planning Commission on the special exception application.
(*Ord. 1174, 1/16/2018, §2101*)

Part 22**Zoning Hearing Board Hearings****§27-2201. Hearings on Zoning Hearing Board Applications.**

1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

2. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. Written notice shall be given to the public, the applicant, the landowner, the Zoning Officer, all immediately adjacent property owners, and any other person who has made a written request for the same within 15 days of the scheduled hearing. Notices shall be given at such time and in such manner prescribed by adopted rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said shall be conspicuously posted at least one week prior to a scheduled hearing date. Such sign(s) shall be at least six square feet in area and shall bear on its face, at a minimum, the name of the hearing body and a phone number to contact the Zoning Officer to gain additional information.

3. The Borough Council may establish reasonable fees for the holding of such hearings. Fees may include compensation for the secretary and members of the Zoning Hearing Board, notices and advertising costs, and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.

4. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

5. The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing officer, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.

6. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

7. The chairperson or acting chairperson of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

8. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues.

9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

10. Unless otherwise required by this Chapter or Act 247 of 1968, as amended, the Borough shall have the responsibility of presenting its evidence first.

11. The Board shall consider any and all recommendations from the Planning Commission on a variance or special exception application.

12. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

(*Ord. 1174, 1/16/2018, §2201*)

§27-2202. Decisions on Zoning Hearing Board Applications.

1. The Board or the hearing officer, as the case may be, shall render written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

2. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within 45 days. The parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer.

3. Where the Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in this section. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

4. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(*Ord. 1174, 1/16/2018, §2202*)

§27-2203. Parties Appellant before the Zoning Hearing Board.

Appeals under Section 909.1(a)(1), (2), (3), (4), (7), and (9) of Act 247 of 1968, as amended, may be filed with the Board in writing by the landowner affected, any officer or agencies of the Borough, or any person aggrieved. Requests for a variance under Section 910.2 of Act 247 of 1968, as amended, and for special exception under Section 912.1 of Act 247 of 1968, as

amended, may be filed with the Board by any landowner or any tenants with the permission of such landowner.

(*Ord. 1174, 1/16/2018, §2203*)

§27-2204. Time Limitations.

1. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he or she failed to receive adequate notice of such approval. If such person has succeeded to his or her interest after such approval, adequate notice to his or her predecessor in interest shall be deemed adequate notice to him or her. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

3. Unless otherwise specified by the Zoning Hearing Board or by law, a variance and/or special exception shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one year from the date of authorization thereof by the Zoning Hearing Board or by the court. Unless otherwise specified by the Zoning Hearing Board or by law, a variance and/or special exception shall expire within two years from the date of authorization thereof by the Borough Council or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said variance and/or special exception approval.

4. Unless otherwise specified by the Borough Council or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one year from the date of authorization thereof by the Borough Council or by the court. Unless otherwise specified by the Borough Council or by law, a conditional use shall expire within two years from the date of authorization thereof by the Borough Council or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said conditional use approval. Under either of the above circumstances, or for any good and reasonable cause, the Borough Council may extend the approval of a conditional use for an additional period of up to one year upon the written request of the applicant.

5. Unless otherwise specified by the Zoning Officer or by law, an approved zoning permit shall become void one year from the date of issuance unless construction work has commenced or the change in use has been accomplished.

(*Ord. 1174, 1/16/2018, §2204*)

§27-2205. Stay of Proceedings.

Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than

by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition to court having jurisdiction of zoning appeals to order such person to post bond as condition to continuing the proceedings before the Board in accordance with Section 915.1 of Act 247 of 1968, as amended.

(Ord. 1174, 1/16/2018, §2205)

Part 23**Variances****§27-2300. Variances.**

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflicts unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape; exceptional topography; or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provision of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

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 property is located, will not substantially or permanently impair the appropriate use of development of adjacent property, and will not be detrimental to the public welfare.

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. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and the Zoning Ordinance of the Borough of Glassport.

(*Ord. 1174, 1/16/2018, §2300*)

§27-2301. Appeals and Applications.

An appeal, or application for an amendment, special exception, conditional use, or variance, from the terms of this Chapter, shall be filed with the Zoning Officer and shall contain the following information:

A. Name, address and telephone number of the applicant.

B. Name, address and telephone number of the property owner(s) of the parcel(s) covered by the application.

C. A brief description and location of the parcel(s) covered by the application.

D. A statement of the present zoning classification of the parcel(s) covered by the application, the improvements thereon, and the present use thereof.

E. The Section of this Chapter under which the appeal or application requested may be allowed and reasons way it should be granted; or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.

F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.

G. Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part.

H. The applicant shall submit ten copies of a site plan, containing the required information, as part of an application for a variance or special exception. Said site plans shall remain with the Zoning Officer and in the Borough's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.

(Ord. 1174, 1/16/2018, §2301)

Zoning

Part 24

Reserved

Zoning

Part 25

Reserved

Part 26**Landowner Curative Amendments****§27-2600. Submission of Curative Amendment.**

Any landowner who wishes to challenge, on substantive grounds, the validity of this Chapter or Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may prepare and submit a curative amendment to Borough Council, in the form he proposes it to be adopted, together with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. Borough Council shall commence a public hearing, pursuant to public notice, on the matter within 60 days of the request.

(Ord. 1174, 1/16/2018, Art. 2600)

§27-2601. Referral to Planning Commission.

The curative amendment and challenge shall be referred to the Borough Planning Commission and County planning agency at least 30 days prior to the public hearing for review and comment.

(Ord. 1174, 1/16/2018, §2601)

§27-2602. Public Hearing by Borough Council.

1. Borough Council shall conduct the hearing in accordance with the procedure stipulated in Section 908 of the Pennsylvania Municipalities Planning Code and all references therein to the Zoning Hearing Board shall, for the purposes of this Subsection, be to Borough Council, provided, however, that the deemed approval provisions of Section 908 shall not apply and the provisions of Section 916.1 of the Pennsylvania Municipalities Planning Code shall control.

2. If Borough Council determines that a validity challenge has merit, Borough Council may accept the landowner's curative amendment, with or without revisions, or may adopt an alternative amendment which will cure the alleged defects.

(Ord. 1174, 1/16/2018, Art. 2602)

§27-2603. Declaration of Invalidity by the Court.

If the Borough does not accept a landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

(Ord. 1174, 1/16/2018, Art. 2603)

§27-2604. Evaluation of Merits of Curative Amendment.

If Borough Council determines that a validity challenge has merit, Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, 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 this Chapter or Map;
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 5. The impact of the proposal on the preservation of agriculture and other land which are essential to public health and welfare.
- (*Ord. 1174, 1/16/2018, Art. 2604*)

Part 27**Supplemental Regulations****§27-2700. Application of Supplemental Regulations.**

The following supplemental regulations shall apply except where a specific requirement for a conditional use conflicts with these regulations, the conditional use requirement shall apply.

(Ord. 1174, 1/16/2018, Art. 2700)

§27-2701. Lighting Requirements.

Lighting for all uses in the Borough shall meet the following requirements in §§27-2702 and 27-2703.

(Ord. 1174, 1/16/2018, §2701)

§27-2702. Nonresidential Use Lighting Standards.

All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, sidewalks, pathways, and loading spaces shall be sufficiently illuminated so as to provide safe movements on site.

A. Illumination shall be by sharp cut-off fixtures with flush-mounted lens cap, with the following exceptions.

(1) Decorative street-lighting along private streets (not including parking lot areas) are exempt from this requirement. However, streetlight poles for decorative street-lighting shall not exceed 25 feet in height, measured from finished grade to the top of the fixture.

(2) Decorative lighting along pedestrian walkways in front of buildings and in pedestrian plazas is exempt from this requirement. However, light poles for the decorative lighting shall not exceed 15 feet in height, measured from finished grade to the top of the fixture.

B. Fixtures (including those mounted on a building or other structure) shall be mounted parallel to the ground surface, with the following exceptions.

(1) Decorative street-lighting along private streets, decorative lighting along pedestrian walkways in front of buildings, and decorative lighting in pedestrian plazas are exempt from this requirement.

(2) Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement.

C. Pole height shall be a maximum of 24 feet.

D. Illumination shall not exceed one footcandle at all property boundaries. The one-footcandle illumination shall be measured horizontally on the ground surface and vertically at a five-foot height at the property lines.

E. All site lighting including architectural, landscape, and canopy lighting shall be from a concealed source that is not visible from the property boundaries or public street right-of-way. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.

(Ord. 1174, 1/16/2018, §2702)

§27-2703. Residential Use Lighting Standards.

1. For all residential uses that require parking lots that contain more than ten parking spaces the proposed development shall comply with the requirements of the nonresidential use lighting standards above.

2. All other proposed lighting in residential districts shall be oriented so as not to interfere with adjacent properties. Decorative street lights constructed in conjunction with a proposed residential development shall be designed to minimize impact to existing developments or properties.

(Ord. 1174, 1/16/2018, §2703)

§27-2704. Fences and Walls.

1. No fence or wall shall be erected, replaced, or altered unless an application has been made, and a permit issued by, the Zoning Officer.

2. Fences may be permitted on lots with no principal use subject to the requirements of this section.

3. Fence location. No fence exceeding four feet in height shall be allowed within the minimum required front building line area of the zoning district in which the fence is located.

4. Fences and all supporting structures must be entirely on the property of the party erecting the fence and shall not encroach upon a public right-of-way.

5. Fence heights.

A. The height of all fences or walls shall be measured from the finished grade to the top of the fence.

B. Unless otherwise stated, no fence or wall shall exceed six feet in height.

C. A fence of no more than ten feet in height shall be allowed to enclose private or public recreation facilities provided that the fence is not more than 60% solid.

6. Fences or walls in nonresidential districts abutting residential districts shall not exceed six feet in height.

7. All fences and walls shall be maintained and, when necessary, repaired, removed or replaced.

8. *Street Intersections.* No fence shall be installed that obstructs sight distance at street intersections or interferes with the required clear sight triangle.

9. *Fences Enclosing Community, Club or Commercial Swimming Pools.*

A. The swimming pool and bathing area shall be completely enclosed by a wall or fence with self-latching gate not less than six feet and not more than eight feet in height which shall be landscaped on the exterior perimeter with grass, hardy shrubs and trees and maintained in good condition.

10. *Fences Enclosing Swimming Pools Accessory to Private Residences.*

A. All swimming pools except above ground swimming pools shall be enclosed by a wall or fence with self-latching gate not less than five feet in height and not more than six feet in height. Privacy fences (less than 50% see-through) may enclose swimming pools.

B. Above ground swimming pools, the top of which is at least four feet above the adjacent ground level on the entire perimeter and which have removable or retractable steps, shall not be required to be fenced, if the steps are removed or retracted when the pool is not in use. All other swimming pools (as defined by this Chapter) shall be fenced in accordance with the requirements for fencing swimming pools.

11. *Fences on Single-family Lots (Other than Swimming Pool Enclosures).*

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

B. Fences, including privacy fences, which are not in excess of six feet in height may be constructed in the rear and side yards.

C. For corner lots, the regulations for front yards shall apply to the yards facing public streets.

12. *Fences in Multi-Family Developments.*

A. Fences which are at least 50% see-through and which are not in excess of six feet in height may be constructed in the rear and side yards.

B. Privacy fences (less than 50% see-through) which are not in excess of six feet in height may be constructed in the rear and side yards.

13. *Fences in Commercial and Industrial Districts.*

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

B. Gates or other appropriate entries at least 12 feet in width shall be provided, where necessary, to provide vehicular access for trucks.

C. Screening fences which are solid (less than 10% see-through) and which are not less than six feet in height and not more than eight feet in height shall be provided to completely enclose all outside storage areas and to provide a visual screen for dumpsters, air-conditioning units and other mechanical equipment so that they cannot be seen from the public street or adjoining properties by a person standing on ground level.

(Ord. 1174, 1/16/2018, §2704)

§27-2705. Floodplains.

All development and use of land and structures in floodplain districts shall comply with the most recently adopted floodplain management ordinance of the Borough as may be amended from time to time.

(Ord. 1174, 1/16/2018, §2705)

§27-2706. Performance Standards.

1. *Noise.* The ambient noise level of any operation, other than those exempted below, shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this Chapter, ambient noise level is the average decibel level recorded during observations taken in accordance with industry standards for measurement and taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.

A. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

(1) *Residential Districts.* At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA.

(2) *Nonresidential Districts.* At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA.

(3) Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.

B. The following uses or activities shall be exempted from the noise regulations:

(1) Customary and usual farming activities in all zoning classifications.

(2) Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.

(3) Noises caused by safety signals, warning devices and other emergency-related activities or uses.

(4) Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.

(5) Normal utility and public works activities between the hours of 7:00 a.m. and 9:00 p.m., and emergency operations at any time.

C. In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable county, state and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

2. *Vibrations.* Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any district shall be prohibited. The prohibition on vibrations shall also be subject to any other separate ordinance adopted by the Borough.

3. *Glare.* There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any district.

4. *Fire Hazards.* Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

5. *Radioactivity or Electrical Disturbance.* No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

6. *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

7. *Air Pollution.* No pollution by 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 excessive soiling. Ultimately, air pollution may be acceptable provided that the use complies with all regulations or requirements of the DEP, EPA and all other regulatory agencies.

8. *Determination of Compliance with Performance Standards.* During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or

inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

9. *Performance Standards, Industrial District.* The following regulations shall be observed in Industrial Districts and for all other uses which specifically reference this Section.

A. *Fire and Explosive Hazards.* All activities and all storage of flammable and explosive material at any point, shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the Laws of the Commonwealth of Pennsylvania.

B. *Radioactivity or Electrical Disturbances.* There shall be no activities which emit radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.

C. *Smoke.* There shall be no emission at any point from chimney or otherwise for longer than five minutes in any hour of visible gray or visible smoke of any other color with a shade darker than No. 3 on the Standard Ringlemann Chart as issued by the U.S. Bureau of Mines.

D. *Smoke, Ash, Dust, Fume, Vapor, Gases and Other Forms of Air Pollution.* There shall be no emission at any point from any chimney or otherwise, which can cause any damage to health, to animals or vegetation or other forms of property; or which cause any excessive soiling at any point.

E. *Liquid and Soil Wastes.* There shall be no discharge at any point, into any private sewerage system, or stream or into the ground of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials, except in accord with the standards of the Pennsylvania Department of Environmental Protection (DEP) and the Borough Council.

F. *Noise and Vibration.* There shall be no vibration or noise level at the property line greater than the average noise level occurring on adjacent streets.

G. *Glare.*

(1) No direct or sky-reflected glare, whether from floodlights or from high temperature processes shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. For purposes of interpreting this Subsection, glare shall be defined as direct or indirect light from any source which exceeds one-half foot candle on any adjoining property.

(2) In all zoning districts, all lighting devices located within 100 feet of a property line adjoining residential use or zoning classification shall be designed with shields, reflectors or refractor panels which direct and cut off the light at a cutoff angle which is less than 90°. Cutoff angle is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

H. *Odor.* There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets or adjacent lots.

I. *Operation.* All primary operations shall be conducted entirely within closed buildings.

(Ord. 1174, 1/16/2018, §2706)

§27-2707. Temporary Construction Trailers.

Temporary construction trailers or offices shall be permitted in any zoning district subject to the following conditions:

A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit.

B. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction.

C. Temporary construction trailers shall be located on the lot on which the construction is progressing unless an alternative location is approved by the Zoning Officer based on circumstances that make it impractical to locate on the lot on which construction is occurring. In any case the temporary trailers shall not be located within 25 feet of any property line adjoining residential use.

D. Temporary construction trailers 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, whatsoever.

E. No combustible materials shall be stored in temporary construction trailers.

(*Ord. 1174, 1/16/2018, §2707*)

§27-2708. Outdoor Storage.

1. In zoning districts where commercial activity is permitted, except for nurseries, garden supply, building supply, custom crafting 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 nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by an opaque fence or dense, compact evergreen hedge which is at least six feet in height.

2. In any other district, any material or equipment stored outside an enclosed building, except for the purposes identified above, 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 storage area from public view from the street. Buffering as identified in the buffer yard requirements of this Chapter, may be required to screen material or equipment stored outside.

3. All organic rubbish and discarded materials shall be contained in tight, vermin-proof dumpsters which shall be screened from public view by an opaque fence, masonry wall or dense, compact evergreen hedge which is at least six feet in height. Containers shall not be permitted in the front yard.

(*Ord. 1174, 1/16/2018, §2708*)

§27-2709. Utilities.

All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

(*Ord. 1174, 1/16/2018, §2709*)

§27-2710. Exterior Finishes.

The exterior finish of the building, whether finished face brick, wood veneer, siding or any other finished facing materials approved by the Zoning Officer, shall come down the building to within six inches of finished grade. Plain masonry block or poured concrete shall not be

considered a finished product; nor shall either of these construction surfaces be considered as a finished product if painted, unless specified as a specific architectural exterior treatment by a design professional.

(*Ord. 1174, 1/16/2018, §2710*)

§27-2711. Screening of Roof Equipment.

Mechanical equipment designed to be located on the roof of a structure/building must be screened with typical building materials approved by the Zoning Officer. The screen must be designed to complement building designed and conceal this equipment from neighboring property owners and the public on adjacent roadways.

(*Ord. 1174, 1/16/2018, §2711*)

§27-2712. Design Standards for Commercial and Industrial Districts.

1. *Screening.*

A. A planted visual barrier, or landscape screen, shall be provided and maintained by the owner or lessee of a property between any district and contiguous residentially zoned districts, except where natural or physical man-made barriers exist. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens no younger than three years in age, and planted at intervals of not more than ten feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low level screen shall be placed in alternating rows to produce a more effective barrier. All plants not surviving three years after planting must be replaced.

B. Any existing business affected by these regulations at the time of passage of this Chapter, shall not be required to comply with the above screening requirements except in case of enlargement or major alteration of such business. Similarly, for any zoning district boundary change after the passage of this Chapter initiated by a residential developer abutting a commercial or industrially zoned property for which these regulations apply, these screening requirements shall not be imposed upon such commercial or industrial property.

2. *Storage.*

A. Any article of material stored outside an enclosed building shall be incidental to the principal use of the lot and shall be screened in accordance with requirements for screening fences of this Chapter.

B. All organic rubbish or storage material shall be contained in airtight, vermin-proof containers which shall be screened from public view by a screening fence as required by this Chapter.

C. Storage trailers shall be permitted only by special exception granted by the Zoning Hearing Board in accordance with the express standards and criteria specified.

3. *Landscaping.*

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

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

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

5. *Lighting.* All parking areas, driveways and loading areas shall be provided with a lighting system which shall furnish a minimum of 2.0 foot candles at any point during hours of operation, with lighting standards in parking areas being located not farther than 100 feet apart. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

6. *Building Design.* Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one portion of the lot. At least one entranceway shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface. A curbing shall be provided to separate parking areas, streets, and driveways.

(Ord. 1174, 1/16/2018, §2712)

§27-2713. Building Construction in Residential Districts.

Construction of any habitable structure in a residential district shall include a full building foundation, comply with all setbacks, have permanent connection to public utilities and meet all other applicable building code requirements and regulations.

(Ord. 1174, 1/16/2018, §2713)

§27-2714. Procedure for Mobile Home Park Plan Submittal and Approval.

1. *Issuance of Permits.*

A. Upon final approval by the Borough Council of the application for a mobile home park and payment of fees as prescribed, the Borough Building Inspector shall issue a mobile home park permit to the applicant which shall be valid for a period of one year thereafter.

B. Renewal permits for a like period shall be issued by the Borough Building Inspector upon furnishing of proof by the applicant, that the subject mobile home park has maintained the standards prescribed in all applicable Borough ordinances and Commonwealth of Pennsylvania regulations.

2. *Length of Residential Occupancy.* No berth shall be rented for residential use of a mobile home in any such park except for periods of 30 days or more.

(Ord. 1174, 1/16/2018, §2714)

§27-2715. Agricultural Operations.

Agricultural operations, farm dwellings and customary farm buildings shall be permitted subject to the following:

A. No building housing animals shall be constructed closer than 200 feet to any property line.

B. No other farm outbuilding shall be constructed closer than 50 feet to any property line.

- C. All grazing and pasture areas shall be fenced.
 - D. No manure storage shall be permitted closer than 100 feet to any property line.
 - E. No greenhouse heating plant shall be operated within 100 feet of any property line.
 - F. No agricultural use shall be continued if it is conducted in a way which creates a danger to public safety or health of neighboring residents.
 - G. Display and sales of farm products shall be permitted provided that:
 - H. Parking spaces for at least three cars shall be provided behind the street right-of-way line.
 - I. The sale of farm products shall be conducted from a portable stand which shall be removed at the end of the growing season or from a permanent building located at least 100 feet from the street right-of-way line.
 - J. All products sold shall be grown or produced on the property where the products are offered for sale.
 - K. All products grown or produced for sale shall be limited to the products of activities specified within the definition of “Agricultural Uses” of this Chapter.
- (*Ord. 1174, 1/16/2018, §2715*)

