

# PLUM BOROUGH ZONING ORDINANCE

## ORDINANCE No. 916-17

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## **Article I: General Provisions**

### **Section 101: Title**

- A. The official title of the Ordinance is the "Plum Borough Zoning Ordinance."

### **Section 102: Statutory Authority**

- A. This Ordinance is adopted by virtue of the authority granted to Plum Borough (Borough) by the Commonwealth in the Pennsylvania Municipalities Planning Code (MPC).

### **Section 103: Interpretation**

- A. In the event of conflicts between the provision of this Ordinance and any other Ordinance or regulation, the more restrictive provisions shall apply. In the interpretation and application, the provisions of this Ordinance 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 Ordinance 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.

### **Section 104: Purpose and Findings**

- A. These regulations are adopted in accordance with the MPC, community development objectives and the Plum Borough Comprehensive Plan. The purpose of this Ordinance is to promote, protect and facilitate any of the following:
1. Public health, safety, morals, and general welfare;
  2. Coordinated and practical community development;
  3. Encourage appropriate redevelopment;
  4. Proper density of population;
  5. The provisions of adequate light and air;
  6. Lessen congestion on streets and roads;
  7. Secure safety from fire, panic, and other dangers;
  8. Prevent the overcrowding of land;
  9. Avoid an undue concentration of population;
  10. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities;
  11. Preservation of natural, scenic and historic properties;

12. Preservation of environmental features, including forest, wetlands, aquifers, prime agricultural land, steep slopes, and floodplains as deemed appropriate; and
13. Emergency management and preparedness.

**Section 105: Community Development Objectives**

- A. The community development objectives are adopted as a statement of legislative findings and may be used in evaluating any proposed additions or deletions to the Borough Zoning Ordinance.
- B. The general objective for the management of growth in the Borough is to provide a pleasant, attractive, healthy, safe, and convenient environment for residential, commercial, industrial, educational, and recreational uses. This objective shall be pursued by the creation and implementation of land use plans to:
  1. Encourage sustainable development and the preservation of the natural environment;
  2. Increase property values, employment opportunities, and the economic base of the community;
  3. Provide for safe, adequate, and attractive housing;
  4. Provide the necessary infrastructure and vehicular and pedestrian transportation arteries;
  5. Provide for recreational and community facilities; and
  6. Provide for ongoing community planning and growth management.
- C. Sustainable development and the preservation of the environment shall be pursued by:
  1. The elimination of visual and physical blight such as overhead utility lines, concentrations of signs of excessive size and proximity, large expanses of unbroken pavement, and dilapidated structures;
  2. The preservation of natural topography and wooded slopes, including the limiting of hillside development beyond a reasonable gradient, and the control of flood plains and water sheds;
  3. The prevention of excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems;
  4. The regulation and control of the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill;
  5. The reclamation of derelict land; and
  6. The acquisition by the Borough of and the promotion of dedication of natural open space and wooded slopes in order to link the existing and proposed park sites and

neighborhoods and to prevent ecological problems resulting from extensive cut and fill necessary to develop wooded slopes.

- D. The increase of property values, employment opportunities and the economic base of the community shall be pursued by:
  - 1. The promotion of balanced economic growth and employment opportunities;
  - 2. The concentration of commercial and industrial uses in the areas where streets and utilities can provide the necessary services and where conflicts with other uses can be minimized through site design and transitional provisions.
- E. The provision of safe, adequate, and attractive housing for the entire population of the community shall be pursued by:
  - 1. The provision of a wide range of housing density alternatives and a mix of housing types, correlating residential density and housing type with topography, environmental conditions, and the capacity of existing and proposed utilities, streets, and community facilities;
  - 2. The removal of dilapidated housing, the rehabilitation of deteriorating housing, the maintenance of sound housing, and the development of new housing;
  - 3. The provision of residential areas with adequate commercial, governmental, recreational, and educational facilities; and
  - 4. The preservation of historical landmarks.
- F. The provision of the necessary infrastructure and transportation arteries shall be pursued by:
  - 1. The extension of water lines, storm and sanitary sewers, and roads and their improvement where economically feasible to guide and promote development;
  - 2. The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein, and
  - 3. Traffic planning and control which will provide safe, rapid, and convenient movement of people and goods within and through the Borough, with a separation of through and local traffic, provision for pedestrians, and minimal disruption of existing and proposed development patterns and community integrity.
- G. The provision of recreational and community facilities shall be pursued by:
  - 1. The creation of outdoor and indoor recreational facilities to accommodate the existing and future population;
  - 2. The promotion of schools and parks in close proximity to decrease duplication of services and to provide the greatest value for public expenditures;
  - 3. The promotion of acquisition or dedication of natural open space for park and recreational purposes as appropriate to meet the needs of Borough residents;

4. The provision of residential areas with adequate commercial, governmental, recreational and educational facilities;
  5. The creation of a municipal district that can provide services and resources for the community; and
  6. The preservation of historical landmarks.
- H. The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:
1. Avoid incompatible land use if possible and protect against the detrimental effect of incompatible land uses through planting, open space, and natural breaks in topography;
  2. Concentrate development where possible to prevent sprawl, conserve open space, and make full use of utilities and services; and
  3. Provide site plan control.
- I. In accordance with the foregoing purposes and objectives, this Ordinance establishes regulations governing the following:
1. The height, number of stories, and size of buildings and other structures;
  2. The percentage of a lot that may be occupied;
  3. The size of yards, courts, and other open spaces;
  4. Population density and intensity of use; and
  5. The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.

**Section 106: General Compliance**

- A. No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except in conformity with this Ordinance 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 the Borough.
- B. 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 Ordinance.
- C. Every principle structure shall have its own water and sewer service.
- D. The requirements of this Ordinance shall apply to all zoning districts, lots, structures, land developments, and subdivisions in the Borough.

**Section 107: Applicability of Regulations to the Borough**

- A. This Ordinance shall apply to existing or proposed uses or structures owned by the Borough.

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## **Article II: Definitions**

### **Section 201: Word Usage**

- A. For the purposes of this Ordinance, the following rules of usage and interpretation shall apply, unless the context indicates otherwise. In the interpretation of this Ordinance, the provisions and rules of this Ordinance shall be observed and applied, except when the context clearly requires otherwise.
1. Words in the present tense include the future.
  2. Words in the singular include the plural, and the plural the singular.
  3. The word "shall" is intended to be mandatory.
  4. The word "lot" shall include the word "plot" or "parcel."
  5. The word "person" includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual.
  6. A building or structure includes any part thereof.
  7. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
  8. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  9. The words "either", "or" indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.
  10. The word "Borough" means the Borough of Plum, Pennsylvania.
  11. The word "County" means the County of Allegheny, Pennsylvania.
  12. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
  13. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.
  14. When a word or phrase is not specifically defined in this Ordinance, 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.

### **Section 202: General Definitions**

When used in this Ordinance, the following words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

**ACCESSORY AGRICULTURAL BUILDINGS** – An accessory structure that is customarily incidental to the permitted agricultural use or principal building, including not limited to,

livestock barns, grain silos, and tool sheds. Also see 'Stable, Private' and 'Stable, Commercial.'

**ACCESSORY DWELLING UNIT** – A separate and accessory living space that is attached to the primary dwelling. Attached accessory dwelling units typically include living, sleeping, kitchen, and bathroom facilities that are accessed from a lockable entrance door.

**ACCESSORY EQUIPMENT** - Any equipment serving or being used in conjunction with a Wireless Communications Facility or Wireless Support Structure, including but 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 structure the use of which is customarily accessory to and incidental to that of the principle structure and which is located on the same lot.

**ACCESSORY USE** – See "Use, Accessory."

**ADAPTIVE REUSE** – Applies to structures not initially designed for permanent residential use and former public, semipublic and other large buildings (including schools, churches, armories, and other civic structures) which lie within a permitted zoning district within the Borough with the express purpose of encouraging the adaptive and flexible reuse of such buildings.

**ADAPTIVE RETAIL USE** – A commercial use permitted in an existing nonresidential structure or existing commercial building (including strip malls, office buildings, and retail facilities) which lie within the Neighborhood Commercial District of the Borough. The purpose of adaptive retail uses is to encourage the continued use and occupancy of such buildings.

**ADJACENT PROPERTY** – Property that is contiguous with the boundaries of any side of the subject property.

**ADULT BUSINESSES** – See "Sexually Oriented Businesses" in this Section of the Ordinance.

**AFTER HOURS CLUB** – A use that permits the consumption of alcoholic beverages by five (5) or more unrelated persons between the hours of 2 a.m. and 6 a.m. and involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

**AGRICULTURAL OPERATIONS** – 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. Also see "Animal Husbandry, Barn, Grain Silo, and Stable" in this Section of the Ordinance.

**AIRPORT** – Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft including all contiguous property that is

held or used for airport purposes. This classification includes airport maintenance facilities and airport terminals.

**AIRPORT CONTROL TOWER** – A tower at an airfield from which air traffic is controlled by radio and observed physically and by radar.

**AIRPORT ELEVATION** – The highest point of an airport's useable landing area measured in feet above sea level.

**AIRPORT HAZARD** – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

**AIRPORT HAZARD AREA** – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

**AISLE** – The portion of the parking lot devoted to providing immediate access to the parking stalls. The recommended aisle width is dependent of the parking angle.

**ALLEY** – A passage of way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

**ALTERATIONS** – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location to another, or any change in use from that of one (1) zoning district classification to another.

**ALTERATIONS, STRUCTURAL** – Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

**AMBIENT NOISE LEVEL** – The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions such as wind greater than three (3) meters per second or precipitation and then adjusting the noise level to eliminate any noise associated with existing developments or facilities.

**AMBULANCE STATION** – An ambulance station is a structure or other area set aside for storage of ambulance vehicles, medical equipment, personal protective equipment, and other medical supplies. Most stations are made up of garage bays or a parking area, normally undercover.

**AMPHITHEATER** – An oval or round structure having tiers of seats rising gradually outward from a central open space or arena. An amphitheater is provided for as principal or accessory use.

**AMUSEMENT ARCADE** – An amusement arcade is provided for as principal or accessory use. If an accessory use, any establishment where two (2) or fewer amusement devices are located. If a principal use, any establishment where three (3) or more amusement devices are located.

**AMUSEMENT DEVICE** – Any mechanical, electrical or electromechanical device, machine or apparatus whatsoever for the playing of games and amusements, which devices or apparatus are commonly known as "pinball machines," "video games" and "jukeboxes," or upon which games are played, or any device on which music is played after the insertion therein of a coin or other disc, slug or token, or for which fees are paid to an attendant.

**AMUSEMENT PARK** – An establishment developed primarily for entertainment purposes and offering rides and exhibitions for a fee.

**ANIMAL CEMETERY** – Any site containing at least one (1) burial, marked or previously marked, dedicated to and used or intended to be used for the permanent burial of animals.

**ANIMAL DAY CARE** – A facility that cares for domestic animals for less than twelve (12) consecutive hours in the absence of the pet owner or a facility that provides training for domestic animals with or without the facility owner receiving compensation for such services. Animal day cares do not include medical or surgical treatment or overnight boarding facilities. See also "Kennel."

**ANIMAL GROOMER** – A retail facility that provides bathing and trimming services for small animals on a commercial basis. Animal groomers do not include medical or surgical treatment or overnight boarding facilities. See also "Kennel."

**ANIMAL HOSPITAL AND VETERINARIAN SERVICES** – An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use or temporary boarding during treatment. Animal hospitals and veterinarians do not include kennel services.

**ANIMAL HUSBANDRY** – The raising and keeping of farm animals for any domestic and/or non-commercial purpose as an accessory to a permitted residential dwelling. The keeping of livestock for commercial purposes or animal production shall be considered an agricultural operation. See also "Agricultural Operations."

**ANIMAL PRODUCTION** – The keeping of animals including breeding, slaughtering, processing, and marketing of the animals. Animal production shall be considered a principal agricultural operation.

**ANSI** – The American National Standards Institute.

**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** – A multi-family dwelling. See "Dwelling Types" in this Section of the Ordinance.

**APPLICANT** – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

**APPLICATION FOR DEVELOPMENT** – Every application, whether preliminary, tentative 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.

**APPROACH SURFACE (ZONE)** – An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 3, is derived from the approach surface.

**APPURTENANCES** – Exterior architectural features that are visible, functional, or ornamental objects attached to a structure or building.

**AQUARIUM / ZOO** – An establishment that maintains a collection of wild animals, typically in a park, garden, or a transparent tank of water for display to the public.

**ARCHITECT** – An architect registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

**ARCHITECTURAL EASEMENT** – An area of a property within a required front yard where a porch or deck can be built so long as it is not intended for occupancy.

**ARCHITECTURAL FOOTPRINT** – The ground floor area of any building, excluding detached residential garages and accessory residential structures, measured from the outside of the exterior walls. The architectural footprint is exclusive of porches, decks, patios, breezeways, and exterior walkways.

**AREA, SITE** – The total area of the lot or lots comprising a site.

**ART GALLERY** – A structure, or part thereof, devoted to the exhibition of visual works of fine art. Art galleries generally include accessory services, such as sale or purchase of displayed works, custom framing or encasement of art works and services related to art appraisal, display, preservation or restoration.

**ARTS & CRAFT STUDIO** – A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

**ASPHALT / CONCRETE PLANT** – A plant where asphalt or concrete is mixed for distribution, typically for use off-site.

**ASSISTED LIVING FACILITY** – See “Care Facilities and Senior Housing” in this Section of the Ordinance.

**AUDITORIUM** – A large building or hall used for public gatherings, typically speeches or stage performances.

**AUTHORITY** – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.”

**AUTOMOBILE DETAILING** – Any building, premises, or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include, but not limited to, any cleaning, buffing, glass replacement, and audio installation or repair. Automobile detail shall not include any service defined as "Automobile Repair."

**AUTOMOBILE GRAVEYARD** – See "Salvage Yard" in this Section of the Ordinance.

**AUTOMOBILE RENTAL** – See "Vehicle Rental" in this Section of the Ordinance.

**AUTOMOBILE REPAIR AND SERVICE** – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles weighting less than 8,500 pounds Gross Vehicle Weight Rating (GVWR). This classification shall not include heavy duty vehicles over 8,500 lbs. GVWR. Related land use classifications include; "Bus or Truck Maintenance Facility, Commercial Motor Vehicle Repair, and Heavy Equipment Repair." See also "Supply Yards" with regards to equipment sales.

**BAKERY, RETAIL** – A place for preparing, baking and selling baked goods and products prepared on the premises.

**BARN** – A principle or accessory structure used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises. See also "Accessory Agriculture Buildings."

**BASEMENT** – That portion of a building which is partly or completely, or having a floor below grade.

**BED & BREAKFAST INN** – An owner-occupied dwelling that contains not more than four (4) guests rooms/sleeping rooms in which lodging, long or short-term, is provided for compensation and in which meals for lodgers may also be provided. This use shall not include group homes.

**BEST MANAGEMENT PRACTICES** – Structural and non-structural environmentally sensitive design approaches to stormwater management as defined with the Pennsylvania Stormwater Best Management Practices Manual.

**BEST MANAGEMENT PRACTICES, OIL AND GAS OPERATIONS** – State of the art mitigation measures applied to oil and natural gas drilling and production to help ensure that energy development is conducted in an environmentally responsible manner.

**BEVERAGE DISTRIBUTOR** – A distributor is any operation which engages in the sale of beverages in beverage containers which are not for consumption on the premise. This land use typically includes the sale of alcoholic beverages in quantities as prescribed by the Pennsylvania Liquor Control Board (LCB). This definition includes any manufacturer who engages in these sales.

**BILLBOARDS** – See the definition provided under "Signs" within this Ordinance.

**BOARD** – Any body granted jurisdiction under a land use ordinance or by the MPC to render final adjudications.

**BOARDING HOUSE** – A building other than a hotel, motel, short-term rental, or bed and breakfast where lodging is provided for compensation.

**BREWERY** – An establishment for brewing large quantities of beer or other malt liquors for wholesale distribution. This land use does not provide for retail sales and/or consumption of alcoholic beverages on the premise. See also “Micro-brewery.”

**BROADCAST AND RELAY TOWERS** – A freestanding support structure, attached antenna, and related equipment intended for transmitting, receiving, or re-transmitting commercial television, radio, telephone, cellular or other telecommunication services.

**BUFFER AREA/BUFFER ZONE** – A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, ground cover, shrubs, bushes, or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required buffer area.

**BUILDING** – A structure used for sheltering any use or occupancy.

**BUILDING CODE** – The Unified Construction Code of Pennsylvania as adopted and periodically amended by Plum Borough.

**BUILDING FAÇADE** – That portion of any exterior elevation on the building extending from finished grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

**BUILDING FRONT** – The wall of the building where the principal entrance is located, usually fronting on a public street.

**BUILDING PERMIT** – A permit for activities regulated by the Uniform Construction Code as adopted by Plum Borough, including construction, alteration, repair, demolition, or an addition to a structure.

**BUILDING, PRINCIPAL** – The building or buildings on a lot in which the principal use or uses are conducted.

**BUS OR TRUCK MAINTENANCE FACILITY** – A building or set of buildings that are designed for the maintenance of buses and trucks. Busses and/or trucks within this category include vehicles that have a GVWR greater than 8,500 pounds and less than 33,000 pounds. Related land use classifications include; “Automobile Repair and Service, Commercial Motor Vehicle Repair, and Heavy Equipment Repair.” See also “Supply Yards” with regards to equipment sales.

**BUS TERMINAL** – A terminal that serves bus passengers.

**CAMPGROUND** – A property, under single ownership, upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

**CAR WASH** – The carwash land use classification includes the related facilities and operations listed below.

**CAR WASH TYPES:**

**CAR WASH, AUTOMATIC** – A structure where chains, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

**CAR WASH, SELF-SERVICE** – A structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices.

**CARE FACILITIES AND SENIOR HOUSING** – An establishment that contains dwelling units, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes based on age and/or resident needs. Each care facility type designated below is provided for separately in the land use chart under “Care Facility Type.”

**CARE FACILITY AND SENIOR HOUSING TYPES:**

**ASSISTED LIVING FACILITY** – Any premises in which food, shelter, assisted living services, assistance or supervision, and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration.

**INDEPENDENT LIVING FACILITY** – Residential dwelling units that restrict the minimum age of residents within the community or residential development. Independent living facilities include, but are not limited to, active adult communities, retirement communities, or 55+ communities composed of non-multi-family dwelling units.

**LIFE CARE COMMUNITY** – A corporation or association or other business entity that, in exchange for the payment of entrance and monthly fees, provides:

1. Residential accommodations meeting the minimum standards for residents set forth by law and ordinances and providing a design to meet the physical, social and psychological needs of older people;
2. Medical and nursing care covering, under ordinary circumstances, the balance of a resident's life;
3. Prepaid medical consultation opportunities through independent professionals selected by the organization or through some equivalent arrangement; or
4. Financial self-sufficiency, not dependent on outside support to any significant degree, with entrance and monthly fees adjusting to meet changing costs.

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



**RETIREMENT HOUSING FACILITY** – A multi-family dwelling facility intended for senior citizens. Typically each person or couple in the home has an apartment-style room or suite of rooms.

**CARPORT** – A detached accessory structure that includes private parking area(s) for the storage of one (1) or more vehicles. A carport may be covered by a roof supported by columns or posts and has no more than two (2) walls. An attached carport is an extension of the principal building and subject to the related building codes and zoning regulations of the permitted principal use. See also “Garage, Private.”

**CARTWAY** – That portion of a street or alley intended for vehicular use.

**CATERING** – A location that prepares food for delivery and consumption at a remote site. Catering operations, when authorized, may sometimes be located in conjunction with an events venue. As a land use classification, catering only includes food preparation.

**CATERING/EVENT VENUE** – A facility that provides a location for a planned occasion or activity such as a wedding, reunion, graduation, or other social gathering. Event halls, when authorized, may sometimes include a catering use.

**CEMETERY** – Any site containing at least one (1) burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries. This land use classification includes mausoleums.

**CERTIFICATE OF OCCUPANCY** – A certificate issued upon completion of the construction of a structure or changes in use of a structure or parcel of land, indicating that the premises comply with the provisions of this Ordinance and the Borough's Building Code.

**CHURCH** – See “Place of Worship” in this Section of the Ordinance.

**CLEAN WOOD** – Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood: coated with paint, stain, oil, resin, or any other preservative, fire retardant, or decorative materials; impregnated with preservatives or fire retardants; exposed to salt water; nor manufactured with the use of adhesives, polymers, or resins, such as strand, particle and veneer lumber and recycled lumber.

**CLEAR SITE TRIANGLE** – A triangular area of unobstructed vision as defined by *PennDot Publication # 70M: Guidelines for the Design of Local Roads and Streets*.

**CLOSED-LOOP SYSTEM** - A system utilized while drilling so that various types of pits are not used, and instead steel bins or closed containers are used to collect all drilling waste.

**CLUBS/LODGES** – Buildings and related facilities owned and operated by an individual or a group of individuals established for fraternal, social, educational, recreational, or civic benefits of members, and not primarily for profit. Access to facilities is typically restricted to members and their guests.

**CLUSTER** – A development design technique used in planned residential development that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COLLEGE/UNIVERSITY** – An institute of higher learning that may offer two (2) or four (4) year programs and / or post-graduate programs.

**CO-LOCATION** – The mounting of one or more WCFs, including Antennas, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

**COMMERCIAL COMMUNICATIONS TOWER** – A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over thirty (30) feet in height that is primarily intended to support one (1) or more antenna. See standards in Article VIII. This term shall not include a "Standard Antenna".

**COMMERCIAL MOTOR VEHICLE REPAIR** – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle. Commercial motor vehicles are those vehicles that have a GVWR in excess of 33,000 pounds and generally require a commercial driver's license to operate. Related land use classifications include; "Automobile Repair and Service, Bus or Truck Maintenance Facility, and Heavy Equipment Repair." See also "Supply Yards" with regards to equipment sales.

**COMMERCIAL RECREATION, INDOOR** – An establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, where the principal use is conducted entirely within a completely enclosed building, or a use associated with a municipally owned property, including, but not limited to such principal uses as health or racquet and/or swim clubs, fitness centers, roller or ice rinks, karate schools, gymnasiums, arenas, sports courts or playing fields, bowling alleys, amusement arcades, virtual reality and simulation gaming parlors, billiard parlors, shooting ranges, dance halls, but not including any adult business.

**COMMERCIAL RECREATION, OUTDOOR** – An establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, where the principal use is outdoors, or a use associated with a municipally owned property, but which may include accessory uses that are indoors, including, but not limited to such principal uses as miniature golf courses, golf or batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks, and similar facilities.

**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 and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**COMMUNICATIONS ANTENNA(S)** - Means any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity required to be licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment.

**COMMUNITY CENTER** – A building or other place in which members of a community may gather for social, educational, or cultural activities.

**COMMUNITY FOOD BANK** – A charitable organization that solicits and warehouses donated food and other products. This food is then distributed to a variety of community agencies which serve people in need. A community food bank is considered an accessory land use.

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

**COMPREHENSIVE PLAN** – The Comprehensive Plan for the Borough of Plum adopted July 9, 2012.

**CONDITIONAL USE** – See “Use, Conditional.”

**CONFERENCE CENTER** – Specialized hotel (usually in a less busy but easily accessible location) designed and built almost exclusively to host conferences, exhibitions, large meetings, seminars, training sessions, etc. A conference center often also provides office facilities, and a range of leisure activities.

**CONICAL SURFACE (ZONE)** – An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet.

**CONSTRUCTION RELATED BUSINESS** – Construction related businesses shall include building related industries such as carpentry, electrical, plumbing, HVAC, etc. Construction business may include retail and/or offices space related to the sales and distribution of the principal use. Supply yards and/or storage yards may be permitted as accessory uses. See also “Supply Yard and Storage Yard.”

**CONSTRUCTION STANDARDS** – The Plum Borough Standard Construction Details, as amended.

**CONVENIENCE STORE** – A small market that carries a limited selection of goods and is open long hours. Convenience stores may sometimes be located in conjunction with a Gas Station use but only when the Gas Station use is also allowable in the zoning district.

**CONVERSION DWELLINGS** – See “Dwelling Types” in this Section of the Ordinance.

**CORRECTIONAL FACILITY** – Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense, including but not limited to halfway houses, homes licensed for juvenile offenders or other

facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

**COUNCIL** – The Council of Plum Borough, Allegheny County, PA.

**CUSTOM PRINTING** – The production of a text, picture, etc. by applying specialized inked types, plates, blocks, or the like, to paper or other material either by direct pressure or indirectly by offsetting an image onto an intermediate roller.

**DAY CARE, HOME-BASED** – An accessory use in which care is provided pursuant to approval of the Pennsylvania Department of Public Welfare, for children under the age of sixteen (16) who are unrelated by blood or marriage to all owners of the premises and to all owners and operators of the Family Child Day Care Home operation being conducted on the premises. Provided, further, that the premises wherein the Family Child Day Care Home operation or business is located must be the full-time bona fide residence of the owner of said operation or business and said premises must be in compliance with all applicable provisions and requirements of the most recent editions of the Building Code, Residential Code and Fire Code, as adopted by the Borough, and the Rules and Regulations of the Pennsylvania Department of Public Welfare relating to Family Child Day Care Homes, and any other applicable law, ordinance or regulation.

**DAY CARE CENTER, ADULT** – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of the elderly and/or functionally impaired adults for an apportion of a twenty-four (24) hour day.

**DAY CARE CENTER, CHILD** – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of children under the age of sixteen (16) for an apportion of a twenty-four (24) hour day. This land use classification includes nursery schools which provide daytime care and/or instruction for two (2) or more children of preschool age.

**DECIBEL (dBa)** – A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels (dBa).

**DECK** – A freestanding or attached accessory structure which is constructed of natural or synthetic wood, and flooring that is not completely impervious.

**DEDICATED OPEN SPACE or RECREATION LAND** – A parcel of land integrated within a subdivision or land development that is dedicated, either publicly or privately, specifically for use as a park, open space, and/or active recreation area.

**DENSITY** – The number of dwelling units per acre.

**DEPARTMENT** – Pennsylvania Department of Transportation.

**DETERMINATION** – The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder except the governing body; the zoning hearing board (ZHB); the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the

Subdivision and Land Development Ordinance (SALDO) or Planned Residential Development (PRD) provisions.

**DEVELOPMENT** – See “Land Development”

**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.

**DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT** – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.

**DEVELOPMENT PLAN** – The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

**DISTILLERY** – An establishment for distilling, especially for distilling alcoholic liquors. No products produced by the distillery shall be sold and/or consumed on the premise. See also “Micro-distillery.”

**DISTRIBUTED ANTENNA SYSTEMS (DAS)** – Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

**DISTRIBUTION CENTER** – A center for a set of products in a warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers. A distribution center is a principal part, the order processing element, of the entire order fulfillment process.

**DORMITORIES** – Buildings at a school or institution, containing a number of private or semiprivate rooms for residents, along with common bathroom facilities and recreation areas.

**DRILLING** - Any digging or boring of a new well to explore, develop, or produce oil, gas or other hydrocarbons or to inject gas, water, or any other fluid or substance into the earth.

**DRILLING PAD** – See “Oil and Gas Pad/Well” in this Section of the Ordinance.

**DRILLING SITE** - An area that includes the perimeter of the surface area of drilling operations.

**DRIVE-THROUGH FACILITY** – Drive-through facilities shall be considered accessory uses which are attached to another authorized principal 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,

banks, drug stores or other businesses, exterior automated teller machines (ATMs), quick oil-change facilities, car washes and similar automotive services, and other such facilities.

**DRIVEWAY** – A private area which provides vehicular access to a parking space, garage, dwelling or other structure.

**DRUG STORE** – See “Pharmacy” in this Section of the Ordinance.

**DWELLING** – A building that contains dwelling units, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. Each dwelling type designated below is provided for separately in the land use chart under “Dwelling Type.”

**DWELLING TYPES:**

**CONVERSION DWELLING** – A dwelling unit or units created from a larger existing residential dwelling, whether entirely from the existing structure or by building additions or combinations thereof. Conversion dwellings involve the creation of additional dwelling units in a structure from existing dwellings, not initially intended or designed when the dwelling was initially constructed. Conversion dwellings are primarily intended to serve as rental units and are defined separately from Accessory Dwellings Units or Mother-in-law Suites which are primarily intended to house family members.

**DUPLEX** – A detached house designed for and occupied exclusively as not more than two (2) units, each living as an independent housekeeping unit and with no internal connectivity between units.

**MOBILE HOME** – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MULTI-FAMILY** – A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more separate dwelling units but not including single-family, Duplex, Townhome or Quadruplex Dwellings.

**QUADRUPLEX** – A residential building, other than a townhome or garden apartment, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

**ROW HOUSE** – See “Townhome” in this Section of the Ordinance.

**SINGLE FAMILY** – A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit.

**TOWNHOME** – A single-family dwelling unit constructed in a group of not less than three (3) but not more than six (6) attached units in which each unit share no more than one (1) common wall that extends from the foundation to the roof.

**DWELLING UNIT** – A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EDUCATIONAL INSTITUTION** – A structure, part of a structure, or structures designed and used for training and teaching of children, youths, or adults, including laboratories appurtenant thereto. An educational institution does not include a school or college/university, as defined within this Ordinance.

**ELECTRONIC NOTICE** – Notice given by a municipality through the Internet of time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

**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 OPERATIONS CENTER (EOC)** – A centralized location to support multi-agency and or multi-jurisdiction disaster response coordination and communication.

**EMERGENCY SHELTER** – A facility, including rescue missions, for persons seeking temporary voluntary shelter for a duration not to exceed sixty (60) days.

**ENFORCEMENT NOTICE** – A notice as provided in §616.1 of the MPC, 53 P.S. §10616.1, sent by the Borough to the owner or occupant of record of a parcel on which a violation of this Ordinance 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 or occupant of record, the purpose of which is to initiate enforcement proceedings.

**ENGINEER, PROFESSIONAL** – A licensed professional engineer registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

**EPA** – The United States Environmental Protection Agency (EPA) or any agency successor thereto.

**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 of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Essential services include

water supply pump stations and water tanks. Essential services do not include operations and facilities associated with oil and gas development.

**EXHIBITIONS AND ART GALLERIES** – See “Art Gallery” in this Section of the Ordinance.

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

**EXTENDED STAY HOTEL / MOTEL** – A hotel or motel with accommodations for sleeping along with in-unit full kitchen and bathroom facilities. Occupancy of any extended stay unit shall be allowed for more than thirty (30) days as long as the units comply with all residential building and fire codes.

**FAA** – Federal Aviation Administration of the United States Department of Transportation.

**FAMILY** – An individual; two (2) or more persons related by blood, marriage, or adoption; or not more than three (3) unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the *Fair Housing Act, 42 USC §3601 et seq.*

**FARMERS MARKET** – A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically grow, harvest, or process such items from their farm or agricultural operation.

**FCC** – Federal Communications Commission.

**FENCE** – A free standing, accessory structure, including entrance and exit gates or openings, designed and constructed for the purpose of enclosing space or separating parcels of land, screening, protection, confinement and/or privacy.

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

**FIRE STATION** – A building in which firefighting apparatus and usually fire department personnel are housed.

**FLAG** – Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, or the local municipality. A flag is not a sign.

**FLEA MARKET** – A business that sells used merchandise, other than automobiles, logging equipment, or other agricultural equipment, and stores or displays the merchandise outdoors.

**FLOODPLAIN** – As defined by the Plum Borough Floodplain Management Ordinance.

**FLOODPLAIN MANAGEMENT ORDINANCE (FMO)** – The Plum Borough Floodplain Management Ordinance as adopted September 26, 2014 and amended. (Ordinance No. 880-14)



**FLOOR AREA, GROSS (GFA)** – The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

**FLOOR AREA, NET** – The total floor area of a building designed for tenant occupancy, or areas accessible to the customers, clients or general public, but excluding storage areas, equipment rooms, food preparation areas in a restaurant and common areas such as halls, corridors, stairwells, elevator shafts, rest rooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measured from the center line of joint partitions and exteriors of outside walls.

**FLOWBACK WATER** - The murky, salty water from fracking natural gas wells. It consists of frack fluid which returns to the surface as well as produced water.

**FORESTRY**– The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

**FRACTURE or FRACKING** - The process of injecting water, customized fracking fluid, steam, or gas into a gas well under pressure to improve gas recovery.

**FRESH WATER** - Water obtained from a potable water source of the Commonwealth such as a hydrant, stream, lake, water well, spring, or other source that has not been treated or utilized in commercial or industrial operations.

**FRONTAGE** – See “Street Frontage.”

**FUNERAL HOME** – A building used for the embalming of deceased human beings for burial and for the display of the deceased and ceremonies connected therewith before burial or cremation and which may include a crematorium.

**GARAGE, ATTACHED NONRESIDENTIAL** – An attached nonresidential garage is an extension of a permitted principle building and subject to the regulations of the underlying district.

**GARAGE, ATTACHED RESIDENTIAL** – An attached residential garage is an extension of a permitted residential dwelling and subject to §512 of this Ordinance.

**GARAGE, PRIVATE** – A detached accessory structure that is not accessible to the general public. A private garage is designed for the storage of private vehicles and personal property of the occupants of the principal building. All nonresidential detached storage structures are defined as storage buildings. See also “Storage Buildings” and “Carport.”

**GARDEN CENTER** – A building or structure used for the sale of flowers, plants, shrubs, trees, and other natural flora and associated products. A garden center does not include a greenhouse, nursery and/or outdoor storage, display and sales of equipment and/or materials associated with the principal use. See also “Greenhouse/Nursery, Landscape Supply Yard, and Storage Yard.”

**GAS/FUEL STATION** – A building(s), premises or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline, or other fuel for

motor vehicles. This land use classification shall include electric recharge stations for electric motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products. Gas stations may sometimes also be located with an Automobile Repair and Service use, but only when the Automobile Repair and Service use is also allowable in the zoning district.

**GAS WELL** – Any well drilled for the intent of extracting gas or other hydrocarbons from beneath the surface of the earth.

**GAZEBO** – A freestanding, accessory, roofed structure usually open on the sides.

**GOLF COURSE** – Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

**GOLF DRIVING RANGE** – A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee. A golf range may be permitted as either a principle or accessory use.

**GOVERNING BODY** – The Council of Plum Borough.

**GRADING ORDINANCE** – The Grading Ordinance of Plum Borough as adopted November 1, 1982 and amended (Ordinance No. 321).

**GRAIN SILO** – A principle or accessory structure for storing bulk materials such as grain or fermented feed known as silage. Other typical bulk storage items include coal, green feeds, and woodchips. See also “Accessory Agricultural Buildings” in this Section of the Ordinance.

**GREENHOUSE/NURSERY** – A retail or wholesale business that sells flowers, plants, shrubs, trees, and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot. See also “Sheds” with regards to residential greenhouses.

**GROUNDWATER** - Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for domestic, agricultural, municipal, industrial, and other beneficial uses.

**GROUP CARE FACILITY** – A facility which provides room and board and specialized services for:

1. More than eight (8) residents who are mentally or physically handicapped;
2. Any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) adjudicated by the court system;
3. Mentally disturbed persons of any age; or
4. Persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration and other such transitional and/or supervised short-term assignments.

Staff shall be qualified by the sponsoring agency, who may or may not reside at the facility, and who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency.

**GROUP HOME** – A dwelling unit where room and board is provided to not more than eight (8) permanent residents who are mentally or physically handicapped persons of any age, who are in need of supervision and specialized services, and no more than two (2) caretakers on any shift, who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The service shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency. A group home does not include persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration and other such transitional and / or supervised short-term assignments.

**HAZARDOUS WASTE RECYCLING FACILITY** – A structure where hazardous waste is collected for recycling purposes.

**HEARING** – An administrative proceeding conducted by a board pursuant to §909.1 of the MPC.

**HEAVY EQUIPMENT REPAIR** – The repair, rebuilding, painting, or reconditioning of heavy equipment not classified as a motor vehicle for use on public roadways. See also “Supply Yard” regarding equipment sales. Related land use classifications include; “Automobile Repair and Service, Bus or Truck Maintenance Facility, and Commercial Motor Vehicle Repair.”

**HEIGHT** – For the purpose of determining the height limits in all zones set forth in the Airport Overlay and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**HEIGHT, BUILDING** – The vertical distance measured from the average elevation of the proposed finished grade of the building to the eaves. For the purpose of determining maximum permitted height for principal buildings, such measurement shall be made from the average finished grade at the front setback. For the purpose of side or rear yard determination, such measurement shall be made from the average finished grade of the wall extending along such side yard or rear yard.

**HEIGHT OF STRUCTURE** – For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

**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.

**HELIPORT** – Any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon.

**HISTORIC STRUCTURE** – Means any structure that is:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Registry;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: by approved state program as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

**HOME OCCUPATION BUSINESS** – Any use customarily carried on entirely within a dwelling, by the occupant thereof, which use is clearly incidental and subordinate to the use of the dwelling. Examples include, but are not limited to, professional services such as legal, financial, accounting or engineering, barber and beauty shops, music, and tutoring instruction. Home occupations are limited to one student, customer, or client at a time. Home Occupation Businesses are different than No-Impact Home-Based Businesses. See also “No-Impact Home-Based Business.”

**HORIZONTAL SURFACE (ZONE)** – An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 3, is derived from the horizontal surface.

**HOSPITAL** – An institution providing acute medical or surgical care and treatment for sick or injured humans, as defined in current state licensure requirements.

**HOTEL** – A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests. Hotels have a common reception area on premises which is staffed twenty-four (24) hours a day where clients check in to obtain access to a room.

**HYDRAULIC FRACTURING (FRACKING)** – See “Oil and Gas Well/Pad” in this Section of the Ordinance.

**INCINERATOR** – See “Solid Waste Combustor or Incinerator” in this Section of the Ordinance.

**IGSHPA** – The International Ground Source Heat Pump Association.

**IMPERVIOUS SURFACE** – As defined by the Plum Borough Stormwater Management Ordinance.

**IMPERVIOUS SURFACE RATIO** – As defined by the Plum Borough Stormwater Management Ordinance.

**INJECTION WELL** – A well used to place fluid underground into porous geologic formations. These underground formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids may include water, wastewater, brine (salt water), or water mixed with chemicals.

**INTERNAL DRIVEWAY SYSTEM** – The portion of the parking lot devoted to providing access to individual parking lot aisles.

**JUNK YARD** – See “Salvage Yard” in this Section of the Ordinance.

**KENNEL** – A use of land and structures in combination wherein four (4) or more domestic animals or pets six (6) months or older are bred, trained, and/or boarded for compensation for more than twelve (12) consecutive hours. Animal Day Cares and Animal Groomers where pets are not on site for more than twelve (12) consecutive hours shall not be considered a Kennel.

**LABORATORY** – A building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

**LAND DEVELOPMENT** – Includes any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or
  - 2. A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration of a nonresidential building or other improvements to the land which results in additional land coverage by principal nonresidential structures and/or paving or the construction of stormwater management facilities; or
  - 3. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. The following shall not be considered a land development in accordance with §503(1.1) of the MPC, 53 P.S. §10503(1.1), as amended:
  - 1. The conversion of an existing single-family detached dwelling into not more than three (3) residential units unless such units are intended to be a condominium.

2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
  3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this exemption, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until the initial plans for the expanded area have been approved by the Borough.
- D. Developments authorized to be excluded from the regulation of land development by Section 304 of the Plum Borough Subdivision and Land Development Ordinance.

**LANDFILL** – See “Solid Waste Landfill Facility” in this Section of the Ordinance.

**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 person having a proprietary interest in land.

**LANDSCAPE ARCHITECT** – A landscape architect registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

**LANDSCAPE BUSINESS** – Landscape businesses shall include green industry businesses such as landscape design, landscape construction, turf grass maintenance, and landscape maintenance operations. Landscape businesses may include retail and/or offices space related to the sales and distribution of the principal use. Supply Yards and/or Storage Yards may be permitted as accessory uses. See also “Supply Yard and Storage Yard.”

**LANDSCAPE PLAN** – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation. The requirements of a landscape plan are identified in the Borough’s Subdivision and Landscape Ordinance.

**LAUNDROMAT** – An establishment with coin-operated washing machines and dryers for public use.

**LEGAL NON-CONFORMING** – Refers to uses and structures which were begun or constructed when the law allowed for them, but have since become non-compliant due to a change in legislation.

**LIBRARY** – A building or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to.

**LIMITED WINERY** – A small, often boutique-style wine making establishment. A limited winery provides for the retail sales of wine at the location where it is produced. A limited winery may also include a tasting room and restaurant in conjunction with the use.

**LIFE CARE COMMUNITY** – See “Care Facilities and Senior Housing” in this Section of the Ordinance.

**LIVE-WORK UNITS** – A commercial use, such as a shop, studio, office, cafe, deli, personal service establishment or other place of business, in combination with a dwelling unit located above such place of business. Only the proprietor of the business may occupy the residential unit. All connections between the uses must be internal to the structure. See also “Mixed-Use.”

**LOADING SPACE OR BERTH** – A space within the main building or on the same lot providing for the standing, loading, or unloading of vehicles.

**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 TYPES** (also see “Figure 1” at the end of this Article):

**LOT, CORNER** – A lot at an intersection of two (2) or more streets.

**LOT, INTERIOR** – A lot other than a corner lot or through lot.

**LOT, THROUGH OR DOUBLE FRONTAGE** – A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

**LOT AREA** – The total area within the boundary of the lot excluding any areas contained in a public street right-of-way (ROW).

**LOT COVERAGE** – That percentage of the lot area covered by all principal structures, accessory structures, and impervious surfaces.

**LOT LINE** – A line that denotes the boundary of a lot or parcel of land, as defined herein.

**LOT LINE TYPES:**

**LOT LINE FRONT** – A line measured along the ROW of any street frontage, whether public or private, between the side lot lines.

**LOT LINE REAR** – That lot line that is generally opposite the front lot line.

**LOT LINE SIDE** – Any lot line that is not a front lot line or rear lot line.

**LOT, WIDTH** – The horizontal distance between side lot lines, measured at the front setback line.

**LUMBER YARD** – See “Supply Yard” in this Section of the Ordinance.

**MAGISTRATE OFFICE AND COURT** – A court having limited jurisdiction over civil and criminal matters, and matters of contracts not exceeding a particular threshold.

**MAILED NOTICE** – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

**MANUFACTURING FACILITY, LIGHT** – The manufacture, fabrication, assembly, or processing of goods and materials, excluding heavy manufacturing facilities.

**MANUFACTURING FACILITY, HEAVY** – The manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, dust, or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy manufacturing characteristically employs such equipment as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment and waste treatment lagoons. Examples of heavy manufacturing include basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, lime manufacturing, ore and metal smelting and refining, and chemical plants such as petrochemical complexes. Heavy manufacturing facilities do not include any oil and gas facilities or operations.

**MASSAGE ESTABLISHMENT** – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the State of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an identical or accessory service. A massage establishment may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Ordinance.

**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 CLINIC** – Any establishment where human patients are examined and are treated by or under the care and supervision of doctors, dentists, or other medical practitioners, but where patients are not hospitalized overnight.

**MEDICAL MARIJUANA** – Marijuana for certified medical use as set for in the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

**MEDICAL MARIJUANA DISPENSARY** – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana. Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

**MEDICAL MARIJUANA GROWER/PROCESSOR** – The use of the premises by a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana.

**MEDICAL OFFICES** – A place where medical or dental diagnosis, evaluation, and treatment is prescribed or provided.

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



**MICRO-BREWERY** – A small, usually independent brewery that produces limited quantities of specialized beers. A micro-brewery provides for the retail sales of the beer at the location where it is produced. A micro-brewery may also include a tasting room and restaurant in conjunction with the use.

**MICRO-DISTILLERY** – A small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single or small batches. A micro-distillery provides for the retail sales of the distilled beverage at the location where beverages are distilled. A micro-distillery may also include a tasting room and restaurant in conjunction with the use.

**MINERALS** – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil, and natural gas.

**MINERAL DEVELOPMENT** – Mineral development is a broad land use classification that includes the operations listed below. Mineral development does not include oil and gas facilities or related operations. Oil and gas development is provided for under separate heading.

**MINERAL DEVELOPMENT TYPES:**

**METALLIC MINING** – The extraction of valuable minerals or other geological materials from the earth from an orebody, lode, vein, seam, or reef, which forms the mineralized package of economic interest to the miner.

**NON-METALLIC MINING** – The extraction of stone, sand, rock, or similar materials from natural deposits.

**QUARRYING AND STONE CUTTING** – The removal and / or the cutting of stone from a quarry.

**MIXED USE** – A commercial use in combination with a residential use in a single principal structure. A mixed-use is distinguished from live-work units due to the lack of any internal connections between the uses. See also “Live-Work Units.”

**MOBILEHOME** – See “Dwelling Type”.

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

**MOBILE HOME PARK** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**MOBILE HOME SALES** – The sale of a structure, transportable in one (1) or more sections, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For mobile homes built prior to June 15, 1976,

a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

**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.

**MONOPOLE** – a WCF or site which consists of a single pole structure, designed, and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

**MOTEL** – A building or group of detached, semidetached, or attached buildings on a lot containing guest dwellings, each of which has a separate outside entrance leading directly to rooms, with a garage or parking space conveniently located with each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients. Boarding Houses shall not be considered a Motel.

**MULTI-FAMILY DWELLING** – See “Dwelling Types” in this Section of the Ordinance.

**MUNICIPAL AUTHORITY** – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.

**MUNICIPAL BUILDING** – A building occupied by the principal offices and departments of the Borough.

**MUNICIPALITIES PLANNING CODE (MPC)** – Act of 1968, P.L. 805, No. 247, as reenacted and amended (53 P.S. §10101 et seq.).

**NATURE PRESERVE** – A piece of land protected and managed to preserve its flora and fauna.

**NIGHT CLUB** – An establishment primarily for evening, late-night, to early morning entertainment, that typically serves food and/or alcoholic beverages, and may provide either live or prerecorded music or video, comedy acts, floor shows, with or without the opportunity for dancing. A nightclub may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Ordinance.

**NO-IMPACT HOME-BASED BUSINESSES** – 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. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.
5. 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.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.
8. The business may not involve any illegal activity.

No-Impact Home-Based Businesses are different than Home Occupation Businesses. See "Home Occupation Business."

**NON-CONFORMING LOT** – Any lot which does not comply with the applicable area and bulk provisions of this Ordinance, or an amendment thereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

**NON-CONFORMING STRUCTURE** – A structure or part of a structure that does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Nonconforming signs are included in this definition.

**NON-CONFORMING USE** – A use, whether of land or of a structure, that does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)** – Wireless Communications Facilities 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.

**NURSERY SCHOOL** – See "Day Care, Child" in this Section of the Ordinance.

**NURSING HOME** – See "Care Facility and Senior Housing" in this Section of the Ordinance.

**OBSTRUCTION** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Article XIII of this Ordinance.

**OCCUPANCY** – The physical possession upon, on or within any lot or structure for a use.

**OFFICES, BUSINESS AND PROFESSIONAL** – Any office of recognized professions, other than medical, such as lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

**OIL AND GAS COMPRESSOR STATION** – A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground field, including one (1) or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment.

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

**OIL AND GAS DRILLING SUBSURFACE FACILITIES** - Activities performed under the surface of the ground that are part of the operation of oil and gas drilling, as defined herein, whether or not located on properties within the unit for a particular well site, but that are not included in the well site, including, but not limited to horizontal drilling and hydraulic fracturing zones, underground gathering and transmission pipelines established in accordance with PUC guidelines, water distribution lines and similar underground facilities incidental to oil and gas drilling.

**OIL AND GAS PROCESSING PLANT** – A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil, or naturally occurring liquids from the natural gas.

**OIL AND GAS WELL/PAD** – The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of associated equipment and activities associated with the exploration for and production of oil and gas. An oil and gas well includes the pierced or bored hole drilled or being drilled in the ground for the purpose of,

or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage.

**OPEN BURNING** – Any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chimney, fire pit, outdoor fireplace, or grill.

**OUTDOOR HYDRONIC HEATER** – A fuel-burning device, also known as an “outdoor wood-fired boiler”, “outdoor wood-fired furnace”, and “outdoor wood-burning appliance”, designed:

1. to burn clean wood or other fuels specifically tested and listed for use by the manufacturer;
2. by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and
3. to heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

**PARK, PUBLIC OR SEMIPUBLIC** – A parcel of land owned by the Commonwealth of Pennsylvania, Allegheny County, and/or the Borough that is dedicated, either publicly or privately, specifically for outdoor use for open space and/or active or passive recreation purposes. A park shall also include a parcel of land owned by a homeowners' association or condominium association, as part of a Borough-approved subdivision, land development, and/or planned residential development that is dedicated, either publicly or privately, specifically for the use as a park, open space and/or active or passive recreation area. A park shall not include a commercial recreation facility, as defined herein.

**PARK AND RIDE FACILITY** – A facility designed for patrons to park their private vehicle and transfer to other private or public transportation.

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

**PARKING LOT, COMMERCIAL** – Any lot, parcel, or yard used in whole or in part for the temporary storage or parking of two (2) or more vehicles where such usage is the principal use on the site.

**PARKING STRUCTURE, ACCESSORY** – An accessory structure used exclusively for the temporary storage of motor vehicles and associated with a permitted principal use.

**PARKING STRUCTURE, COMMERCIAL** – A principal structure used exclusively for the temporary storage of motor vehicles.

**PATIO** – An accessory structure constructed on the ground from impervious material such as concrete, stones, bricks, blocks, or other paving material.

**PAWN SHOP** – A business or establishment which loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

**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, barbershops, beauty parlors, and related activities.

**PERSONS** – 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.

**PHARMACY** – A retail store which primarily sells prescription drugs, patent medicines, and surgical and sickroom supplies.

**PHASE 2 OUTDOOR HYDRONIC HEATER** – An outdoor hydronic heater that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly, with a white “hang” tag.

**PLACES OF WORSHIP** – A semipublic use, including any of the following: church, manse, rectory, convent, synagogue, parish, monastery, seminary or similar building incidental to the particular use; but this term does not include business offices, except administrative offices incidental to the operation of the particular use, rescue missions or the occasional use for religious purposes of properties not regularly so used.

**PLANNED RESIDENTIAL DEVELOPMENT (PRD)** – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from one (1) time-to-time, under the provisions of Article IX of this Ordinance.

**PLANNING COMMISSION** – The Planning Commission of Plum Borough.

**PLANNING AGENCY, COUNTY** – Allegheny County Economic Development, Planning Division.

**PLAT** – The map or plan of a subdivision or land development, whether preliminary or final.

**POLE-MOUNTED/SHARED USE COMMUNICATIONS FACILITY** – Any antenna used for the transmission or reception of any radio wave or radio signal, which is to be mounted upon a preexisting steel or metal electrical transmission tower owned or operated by a public utility.

**POLICE STATION** – The office or headquarters of a local police force.

**PORCH** – A roofed or uncovered accessory structure without enclosing walls that is attached to or part of the principal building and which has direct access to and from the principal building.

**POST OFFICE** – A building or room where postage stamps are sold, and other postal business is conducted.

**POWER GENERATION FACILITY, ELECTRIC** – A facility that generates electricity by means of geothermal power, burning of coal, oil, or gas, or by hydropower. Accessory generators for hospitals, schools, and other similar uses shall not be considered a power generation facility.

**PRIMARY SURFACE (ZONE)** – An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 3, is derived from the primary surface.

**PROFESSIONAL CONSULTANT** – Persons who provided expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

**PROTECTED STRUCTURE** - Any occupied structure. The term shall not include any structure whose owner has signed a waiver relieving the operator from implementation of the measures established herein or other applicable provisions of the Borough Code. In the waiver, the owner must acknowledge that the operator is explicitly relieved from complying with the regulations applicable to a protected structure. The waiver must be notarized.

**PUBLIC HEARING** – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC AND SEMIPUBLIC USES** – Uses operated by the public or semipublic body such as schools, public libraries, public safety buildings, museums, public meeting halls, and community centers. This definition shall not include hospitals and continuing care facilities.

**PUBLIC IMPROVEMENTS** – All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices, and other facilities to be dedicated to or maintained by the Borough.

**PUBLIC MEETING** – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

**PUBLIC NOTICE** – A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**QUADRUPLEX DWELLING** – See “Dwelling Types” in this Section of the Ordinance.

**RADIO OR TELEVISION TRANSMITTER** – A piece of equipment that relays radio or television signals.

**RAILROAD FACILITY** – A series of buildings, with or without an open yard, with a permanent road laid with rails, commonly in one (1) or more pairs of continuous lines

forming a track or tracks, on which locomotives and cars are kept for maintenance and/or storage.

**RAILROAD FREIGHT TRANSLOADING AND DISTRIBUTION TERMINAL** – A terminal facility for the purpose of loading, unloading, handling, transloading, transferring, storing, staging, sorting, processing, and distributing railroad freight moving to and from railcars and other modes of transportation.

**RECORDING STUDIO** – An environment to allow for the capture, manipulation, and mastering of an auditory product.

**RECREATIONAL VEHICLE** – A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pickup campers, horse trailers, snow mobiles, jet skis, wave runners, motorcycles and all-terrain vehicles.

**RECYCLING BUSINESS** – A business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or obtaining or storing ferrous or nonferrous metals.

**RE-DRILL** – Deepening or sidetrack/horizontal drilling of the existing well bore extending more than 150 feet from said well bore.

**REFRIGERATED WAREHOUSE or COLD STORAGE** – See “Warehouse and Storage Services” in this Section of the Ordinance.

**REGIONAL PLANNING AGENCY** – A planning agency that is comprised of representatives of more than one (1) county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.

**REGISTERED PROFESSIONAL** – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.

**REHABILITATION FACILITY**– See “Group Care Facility” in this Section of the Ordinance.

**RENEWABLE ENERGY SOURCE** – Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**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.

**REPOSSESSION BUSINESS** – A business that repossess vehicles when owners default on payments or rental vehicles are not returned on time. Repossession businesses may include retail/office space and vehicle service areas within a completely enclosed building. Any exterior storage of vehicles and/or related items on the site may be permitted as an accessory use to the principal structure. See also “Storage Yard.”

**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.

**RESTAURANT** – An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure and generally excluding any encouragement, orientation or accommodation of services or products to the patrons' automobiles, on or within the premises.

**RESTAURANT, DRIVE-IN** – A restaurant with or without a drive-through, where the food is primarily brought to and consumed within a patron's vehicle. An outdoor seating area may be provided.

**RESTAURANT, NEIGHBORHOOD** – A restaurant containing less than 1,500 square feet of gross floor area and which does not contain more than twenty (20) seats.

**RESTAURANT, OUTDOOR DINING** – An accessory dining area with seats and/or table located outdoors of a restaurant, cafe, or other food service establishment, and which is either: (1) located entirely outside the walls of the subject building, or (2) enclosed on two (2) sides or less by the walls of the building with or without a solid roof.

**RESTAURANT, TAKE-OUT ONLY** – An establishment where food and beverages are typically ordered by phone, prepared on site, and served in disposable containers or wrappers for consumption exclusively off the premises, with no on-site seating for dining. Such establishment may also deliver food to consumers off site.

**RETAIL STORE** – Any establishment not otherwise specifically defined in this Article that sells commodities and/or services on the premises directly to consumers, but not including the on-site manufacturing or processing of any product or any wholesale sales.

**RETIREMENT HOUSING FACILITY** – See “Care Facilities and Senior Housing” in this Section of the Ordinance.

**RE-WORK** – Re-entry of an existing well within the existing bore hole or by deepening or sidetrack/horizontal operations (which do not extend more than 150 feet horizontally from the existing well bore) or replacement of well liners or casings.

**RIGHT-OF-WAY (ROW)** – As defined in the Borough SALDO.

**ROADSIDE STAND, ACCESSORY** – An accessory use that includes a seasonal, temporary, or a semi-temporary structure for the sale of goods or produce.

**ROADSIDE STAND, PRINCIPAL** – A principal use that includes a permanent structure for the sale of seasonal goods or produce.

**ROOMING HOUSE** – See “Boarding House” in this Section of the Ordinance.

**RUNWAY** – A defined area of an airport prepared for landing and takeoff of aircraft along its length. Types of runways include:

**NON-PRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**OTHER THAN UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**PRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**VISUAL RUNWAY** – A runway intended solely for the operation of aircraft using visual approach procedures.

**SALT STORAGE FACILITY** – A structure used to house salt used to treat public and/or private roadways.

**SALVAGE/JUNK YARD** – Any premises devoted wholly or in part to the storage, buying or selling, sorting, exchanging, salvaging, recycling, or otherwise handling or dealing in junk, including automotive wreckage.

**SCHOOL** – Any public, private or parochial place of instruction which teaches those academic subjects that are fundamental and essential in general education, and which provide pre-primary and/or kindergarten through twelfth (12<sup>th</sup>) grade, or a vocational school and meet the requirements of the Department of Education of the Commonwealth of Pennsylvania. Schools exclude educational institutions and college/universities as defined within this Ordinance.

**SELF-STORAGE FACILITY** – An enclosed area or structure consisting of individual self-contained, self-service storage spaces, and/or controlled-access stalls leased to the general public for a specific period of time for the storage of personal property.

**SETBACK LINE** – A line parallel to a lot line, defining the building setback required by this Ordinance.

**SETBACK LINE, FRONT** – The building setback line that is parallel to the front lot line, located at a distance as required by this Ordinance.

**SETBACK LINE, REAR** – The building setback line that is parallel to the rear lot line, located at a distance as required by this Ordinance.

**SETBACK LINE, SIDE** – The building setback line that is parallel to the side lot line, located at a distance equal to the side yard required by this Ordinance.

**SEWAGE TREATMENT PLANT** – A facility designed to receive the wastewater from domestic sources and to remove materials that damage water quality and threaten public health and safety when discharged into receiving streams or bodies of water.

**SEXUALLY ORIENTED AND ADULT BUSINESSES** – Any commercial establishment including, but not limited to the list below. All types of sexually oriented businesses are provided for by this land use classification within the land use chart.

**TYPES OF SEXUALLY AND ADULT ORIENTED BUSINESSES:**

**ADULT ARCADE** – Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion-picture machines, projectors, videos, or other image-producing devices are maintained, not located within viewing booths, to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE** – (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM or DVD discs or other computer software, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

**ADULT CABARET** – A nightclub, bar, restaurant, or other commercial establishment which regularly features:

1. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
2. Films, motion pictures, video cassettes, DVDs, slides, or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MINI MOTION-PICTURE 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”, as defined herein, for observation by patrons within private viewing booths.

**ADULT MOTION-PICTURE THEATER** – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which is characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER** – A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**ESCORT AGENCY** – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary businesses for a fee, tip, or other consideration.

**NUDE MODEL STUDIO** – Any place where a person who appears seminude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietant school licensed by the Commonwealth of Pennsylvania or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicated a nude or seminude person is available for viewing.
2. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class.
3. Where no more than one (1) nude or seminude model is on the premises at any one (1) time.

**SHED** – A detached, accessory structure which is incidental to a permitted residential structure. Sheds typically sit on a simple concrete slab, piers, or soil and are used to store household goods, tools, and/or equipment. Sheds shall include but are not limited to tool sheds, residential greenhouses, and pool equipment structures. All nonresidential detached storage structures are defined as storage buildings. See also “Storage Buildings.”

**SHOPPING CENTER** – One (1) or more retail store(s) and other authorized uses in the zoning district in which it is an authorized use, developed as a single entity on a site, whether developed at one (1) time or in phases or by different owners.

**SHORT TERM RENTAL** – An accessory use of a dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. This term does not include hotel or motel rooms, extended stay hotel/motel facilities, bed and breakfast inns, boarding houses, or group homes. This use includes rentals commonly called by industry names including but not limited to Airbnb, etc.

**SHORT TERM RENTAL HOST** – Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

**SIGN** – A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a building, structure or land and which functions as an Accessory Use by directing attention to a product, place, activity, person, institution, or business. The following terms and definitions are associated with the sign regulations contained in this Ordinance.

**A-FRAME** – A portable sign comprised of two (2) separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

**ADDRESS** – The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services.

**ANIMATED OR MOVING** – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Changeable copy signs as defined herein are not considered animated or moving signs.

**ANIMATION** – The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

**AWNING, CANOPY** – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**BANNER** – A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National, state or municipal flags, or the official flag of any institution or business, shall not be considered banners.

**BILLBOARD** – a permanently installed and permitted off-premises sign displaying changeable advertising copy which is unrelated to or unavailable on the premises on which the sign is located.

**BUILDING IDENTIFICATION** – A small pedestrian-oriented sign attached to a building, which bears only the name, number(s) and/or logo of the building but not the tenant and which is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

**CHANGEABLE COPY** – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or surface of the sign.

**CHANGEABLE COPY, REMOTE** – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to change the message or sign without altering the face or surface of the sign.

**COMMERCIAL MESSAGE** – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**CONSTRUCTION** – A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises and only during active construction activities.

**DEVELOPMENT** – A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

**DIGITAL SIGN** – A computer programmable sign capable of displaying words, numbers, symbols, figures or picture images that can be altered or rearranged by remote or automatically without physically altering the face or surface of the sign. These signs typically utilize light-emitting diode, plasma, or liquid crystal display technology to produce the character and graphic of the display. Digital signs shall include static alphanumeric displays and electronic message boards.

**DIRECTIONAL, INCIDENTAL** – A sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone," and other similar directives, and provided that such sign does not exceed five (5) square feet. Directional, incidental sign shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

**ELECTRONIC MESSAGE BOARD** – A type of digital sign which displays messages, such as time and temperature, in alternating light cycles.

**FLASHING** – A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

**FREESTANDING** – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**GOVERNMENTAL** – A sign, which is owned, installed, and maintained by the Borough or other governmental agency.

**GROUND / MONUMENT** – A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign. It shall not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

**HOME OCCUPATION IDENTIFICATION** – A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

**ILLUMINATED SIGN, EXTERNAL** – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

**ILLUMINATED SIGN, INTERNAL** – A sign containing a source of light contained within the sign structure or sign cabinet.

**INFLATABLE** – A three-dimensional (3-D) object, filled with air or gas, and located in such a manner as to attract attention.

**MARQUEE** – An integral part of the building consisting of a roof which is supported by the building and may also be supported by columns or piers, and which includes porches, porticos, and porte-cocheres, but does not include canopies or awnings.

**MARQUEE SIGN** – A wall sign attached to a marquee.

**MENU BOARD SIGN** – A sign that lists for consumers the various options of products, goods, or services provided by a business.

**MURAL** – A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

**NITS** – The measure of the light emanating from an object that is used to quantify digital sign brightness, which is calculated by the total amount of light emitted from a sign divided by the surface area of the sign measured as candelas per square meter.

**OFF-PREMISE** – A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. See also Billboard.

**ON-PREMISE** – A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

**OFF-PREMISE DIRECTIONAL** – A sign, other than a Billboard, which directs and/or instructs vehicular or pedestrian traffic to community and public facilities within the Borough.

**ON-PREMISE DIRECTIONAL** – A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

**PANEL** – The primary surface of a sign that carries the identifying/advertising message.

**PENNANT** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**POLE/PYLON SIGN** – A freestanding sign erected on a pole, poles, pylon, or pylons, or other supporting structure where the bottom edge of a sign face is installed above the ground. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

**POLITICAL** – A sign which indicates the name, cause or affiliation of a person seeking public or elected office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

**PORTABLE** – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but 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; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public ROW, unless vehicle is used in the normal day-to-day operations of the business.

**PROJECTION** – A sign, which reproduces a remote image, by optical or any other means, on any surface.

**PUBLIC UTILITY** – Signs in connection with the identification, operation or protection of any public utility, on the same lot therewith, provided that the total sign area on any one (1) street frontage does not exceed eight (8) square feet.

**REAL ESTATE SIGN** – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**RESIDENTIAL** – Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Ordinance.

**RESIDENTIAL DEVELOPMENT IDENTIFICATION** – Any sign used to identify the name of a residential development containing no commercial message and located at the principle entrances of such development.

**ROOF SIGN** – A sign erected on or attached to a roof, or a sign attached to a building that projects above the highest point on a wall that supports the roofline.

**SAFETY CONTROL** – Public safety sign pursuant to federal, state, or local public safety regulations.

**SIGN BASE** – The support on which a sign face stands. The sign base shall not communicate any messages or include business identification.

**SIGN FACE** – The area or display surface, including the advertising surface and any framing, trim, or molding, used for the message on a single plane.



**SIGN or SIGNBOARD** – Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display, or other device designed to be viewed by the public, designed, and intended for advertising, and the structure supporting the display.

**SITE DEVELOPMENT SIGN** – A sign indicating that the premises is in the process of being subdivided and/or developed for the future construction of dwellings or other buildings before any actual construction activity has begun.

**STATIC ALPHANUMERIC DISPLAY** – A type of a digital sign that is only capable of displaying numbers and letters and that is not designed or programmed to flash, blink, move, or display multiple messages over a preset time interval.

**STREAMER** – A string or strip of miniature or full size pennants or flags which may or may not be suspended between two (2) points.

**SUSPENDED** – A sign which is suspended from a structure above into a vehicular or pedestrian access way, more than one (1) foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

**TEMPORARY SIGN, GENERAL** – Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frame, displayed for a period not exceeding thirty-one (31) days. Temporary signs shall be permitted to advertise grand openings, distress sales, change in ownership; or temporary businesses which have been approved by the Planning Commission, Borough Council or ZHB.

**TIME-AND-TEMPERATURE SIGN** – A sign which indicates changing time and/or temperature.

**TRAFFIC CONTROL SIGN** – A sign regulating traffic.

**WALL SIGN** – Any sign painted, attached to, or affixed to a building or structure, attached flat against the wall surface, in such a way that only one face of a sign is visible.

**WINDOW SIGN** – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is temporarily affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

**SINGLE-FAMILY DWELLING** – See “Dwelling Types” in this Section of the Ordinance.

**SITE** – As defined in the Plum Borough SALDO.

**SITE AREA** – The total project area as determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels. Also see “Lot Area” as defined in this Ordinance.

**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, and when stays are not more than ninety (90) days.

**SMALL WIRELESS COMMUNICATIONS FACILITY** - A Wireless Communications Facility that meets the following qualifications:

- (a) Each Antenna associated with the Wireless Communications Facility is no more than three cubic feet in volume.
- (b) The volume of all other equipment associated with the Wireless Communications Facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet.

**SOLAR COLLECTION SYSTEM** – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

**SOLAR ENERGY PRODUCTION FACILITY, LARGE** – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

**SOLAR ENERGY SYSTEM, SMALL** – A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**SOLAR RELATED EQUIPMENT** – Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

**SOLID WASTE COMBUSTOR OR INCINERATOR** – A solid waste facility for the controlled burning of large quantities of solid waste at high temperatures under carefully regulated conditions.

**SOLID WASTE LANDFILL FACILITY** – All continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units as required by the federal and/or state agency having jurisdiction.

**SOLID WASTE TRANSFER STATION** – Land or structures where solid waste is received and temporarily stored at a location other than the site where it was generated and which

facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, sewage, or sludge application.

**SOUND LEVEL** – The intensity of sound, measured in decibels (dBa), produced by the operation of a permitted use.

**SOUND LEVEL METER** – An instrument standardized by the American Standards Association for measurement of intensity of sound.

**SPECIALIZED INDUSTRIAL FACILITY** – Any fixed equipment or facility which is used in connection with, or as part of any process or system for industry.

**STABLE, PRIVATE** – An accessory use for the keeping of horses and/or ponies that is solely for the use of the owner and not open to the general public. See “Accessory Agricultural Building, Animal Husbandry and Stable, Commercial” in this Section of the Ordinance.

**STABLE, COMMERCIAL** – A public facility dedicated to the keeping of horses and/or ponies for commercial boarding as a principal uses on a lot. Private stables are defined as an “accessory agricultural building” and must be paired with a permitted principal use allowed in the district. See “Accessory Agricultural Building and Stable, Private” in this Section of the Ordinance.

**STACK** – Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

**STEALTH TECHNOLOGY** – Camouflaging methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

**STEEP SLOPE** – As defined in the Plum Borough SALDO.

**STORAGE BUILDING** – An accessory structure for storing goods and products incidental to a permitted, nonresidential, principal use.

**STORAGE YARD, ACCESSORY** – As an accessory use, a storage yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/or equipment within a storage yard are not offered for commercial sale or are accessible to the public. See also “Supply Yard.”

**STORAGE YARD, PRINCIPAL** – As a principal use, a storage yard is an otherwise vacant lot or parcel that is used to store construction equipment, vehicles and/or construction

materials. Materials and/or equipment within a storage yard are not offered for commercial sale or are accessible to the public. See also "Supply Yard."

**STORMWATER MANAGEMENT FACILITIES** – See the definition provided by the Borough Stormwater Management Ordinance.

**STORMWATER MANAGEMENT ORDINANCE** – Plum Borough's Stormwater Management Ordinance as adopted and amended by Borough Council (Ordinance No. 934-18).

**STORY** – That portion of a building between the surface of any finished floor and the surface of the finished floor above it or, if there shall be no floor above it, then the space between any floor and the ceiling next above it. In determining the number of stories for purposes of height measurement, a basement shall be counted as a story if the ceiling is more than five (5) feet above the average adjoining ground level at the front setback, and a mezzanine shall be counted as a story if it covers fifty (50%) percent or more of the area of the story underneath such mezzanine. An attic or a cellar shall not be counted as a story.

**STREET** – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The term shall not include the word "Driveway."

**TYPE OF STREETS:** As defined in the Plum Borough SALDO.

**STREET FRONTAGE** – The length of front lot line. See also "Lot Line Front."

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

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

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO)** – Plum Borough's Subdivision and Land Development Ordinance as adopted and amended by Borough Council (Ordinance No. 917-17).

**SUBSTANTIAL CHANGE or SUBSTANTIALLY CHANGE** - — A modification substantially changes the physical dimensions of a support structure if it meets the criteria established by 47 CFR §1.6100.

**SUPPLY YARD, ACCESSORY** – As an accessory use, a supply yard shall include the portion of a lot or parcel that is not occupied by a building and is used for the display and/or sale of building materials, construction equipment and/or goods associated with the permitted principal use. Supply yards do not include the storage and sale of vehicles. See also "Storage Yard" and "Vehicle Sales."

**SUPPLY YARD, PRINCIPAL** – As a principal use, a supply yard is an otherwise vacant lot or parcel that may or may not be occupied by a building and is used for the display and sales of building materials, construction equipment and/or goods typically stored outdoors for sale to the public. Supply yards do not include the storage and sale of vehicles. See also “Storage Yard” and “Vehicle Sales.”

**SWIMMING POOL** – A man-made enclosure, designed to impound water for the purpose of creating depth of water suitable for swimming, or other types of water recreation or therapy, including but not limited to water slides, lap pools, whirlpools, soaking tubs, or hot tubs.

**TANK FARM** – An area used exclusively for storing petroleum or petroleum products in large tanks.

**TATTOO PARLOR** – An establishment in which tattooing is carried out professionally.

**TAVERN (BAR)** – Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption, which may or may not include dancing. Taverns may include prepared food sales, but such prepared foods are typically accessory or incidental to the primary purpose as a Tavern.

**TAXI & LIMOUSINE SERVICE** – A fee-based service regulated by the PUC that provides a vehicle and a driver from one (1) point to another.

**TECHNICALLY FEASIBLE** - By virtue of engineering or spectrum usage, the proposed placement for a WCF or its design or site location can be implemented without a material reduction in the functionality of the small wireless facility.

**TEMPORARY USE OR STRUCTURE** – Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for less than six (6) consecutive months. Structures intended to be used for more than six (6) months shall be considered permanent and shall meet the use and structure requirements for permanent structures.

**THEATER** – A building or part of a building devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

**THEATER, DRIVE-IN** – A structure consisting of a large outdoor screen, a projection booth and a large parking area for automobiles. Within this enclosed area, customers can view movies from the privacy and comfort of their cars.

**TOWER BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) -**  
Any structure that is used for the primary purpose of supporting one or more Antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment.

**TOWING AND OTHER ROAD SERVICES** – A personal service engaged in the business of offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place they are disabled by use of a wrecker so designed for that purpose by a truck, automobile or other vehicle so adapted for that purpose.

**TOWNHOME** – See “Dwelling Types” in this Section of the Ordinance.

**TRAILER, SALES OR CONSTRUCTION** – A temporary structure to be used for the duration of the zoning, building, and grading permit to provide temporary offices for personal associated with the permitted land development.

**TRANSFERABLE DEVELOPMENT RIGHTS** – The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

**TRANSITIONAL SURFACE (ZONE)** – An imaginary surface that extends outward and upward from the edge of the primary and approach surfaces to the horizontal surface at a slope of seven feet horizontally to one foot vertically (7:1). The transitional surface zone, as shown on Figure 3, is derived from the transitional surface.

**TREE** – Any object of natural growth.

**TURBINE HEIGHT** – The distance measured from the highest point of the wind turbine rotor plane to the ground level.

**UNDERGROUND DISTRICT** - A zoning district in which all utility installations are required to be installed underground on a non-discriminatory basis.

**URBAN AGRICULTURE, PRINCIPAL** – Agricultural activities intended primarily for the growing of crops and in which no livestock, poultry, or other farm animals are kept or raised. Limited agricultural uses are intended to allow for the growing of agricultural products on vacant lots or properties as a permissible principal use.

**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.

**USE, ACCESSORY** – A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

**USE, BY SPECIAL EXCEPTION** – An authorized use in a particular zoning district pursuant to Articles III, IV and XII of this Ordinance which may be granted only by the Zoning Hearing Board (ZHB) in accordance with express standards and criteria.

**USE, CONDITIONAL** – An authorized use which may be granted only by the Borough Council pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendation by the Borough Planning Commission and hearing by the Borough Council.

**USE, PRINCIPAL** – The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**VARIANCE** – Relief granted pursuant to the provisions of Articles VI and IX of the MPC.

**VEHICLE SALES** – The sales of new or used motor vehicles, watercraft, recreational vehicles, or trailers, including outdoor display areas, service areas within a completely enclosed building and a showroom and offices within the building.

**VEHICLE RENTAL FACILITY** – The rental of motor vehicles, watercraft, recreational vehicles, or trailers, including outdoor display areas, service areas within a completely enclosed building and a showroom and offices within the building.

**VETERINARIAN SERVICES** – See “Animal Hospitals and Veterinarian Services.”

**WAREHOUSE AND STORAGE SERVICES** – A structure primarily used for the storage of goods and materials which also includes refrigeration and cold storage services. This use does not include distribution centers.

**WATER IMPOUNDMENT, FRESH** - A lined depression, excavation pit or facility situated in or upon the ground whether natural or artificial used to store fresh water.

**WATER IMPOUNDMENT, WASTE** - A lined depression, excavation pit or facility situated in or upon the ground, whether natural or artificial, used to store wastewater fluid including but not limited to brine, fracturing fluid, produced water, recycled water, impaired water, flowback water, or any other fluid that does not satisfy the definition of "fresh water."

**WATER INTAKE WELLS** – A site authorized by a permit from the Pennsylvania Department of Environmental Protection (DEP) for the drilling site for the production of potable water supply.

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

**WELL** – A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

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

**WELL OPERATOR OR OPERATOR** - Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil or gas. The person designated as the well operator or operator on the permit application or well registration. If the owner is a separate entity than the operator, then the owner shall also be listed. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters, or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

**WELL PAD** – The area extending to the limits of disturbance of the grading plan for a drilling site where a well is to be drilled and occupied by any of the facilities, structures, and equipment associated with or incidental to the construction, drilling, fracturing,

production, or operation of an oil or gas well. Notwithstanding the foregoing, the well pad site does not include the access road.

**WELLHEAD** – The precise point of entry into the ground where the drilling of a gas well takes place.

**WIND CHARGER** – A wind-driven direct-current generator used for charging storage batteries.

**WIND ENERGY CONVERSION SYSTEM (WECS)** – A device such as a wind charger, wind turbine or windmill, and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**WIND ENERGY PRODUCTION FACILITY, LARGE** – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

**WIND ENERGY SYSTEM, SMALL** – A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**WINDMILL** – A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

**WIND TURBINE** – A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

**WINERY** – An establishment for making wine for wholesale distribution. No products produced by the winery shall be sold an/or consumed on the premise. See also “Limited winery”.

**WIRELESS** – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

**WIRELESS COMMUNICATIONS FACILITY (WCF)** - An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.



**WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT OR APPLICANT)** – Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public ROW or other Borough-owned or third-party land or property.

**WIRELESS COMMUNICATIONS RELATED EQUIPMENT** – Any piece of equipment related to, incident to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

**WIRELESS SUPPORT STRUCTURE** - An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

**YARD, FRONT** – A yard extending between side lot lines across the full lot width from the front lot line to a line parallel to the front face of the structure of the principal use of the lot (See Figure 1).

**YARD, REAR** – A yard extending between the side lot lines across the full lot width from the rear lot line to a line parallel to the rear face of the structure of the principal use of the lot (See Figure 1).

**YARD, SIDE** – A yard extending from the front yard line to the rear yard line parallel to the side lot line (See Figure 1).

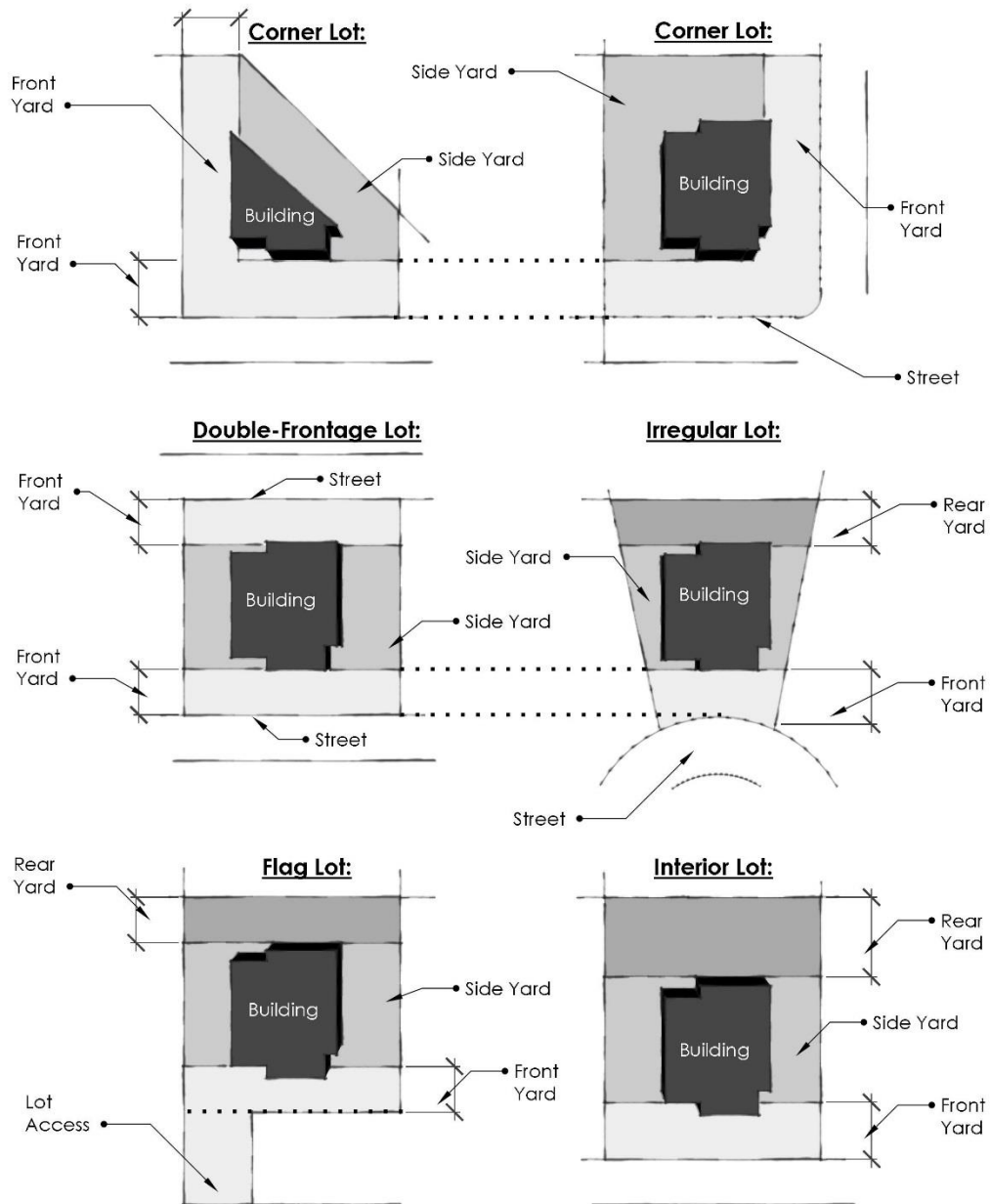
**ZONING DISTRICT** – An area in the Borough in which regulations under this Ordinance uniformly apply including overlay districts.

**ZONING HEARING BOARD (ZHB)** – The Zoning Hearing Board of Plum Borough, Allegheny County, Pennsylvania as defined by and appointed in accordance with the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

**ZONING MAP** – The Official Map delineating the zoning districts of Plum Borough, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

**ZONING OFFICER** – The designated official or authorized representative appointed by the Borough Councils whose duty it shall be to administer this Ordinance and as identified in §614 of the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

**FIGURE 1 – YARD TYPE ILLUSTRATION**



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## Article III: District Regulations

### Section 301: Establishment of Districts

- A. Base Zoning Districts establishes districts that divide the Borough into various residential, commercial, and industrial zones. Each district establishes uses that are a Permitted Use by Right (P); a Conditional Use (CU); or a Special Exception (SE). A use permitted as of right is compatible with the other uses within the purpose of the district and therefore requires only administrative approval. Conditional Uses and Special Exceptions are those uses that may generate additional impacts and may warrant additional standards and additional approval process to ensure their compatibility and compliance with these zoning requirements.
- B. Overlay Zoning Districts establishes districts within which the standards of both the base and overlay zoning district apply. These districts address special situations that require additional regulations to protect the public health, safety, and general welfare of the community within the specific overlay. The additional regulations identified in each overlay district apply to the area specified for that specific overlay district only.

### Section 302: Base Zoning Districts

- A. The Borough is divided into the following zoning districts as shown in the official zoning map attached hereto and incorporated herein. The following types of zoning districts are hereby established:

RR	Rural Residential District
SR	Single-Family Residential District
MR	Multi-Family Residential District
NC	Neighborhood Mixed Use Commercial District
GC	General Commercial
HC	Highway Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
S	Conservation District
M	Municipal District

### Section 303: New Zoning Districts

- A. Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Borough Council pursuant to §1109 of this Ordinance.

**Section 304: Official Zoning Map**

- A. The map(s) delineating the boundaries of the various zoning districts, together with all matters and things shown on such maps, are adopted, and approved, and collectively constitute the “official zoning map.” The official zoning map is incorporated by reference and made a part of Ordinance. These map(s) are on file in the Borough office. The official zoning map carries the zoning district designations established in §302 of this Ordinance.

**Section 305: Zoning District Boundaries**

- A. When definite distances in feet are not shown on the zoning map, the following rules apply:
1. Boundaries indicated as approximately following the ROW or centerlines of streets, highways, or alleys shall be construed to follow the centerlines of the existing street, highway, or alley ROW.
  2. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines;
  3. Boundaries indicated as approximately following Borough limits shall be construed as following the Borough boundary;
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
  5. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
  6. 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; and
  7. Where physical features existing on the ground vary from those shown on the official zoning maps, or in other circumstances where the zoning boundary is unclear, the Zoning Officer shall interpret the district boundaries. Appeals to such determination shall be made to the ZHB pursuant to this requirement of this Ordinance.
  8. Where any land within the municipal boundaries of the Borough is shown on the Zoning Map with the color white, such as the land within a ROW or easement, the land shall be interpreted as being within the immediately adjacent zoning district with which the subject land shares the majority of its property line.

**Section 306: Zoning District Allowable Uses**

- A. No land, structure, building or development approval shall be issued unless the proposed development conforms to the regulations prescribed within the applicable zoning district and this Ordinance.

- B. Three (3) classifications of principal uses are established in this Ordinance. No principal use is permitted unless it is listed as a Permitted Use by Right (P), Conditional Use (CU), or Special Exception (SE) and identified in the table of authorized principal uses (Table 11). Uses permitted as principal uses or structures within each zoning district are those uses listed in the Table of Authorized Principal Uses (Table 11). The classification of uses include:
1. Permitted Uses by Right (P) 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 Ordinance.
  2. Conditional Uses (CU) are those authorized uses which are permitted by approval of the Council in accordance with this Ordinance and more specifically Article IV Express Standards and Criteria for Special Exceptions and Conditional Uses.
  3. Uses by Special Exception (SE) are those authorized uses which are permitted by approval of the ZHB in accordance with this Ordinance and more specifically Article IV Express Standards and Criteria for Special Exceptions and Conditional Uses.
- C. Uses Not Listed. It is the intent of this Ordinance to group similar or compatible land uses into specific zoning districts. Uses not specifically listed in Table 11 are allowable subject to the provisions of §473 of this Ordinance and subject to the following:
1. Uses which 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).
  2. 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 specifically listed use is permitted.
  3. 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.
- D. Uses Preempted By State Statute. Notwithstanding any provision of this Section to the contrary, uses that are required to be permitted in any zoning district by state or federal statute may be permitted in accordance with state or federal law whether or not the use is included in the Tables of Authorized Uses (Principal and Accessory).
- E. In all residential zoning districts, there shall only be one (1) principal use and structure on a lot.
- F. In all nonresidential zoning districts authorized by this Ordinance, two (2) or more nonresidential principal buildings can occupy the same lot and two (2) or more authorized nonresidential uses may occupy the same lot or building. Provided in all cases that all applicable requirements for each of the structures or uses can be met on the lot.

- G. In addition to the provisions for principal uses, accessory uses shall also be permitted in accordance with the provisions of this Ordinance. In all zoning districts, all accessory uses and structures shall be located on the same lot with the principal structure and use to which they are accessory. Accessory uses regulations are set forth in Article III of this Ordinance.

**Section 307: Bulk and Area Regulations for Uses**

- A. Bulk and area regulations for uses are specified in the tables in each Section for the specific zoning district.

**Section 308: RR – Rural Residential District**

- A. Purpose. The Rural Residential District is intended to protect portions of the Municipality that are not otherwise suitable for development at higher densities due to a lack of existing utilities. The characteristic of this district is generally defined by single-family residential uses on large lots where needs for traffic facilities and utilities are low.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the RR district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the RR district.
- D. Area and bulk regulations: The area and bulk regulations within the RR zoning district shall be subject to the standards identified in Table 1, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.
- F. Minimum required street frontage is 75 feet.

**TABLE 1 – RR – RURAL RESIDENTIAL DISTRICT**

<b>Bulk and Areas Regulations RR Zoning District</b>	
Lot size (minimum)	40,000 sq. ft. (with sewer) 60,000 sq. ft. (without sewer)
Lot Width (minimum)	150 ft.
Height (maximum)	35 ft.
Front Setback (minimum)	50 ft.
Side Setback (minimum)	30 ft.
Rear Setback (minimum)	50 ft.
Lot Coverage (maximum)	20 percent

**Section 309: SR – Single Family Residential District**

- A. Purpose. The Single-Family Residential District is intended as a residential district consisting of a variety of housing types as identified in Table 11. The characteristic of this district is generally defined by single family homes centered on strong neighborhoods.
- B. Authorized Principal Uses: See §318 Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the district.
- D. Area and bulk regulations: The area and bulk regulations within the zoning district shall be subject to the standards identified in Table 2, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.
- F. Minimum required street frontage is 50 feet.

**TABLE 2 – SR - SINGLE FAMILY RESIDENTIAL DISTRICT**

<b>Bulk and Areas Regulations SR Zoning District</b>	
Lot Size (minimum)	15,000 sq. ft. (with sewer) 40,000 sq. ft. (without sewer)
Lot Width (minimum)	75 ft.
Height (maximum)	35 ft.
Front Setback (minimum)	30 ft.
Side Setback (minimum)	7.5 ft.
Rear Setback (minimum)	30 ft.
Lot Coverage (maximum)	25 percent

**Section 310: MR – Multifamily Residential District**

- A. Purpose. The Multifamily Residential District is intended to recognize the need for an alternative to single-family detached houses. The locations of this District are generally consistent with the level of service provided by the surrounding utilities and transportation infrastructure. The characteristic is residential in nature with moderate densities.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the district.



- D. Area and bulk regulations: The area and bulk regulations within the zoning district shall be subject to the standards identified in Table 3, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.
- F. Minimum required street frontage for a single-family dwelling is 50 feet. Minimum required street frontage for a duplex or townhome is 20 feet.

**TABLE 3 – MR - MULTIFAMILY RESIDENTIAL DISTRICT**

<b>Bulk and Areas Regulations MR Zoning District</b>				
	Single Family Dwellings	Duplex & Townhomes	Quadruplex and Multifamily Units	All Other Nonresidential Uses
Lot Size (minimum)	15,000 sq. ft. (with sewer) 40,000 sq. ft. (without sewer)	3,600 sq. ft. per unit	2,400 sq. ft. per unit	7,500 sq. ft. per unit
Lot Width (minimum)	75 ft.	24 ft.	60 ft.	60 ft.
Height (maximum)	35 ft.	40 ft.	50 ft.	40 ft.
Front Setback (minimum)	30 ft.	15 ft.	15 ft.	30 ft.
Side Setback (minimum)	7.5 ft.	30 ft. <sup>1</sup>	15 ft. <sup>1</sup>	10 ft.
Rear Setback (minimum)	30 ft.	15 ft.	30 ft.	30 ft.
Lot Coverage (maximum)	25 percent	50 percent	65 percent	75 percent
<sup>1</sup> Attached dwelling units and/or their accessory garages, may be constructed on adjoining lots without setbacks between attached units provided that a common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded.				

### **Section 311: NC – Neighborhood Mixed Use Commercial District**

- A. Purpose. The Neighborhood Mixed Use Commercial District provides a mix of residential and low intensity neighborhood commercial facilities intended to serve the immediate area with goods and services. The intent is to maintain a residential character for properties in the Mixed-Use District so that the impact of use is minimal to nearby homes. The Neighborhood Mixed-Use District is not intended to house facilities which are high impact, and which may be more regional in their draw.

- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the NC district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the NC district.
- D. Area and bulk regulations: The area and bulk regulations within the NC zoning district shall be subject to the standards identified in Table 4, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.
- F. Minimum required street frontage for a single-family dwelling is 50 feet. Minimum required street frontage for a duplex or townhome is 20 feet.

**TABLE 4 – NC – NEIGHBORHOOD MIXED USE COMMERCIAL DISTRICT**

<b>Bulk and Areas Regulations NC Zoning District</b>			
	Single-family Unit	Duplex & Townhomes	All Other nonresidential and Mixed Uses
Lot Size (minimum)	10,000 sq. ft. per unit (with sewer) 40,000 sq. ft. per unit (without sewer)	3,600 sq. ft. per unit	21,780 sq. ft.
Lot Width (minimum)	75 ft.	24 ft.	75 ft.
Height (maximum)	35 ft.	40 ft.	30 ft.
Front Setback (minimum)	30 ft.	15 ft.	35 ft.
Side Setback (minimum)	7.5 ft.	30 ft. <sup>1</sup>	20 ft.
Rear Setback (minimum)	30 ft.	15 ft.	40 ft.
Lot Coverage (maximum)	25 percent	50 percent	50 percent <sup>2</sup>
<sup>1</sup> Attached dwelling units and/or their accessory garages, may be constructed on adjoining lots without setbacks between attached units provided that a common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded. <sup>2</sup> An applicant can receive twenty-five (25%) percent additional lot coverage as an incentive bonus if, the project satisfies the architectural standards required in §511 of this Ordinance.			

**Section 312: GC – General Commercial District**

- A. Purpose. The General Commercial District provides areas for the location of regional commercial uses in areas of the Municipality where infrastructure can support such uses. The character of the District includes diverse commercial development and redevelopment opportunities on larger existing parcels.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the GC district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the GC district.
- D. Area and bulk regulations: The area and bulk regulations within the GC zoning district shall be subject to the standards identified in Table 5, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

**TABLE 5 – GC – GENERAL COMMERCIAL DISTRICT**

<b>Bulk and Areas Regulations GC Zoning District</b>	
Lot Size (minimum)	40,000 sq. ft.
Lot Width (minimum)	150 ft.
Height (maximum)	50 ft.
Front Setback (minimum)	40 ft.
Side Setback (minimum)	30 ft.
Rear Setback (minimum)	30 ft.
Lot Coverage (maximum)	50 percent <sup>1</sup>
<sup>1</sup> An applicant can receive twenty-five (25%) percent additional lot coverage as an incentive bonus if, the project satisfies the architectural standards required in §511 of this Ordinance.	

**Section 313: HC – Highway Commercial District**

- A. Purpose. The Highway Commercial District is intended to provide for the commercial needs of the community along significant transportation corridors. The charter includes diverse commercial development opportunities, however, the existing parcels in the district tend to be smaller in scale.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the HC district.

- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the HC district.
- D. Area and bulk regulations: The area and bulk regulations within the HC zoning district shall be subject to the standards identified in Table 6, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 6 – HC – HIGHWAY COMMERCIAL DISTRICT

Bulk and Areas Regulations HC Zoning District	
Lot size (minimum)	25,000 sq. ft.
Lot Width (minimum)	100 ft.
Height (maximum)	50 ft.
Front Setback (minimum)	30 ft.
Side Setback (minimum)	15 ft.
Rear Setback (minimum)	20 ft.
Lot Coverage (maximum)	50 percent <sup>1</sup>
<sup>1</sup> An applicant can receive twenty-five (25%) percent additional lot coverage as an incentive bonus if, the project satisfies the architectural standards required in §511 of this Ordinance.	

### Section 314: LI – Light Industrial District

- A. Purpose. The Light Industrial District is intended to provide for small-scale industrial uses that present a minimum impact on the surrounding parcels. The charter of the District reflects existing light industrial uses and encourages the improvement and development of compatible uses.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the LI district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the LI district.
- D. Area and bulk regulations: The area and bulk regulations within the LI zoning district shall be subject to the standards identified in Table 7, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 7 – LI – LIGHT INDUSTRIAL DISTRICT

Bulk and Areas Regulations LI Zoning District	
Lot size (minimum)	20,000 sq. ft.
Lot Width (minimum)	100 ft.
Height (maximum)	50 ft.
Front Setback (minimum)	30 ft.
Side Setback (minimum)	20 ft.
Rear Setback (minimum)	20 ft.
Lot Coverage (maximum)	75 percent

**Section 315: HI – Heavy Industrial District**

- A. Purpose. The Heavy Industrial District is to accommodate large-scale industries which requires appropriate infrastructure and buffering from residential and commercial uses. The character of the district should reflect larger lots and greater buffering that is proportionate to the greater intensity of use.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the HI district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the HI district.
- D. Area and bulk regulations: The area and bulk regulations within the HI zoning district shall be subject to the standards identified in Table 8, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 8 – HI – HEAVY INDUSTRIAL DISTRICT

Bulk and Areas Regulations HI Zoning District	
Lot size (minimum)	40,000 sq. ft.
Lot Width (minimum)	200 ft.
Height (maximum)	75 ft.
Front Setback (minimum)	75 ft.
Side Setback (minimum)	25 ft.
Rear Setback (minimum)	25 ft.
Lot Coverage (maximum)	75 percent

**Section 316: S – Conservation District**

- A. Purpose. The Conservation District is intended to protect environmentally sensitive areas within the Borough while providing appropriate recreational opportunities.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the S district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the S district.
- D. Area and bulk regulations: The area and bulk regulations within the S zoning district shall be subject to the standards identified in Table 9, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

**TABLE 9 – S – CONSERVATION DISTRICT**

<b>Bulk and Areas Regulations S Zoning District</b>	
Lot size (minimum)	80,000 sq. ft.
Lot Width (minimum)	200 ft.
Height (maximum)	35 ft.
Front Setback (minimum)	50 ft.
Side Setback (minimum)	20 ft.
Rear Setback (minimum)	50 ft.
Lot Coverage (maximum)	35 percent

**Section 317: M – Municipal District**

- A. Purpose. The Municipal District is intended to provide for community services and municipal uses.
- B. Authorized Principal Uses: See §318, Table of Authorized Uses (Table 11), for authorized principal uses and method of authorization in the M district.
- C. Authorized Accessory Uses: See §320, Table of Authorized Accessory Uses (Table 12), for authorized accessory uses and method of authorization in the M district.
- D. Area and bulk regulations: The area and bulk regulations within the M zoning district shall be subject to the standards identified in Table 10, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 10 – M – MUNICIPAL DISTRICT

Bulk and Areas Regulations M Zoning District	
Lot size (minimum)	25,000 sq. ft.
Lot Width (minimum)	100 ft.
Height (maximum)	50 ft.
Front Setback (minimum)	30 ft.
Side Setback (minimum)	15 ft.
Rear Setback (minimum)	20 ft.
Lot Coverage (maximum)	75 percent

**Section 318: Table of Authorized Principal Uses**

- A. Table 11 establishes the authorized principal uses and the zoning districts where the principal use is authorized and method of authorization.

P – Permitted Use by Right

SE – Use by Special Exception (see General and Express Standards in Article IV)

CU – Conditional Use (see General and Express Standards in Article IV)

Blank cells indicate that the use is not permitted in the corresponding district.

TABLE 11 – TABLE OF AUTHORIZED PRINCIPAL USES

Table of Authorized Principal Uses										
Use	RR	SR	MR	NC	GC	HC	LI	HI	S	M
Adaptive Reuse	CU	CU	CU	CU	CU	CU				
Adaptive Retail Use				P						
After Hours Club								CU		
Agricultural Operations	P	P							P	
Airport							CU			
Airport Control Tower							CU			
Ambulance Station					P	P	P			P
Amphitheater						P				
Amusement Arcade					CU					
Amusement Park					CU					
Animal Cemetery								CU		
Animal Day Care				CU	P	P				
Animal Groomer				CU	P	P				
Animal Hospitals and Veterinarian Services	CU			CU	P	P				
Aquarium / Zoo					CU					
Art Gallery					P	P				
Arts & Craft Studio					P	P				
Asphalt / Concrete Plant								CU		
Auditorium					CU	CU				
Automobile Detailing				CU	P	P	P			
Automobile Repair and Service				CU	CU	CU	CU			
Bakery, Retail				P	P	P				
Barn	P									
Bed & Breakfast Inn	CU			CU						
Beverage Distributor					P	P				
Billboards	Subject to Article VII									
Boarding House								CU		
Brewery							CU	CU		
Bus or Truck Maintenance Facility					CU	CU	CU	CU		
Bus Terminal					P	P	P	P		
Campground									CU	
Car Wash					P	P	P			
<b>Care Facilities and Senior Housing:</b>										
Assisted Living Facility			CU	CU	CU					
Independent Living Facility			CU	CU	CU					
Life Care Community			CU	CU	CU					
Nursing Home			CU	CU	CU					
Retirement Housing Facility			CU	CU	CU					
Catering (Kitchen/Food Preparation Only)					P	P				
Catering/Event Venue					P	P				
Cemetery & Mausoleums	CU	CU								



Table of Authorized Principal Uses (cont.)										
Use	RR	SR	MR	NC	GC	HC	LI	HI	S	M
Clubs/Lodges (not including Commercial Recreation Uses)				CU	P	P				
College/University						P				
Commercial Motor Vehicle Repair							CU	CU		
Commercial Recreation - Indoor					P	P	P			P
Commercial Recreation - Outdoor					CU	CU				P
Community Center	CU	CU	CU	CU	CU	CU	CU	CU		P
Conference Center						P				
Construction-related Business				CU	CU	CU	P	P		
Convenience Store				CU	P	P				
Correctional Facility								CU		
Custom Printing				P	P	P	P			
Day Care, Adult				CU	CU	CU				
Day Care, Child				CU	CU	CU				
Distillery								CU		
Distribution Center							P	P		
Dormitories						P				
<b>Dwelling Types:</b>										
Conversion Dwellings	CU	CU	CU	CU						
Duplex			P	P						
Mobile Home	P	P		P						
Multifamily Dwellings			CU							
Quadruplex			P							
Single Family Dwellings	P	P	P	P						
Townhomes			CU	CU						
Educational Institution					P	P	P			
Emergency Operation Center	P	P	P	P	P	P				P
Emergency Shelter					P	P				
Essential Services	P	P	P	P	P	P	P	P	P	P
Extended Stay Hotel/Motel						CU				
Farmers Market					P	P				P
Financial Institution				P	P	P				
Fire Station	P	P	P	P	P	P				P
Flea Market						CU				
Forestry	P	P	P	P	P	P	P	P	P	P
Funeral Home/Crematorium				CU	CU	CU				
Garden Center				CU	CU	CU				
Gas/Fuel Station				CU	CU	CU				
Golf Course									P	
Golf Driving Range				CU	CU				P	
Grain Silos	P									

Table of Authorized Principal Uses (cont.)										
Use	RR	SR	MR	NC	GC	HC	LI	HI	S	M
Group Care Facility					P					
Group Home	P	P	P	P						
Hazardous Waste Recycling Facility								CU		
Heavy Equipment Repair					CU	CU	CU	CU		
Heliport Facility								CU		
Hospital						P				
Hotel						CU				
Injection Well								CU		
Kennel	CU					CU				
Laboratory					CU	CU	P	P		
Landscape Business				CU	P	P	P	P		
Laundromat					P	P				
Library		P	P	P	P	P				P
Limited Winery				CU	CU	CU				
Live-work Units				CU						
Magistrate Office and Court				P	P	P				P
Manufacturing Facility, Light							P	P		
Manufacturing Facility, Heavy								P		
Massage Establishment						SE				
Medical Clinic				P	P	P				
Medical Marijuana Dispensary					CU	CU				
Medical Marijuana Grower/Processor							CU	CU		
Medical Offices				P	P	P				
Methadone Treatment Facility								CU		
Micro-brewery				CU	CU	CU				
Micro-distillery				CU	CU	CU				
Mineral Development								CU		
Mixed-use				CU						
Mobile Home Park	CU									
Manufactured Home Sales						P	P			
Motel						CU				
Municipal Building		P	P	P	P	P			P	P
Nature Preserve	P								P	P
Night Club					CU	CU				
Offices, Business Professional				CU	P	P	P	P		
Oil and Gas Compressor Station	CU						CU	CU		
Oil and Gas Processing Plant	CU						CU	CU		
Oil and Gas Well/Pad	CU						CU	CU		
Park	P	P	P	P	P	P			P	P
Park and Ride Facility					P	P				
Parking Lot, Commercial					CU	CU				
Parking Structure, Commercial					CU	CU				
Pawn Shop						P				
Personal Services				CU	P	P				

Table of Authorized Principal Uses (cont.)										
Use	RR	SR	MR	NC	GC	HC	LI	HI	S	M
Pharmacy				CU	P	P				
Place of Worship	P	P	P	P						
Planned Residential Development (PRD)	See Article IX									
Police Station		P	P	P	P	P				P
Post Office				P	P	P	P	P		P
Power Generation Facility - Electric								CU		
Railroad Facility					CU			CU		
Railroad Freight Transloading and Distribution Terminal								CU		
Recording Studio				CU	P	P				
Recycling Business						CU	CU	CU		
Repossession Business						CU	CU	CU		
Research and Development					CU	CU	P	P		
Restaurant				CU	P	P				
Restaurant, Drive-in				CU	P	P				
Restaurant, Neighborhood				CU	P	P				
Restaurant, Take-out Only				CU	P	P				
Retail Store				CU	P	P				
Roadside Stand, Principal				CU	CU	CU				
Salt Storage Facility							CU	CU		P
Salvage/Junk Yard							CU	CU		
School	P	P	P	P	P					
Self-storage Facility				-	CU	CU	CU			
Sewage Treatment Plant								CU		
Sexually Oriented Businesses								SE		
Shopping Center				CU	CU	CU				
Skilled Nursing Facility				CU	CU	CU				
Solar Energy Facility, Large								CU		
Solid Waste Combustor or Incinerator								CU		
Solid Waste Landfill Facility								CU		
Solid Waste Transfer Station								CU		
Specialized Industrial Facility								CU		
Stable, Commercial	CU									
Storage Yard						CU	CU	CU		
Supply Yard					CU	CU	CU	CU		
Tank Farms								CU		
Tattoo Parlor						P				
Tavern or Bar				CU	P	P				
Taxi and Limousine Service							P			
Theater					CU	CU				
Theater, Drive-in					CU	CU				
Towing or other Road Services				CU	CU	CU	CU			

<b>Table of Authorized Principal Uses (cont.)</b>										
<b>Use</b>	<b>RR</b>	<b>SR</b>	<b>MR</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>HI</b>	<b>S</b>	<b>M</b>
Urban Agriculture, Principal	CU	CU								
Vehicle Sales					CU	CU				
Vehicle Rental Facility					CU	CU				
Warehouse & Storage Services						P	P	P		
Water Intake Wells	P									
Wind Energy Facility, Large								CU		
Winery							CU	CU		
Wireless Communications Facilities	Subject to Article VIII									
Uses Not Listed	See §472									

**Section 319: Accessory Uses and Structures**

- A. Applicability: This Section applies to any subordinate use of a building or other structure, or use of land that is:
  - 1. Conducted on the same lot as the principal use to which it is related; and
  - 2. Clearly incidental to, and customarily found in connection with, the principal use or structure.
- B. Establishment of Accessory Uses:
  - 1. Accessory structures, buildings or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established.
  - 2. In no instance shall an accessory building or use be established on a vacant lot.

**Section 320: Table of Authorized Accessory Uses and Structures**

- A. Accessory uses shall be permitted in accordance with Table 12:
  - P – Permitted Use by Right
  - SE – Use by Special Exception (see General and Express Standards in Article IV)
  - CU – Conditional Use (see General and Express Standards in Article IV)
  - Blank cells indicate that the use is not permitted in the corresponding district.
- B. All accessory structures and uses are also subject to the general standards listed in §321 and the supplemental regulations found in Article V of this Ordinance.
- C. Standards related to the specific accessory structures and uses are found in §322 of this Ordinance.

**TABLE 12 – TABLE OF AUTHORIZED ACCESSORY USES AND STRUCTURES**

<b>Use</b>	<b>RR</b>	<b>SR</b>	<b>MR</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>HI</b>	<b>S</b>	<b>M</b>
Accessory Agricultural Buildings	P	P								
Accessory Dwelling Unit	CU			CU						
Agricultural Operations, Accessory	P									
Amusement Arcade					P	P				
Animal Husbandry	P	P								
Billboards	Subject to Article VII									
Carport	P	P		P						
Community Food Bank	P	P	P	P	P					
Day Care, Home-based	CU									
Deck	P	P	P	P	P	P			P	P
Drive-through Facilities				CU	CU	CU				
Fence	P	P	P	P	P	P	P	P	P	P
Garage, private	P	P	P	P						
Gazebo	P	P	P	P	P	P	P	P	P	P
Golf Driving Range									P	
Home Occupational Business				CU						
Hot Tubs and Outdoor Spas	P	P								
Loading Space/Berth				P	P	P	P	P		
No-Impact Home-based Business	P	P	P	P	P	P				
Outdoor Hydronic Heater	P									
Parking Structure, Accessory			P	P	P	P				
Patio	P	P	P	P	P	P				
Porch	P	P	P	P	P	P				
Restaurant, Outdoor Dining				P	P	P				
Roadside Stand, Accessory	P			P	P	P				
Shed	P	P		P						
Short-term Rental, Accessory	CU	CU	CU							
Signs	Subject to Article VII									
Solar Energy System, Small	P	P								
Stable, Private	P	P								
Storage Building					P	P	P	P		
Storage Yard, Accessory					CU	CU	CU	CU		
Supply Yard, Accessory					CU	CU	CU	CU		
Swimming Pool	P	P	P	P						
Temporary Use Structure	P	P	P	P	P	P	P	P		
Tennis/Basketball/Sports courts	P	P	P	P	P	P	P	P	P	P
Trailer, Sales or Construction	P	P	P	P	P	P	P	P		
Wind Energy System, Small	P	P								
Wireless Communications Facilities	Subject to Article VIII									
Any other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

**Section 321: General Standards for all Accessory Uses and Structures**

- A. Permitted Accessory Uses. Accessory uses and structures permitted by this Ordinance are listed in the Table of Authorized Accessory Uses and Structures (Table 12). Accessory uses and structures which are not specifically listed in the table shall not be permitted in the Borough.
- B. If an accessory structure or building is attached to the principal structure, then it shall be considered part of the principal structure and shall be subject to all requirements relating to the principal structure.
- C. Location of accessory structures and uses.
  - 1. Accessory structures and uses, with the exception of authorized signs and fences, shall not be located in the required front yard of any lot in any zoning district unless a 100-foot setback is provided from the required front setback line.
  - 2. The location of permitted nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
  - 3. All permanent accessory structures shall be set back a minimum of five (5) feet from any side or rear property line except where specifically authorized in elsewhere in this Ordinance.
  - 4. Accessory uses shall be conducted on the same lot as the principal use to which it is related; and clearly incidental to, and customarily found in connection with, the principal use or structure.
- D. Architectural Easement. Architectural Easements shall be permitted in all residential zoning districts for the construction of a front porch or deck onto the front of an existing or new dwelling unit with the following criteria:
  - 1. The architectural easement may be used for a porch or deck only. The porch or deck may have a roof structure over top of the structure.
  - 2. No enclosure of the porch or deck may be made at any time to convert the space to habitable space in the structure.
  - 3. Any existing, principal, residential structure located on the front setback line or any existing, principal, nonconforming, residential structure located within the front setback shall be permitted a maximum encroachment of eight (8) feet into the required setback.
- E. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the district in which it is located when considering all structures on the lot.
- F. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.

- G. Not more than one (1) accessory structure by type shall be permitted on an individual lot (e.g. shed, play structure, etc.).
- H. Accessory structures shall not exceed the height of the principal structure unless the accessory structure is directly related to an agricultural operation.
- I. Accessory buildings or uses shall not be constructed or established on a lot until the construction of the principal structure is completed or the principal use is established.
- J. Trailers including utility, commercial, mobile homes, or living trailers and motorized recreational vehicles may not be stored in any front or side yard, as defined by this Ordinance.

### **Section 322: Specific Standards for Accessory Uses and Structures**

#### **A. Accessory Agricultural Buildings.**

- 1. Accessory agricultural buildings shall be located on a minimum of ten (10) acres.
- 2. Accessory agricultural buildings shall be located outside of the required setbacks of the underlying zoning district.
- 3. Accessory agricultural buildings shall not exceed the height requirements of the underlying zoning district.

#### **B. Accessory Dwelling Units.**

- 1. Subject to the conditional use standards found in Article IV of this Ordinance.

#### **C. Agricultural operations, Accessory.**

- 1. Accessory agricultural operations shall be located on a minimum of ten (10) acres.

#### **D. Animal Husbandry.**

- 1. The keeping of horses, ponies, cattle, goats, sheep, poultry birds, pigs, and grazing animals shall not be kept, corralled, or stabled on lots less than two (2) acres in area.
- 2. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- 3. Roosters are not permitted.
- 4. Outdoor roaming areas for poultry birds shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.
- 5. The keeping of poultry birds shall be permitted as an accessory use only where there is an occupied residence.



## E. Carports.

1. The maximum size and height of carports are listed in the Table of Carport Size and Heights (Table 13).

TABLE 13 – CARPORT SIZE &amp; HEIGHTS

Maximum Size and Height of Carports		
Lot size	Gross Floor Area	Height of Structure
Lots ≤ 1 Acre	675 sq. ft. (maximum)	15 ft.
Lots > 1 Acre ≤ 2 Acres	800 sq. ft. (maximum)	20 ft.
Lots > 2 Acres	1,000 sq. ft. (maximum)	20 ft.

## F. Day Care, Home-based.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

## G. Drive-through Facilities.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

## H. Fence and Walls.

1. Fences and Walls Accessory to Residential Use. The following fences and walls may be erected as an accessory structure to a residential use:
  - a. Front Yards.
    - 1) Split rail, chain link and any other fence with fifty (50%) percent or less of the surface area being opaque, not exceeding five (5) feet in height.
    - 2) Masonry wall or fence with fifty (50%) percent or more of the surface area being opaque, not exceeding three (3) feet in height.
  - b. Side and Rear Yards.
    - 1) Masonry or concrete wall, not exceeding three (3) feet in height.
    - 2) Any other type of fence, not exceeding eight (8) feet in height.
  - c. Barbed wire fences shall not be permitted in conjunction with a residential use.
2. Fences and Walls Accessory to a Nonresidential Use. The following fences and walls may be erected as an accessory structure to a nonresidential use in any yard:
  - a. Masonry or concrete wall, not exceeding three (3) feet in height.
  - b. Fences with fifty (50%) percent or less of the surface area being opaque, not exceeding eight (8) feet in height.

- c. Fences with more than fifty (50%) percent of the surface area being opaque, not exceeding six (6) feet in height.

3. General Requirements for Fences and Walls.

- a. No fence in any district shall be erected in such a manner so as to obstruct visibility as a street or driveway intersection, in accordance with this Ordinance.
- b. Fences for public or private tennis courts and similar outdoor recreational facilities may, be erected up to ten (10) feet in height, if constructed of a chain link material.
- c. A retaining wall of any height may be erected along any property line or in any required yard where it is needed to prevent a landslide or other hazardous condition. The location and placement of retaining walls shall meet the requirements of the SALDO of the Borough. Wall in excess of six (6) feet in height shall have a safety feature placed along the top of the wall such as a fence or railing erected along in all areas that exceed six (6) feet.
- d. The owner of any fence or wall shall be responsible for maintaining it in good repair. If a fence or wall is not being properly maintained, the Zoning Administrator shall give written notice to the owner to repair or remove the fence or wall within the time period stipulated by the notice. Failure to comply with the order shall be considered a violation of this Ordinance.

I. Garage, private

- 1. A private garage may include the maximum storage of one (1) private vehicle not registered to family and/or individuals living within the permitted principal use.
- 2. No part of an accessory garage shall be occupied as a residential living area.
- 3. All detached private garages shall be setback a minimum of seven and one half (7.5) feet from any property line.
- 4. The maximum size and height of detached private garages are listed in the Table of Detached Garage Size and Heights (Table 14).

**TABLE 14 – DETACHED GARAGE SIZE AND HEIGHTS**

<b>Maximum Size and Height of Private Garages</b>		
<b>Lot size</b>	<b>Gross Floor Area</b>	<b>Height of Structure</b>
Lots ≤ 1 Acre	675 sq. ft. (maximum)	15 ft.
Lots > 1 Acre ≤ 2 Acres	800 sq. ft. (maximum)	20 ft.
Lots > 2 Acres	1,000 sq. ft. (maximum)	20 t.

J. Home Occupational Business.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

K. Outdoor Hydronic Heater.

1. Outdoor Hydronic Heaters are only permitted on properties that exceed one (1) acre in size.
2. Heaters shall not be located closer than thirty (30) feet from any property line.

L. Restaurant, Outdoor Dining.

1. The area to be utilized shall be accessory to an existing permitted restaurant and shall abut the sidewalk or ROW of the permitted restaurant. The dining area shall not extend beyond the actual width of the building in which the restaurant is located.
2. The portion of the sidewalk or ROW to be used shall be no greater than one-half (.5) of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than six (6) feet shall be provided between the curb and the sidewalk dining area. The unobstructed area shall be clear of utility poles, traffic meters, water hydrants, street trees, planter boxes, trash receptacles, etc.
3. The sidewalk dining area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately three (3) feet and shall be removed when the restaurant is closed. The barrier shall be of material and design in keeping with the character of the neighborhood and shall not create a hazard to pedestrians.
4. No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, building entry, building exit, or building corner or within ten (10) feet of any bus stop.
5. The hours of operation of outdoor dining services shall be determined by Council at the time of the conditional use approval.
6. Council shall determine whether the proposed sidewalk dining in any way endangers the health, safety or welfare of the public or is detrimental to surrounding property values.
7. The sidewalk dining area shall be properly maintained, and the entire sidewalk kept free of litter.
8. No additional signage shall be permitted on the sidewalk.

M. Roadside Stands, Accessory.

1. A current peddler's license shall be clearly displayed on the premises.

2. Accessory roadside stands shall be authorized by the resident and/or owner of the permitted principal structure.
3. All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a ROW.
4. Roadside stands shall be setback a minimum of ten (10) feet from any property line or ROW.
5. No permanent signs related to the roadside stand shall be erected.

N. Sheds.

1. No part of a shed shall be occupied as a residential living area.
2. A shed greater than 400 sq. ft. shall be set back a minimum of seven and one half (7.5) feet from any property line.
3. The maximum size and height of sheds are listed in the Table of Shed Size and Heights (Table 15).

**TABLE 15 – SHED SIZE & HEIGHTS**

<b>Maximum Size and Height of Storage Buildings</b>		
<b>Lot size</b>	<b>Gross Floor Area</b>	<b>Height of Structure</b>
Lots ≤ 0.5 Acres	144 sq. ft. (maximum)	15 ft.
Lots > 0.5 Acre ≤ 1 Acres	400 sq. ft. (maximum)	15 ft.
Lots > 1 Acres	650 sq. ft. (maximum)	15 ft.

O. Short-term Rental, Accessory.

1. Subject to the “General Standards for all Conditional Uses” found in Article IV of this Ordinance.

P. Solar Energy System, Small.

1. Zoning approval is required for the construction of any solar-energy facility that is an accessory use on any site or lot.
2. The building permit application shall indicate the location of the proposed facility, including the percentage of roof coverage, if the facility is mounted on a building.
3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
4. Where the installation of the facility constitutes a land development, all provisions of applicable Ordinances shall be met.

5. Noise from any solar-energy facility shall not exceed fifteen (15) decibels (dBa) at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded with the County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*
6. Construction of any solar-energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration (FAA). Documentation of compliance shall be provided to the Borough.
7. To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania Uniform Construction Code (UCC) and the regulations adopted by the Pennsylvania Department of Labor and Industry (PA L&I).
8. Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
9. Transmission and power lines shall be placed underground or out of sight.
10. Where installed on the roof of a building, no solar-energy facility shall be installed such that more than fifty (50%) percent of each roof area is covered by the facility.
11. No solar-energy facility or facilities may exceed in total thirty (30%) percent of the total lot or site area.
12. Solar-energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed, and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line.
13. No facility shall be attached to a tree, or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.
14. No facility shall be installed immediately adjacent to a swimming pool or other open body of water.

Q. Storage Building.

1. The location of permitted storage buildings is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures of the underlying zoning district.
2. No part of an accessory storage building shall be occupied as a residential living area.

3. The maximum size and height of storage buildings are listed in the Table of Detached Garage Size and Heights (Table 16).

TABLE 16 – STORAGE BUILDING SIZE &amp; HEIGHTS

Maximum Size and Height of Storage Buildings		
Lot size	Gross Floor Area	Height of Structure
Lots ≤ 1 Acre	675 sq. ft. (maximum)	15 ft.
Lots > 1 Acre ≤ 2 Acres	800 sq. ft. (maximum)	20 ft.
Lots > 2 Acres	1,000 sq. ft. (maximum)	20 ft.

R. Storage Yard, Accessory.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

S. Supply Yard, Accessory Use.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

T. Swimming Pools.

1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a side and/or rear yard, provided that they are no closer than five (5) feet to any lot line.
2. In-ground pools, in all zoning district shall be enclosed by a fence, as required by the Borough's Building Code.
3. Above-ground pools in all zoning district having vertical barriers, as required by the Borough's Building Code.
4. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

U. Trailers, Construction or Sales.

1. Construction sheds or trailers shall be permitted in any district of the Borough subject to the following restrictions:
  - a. Such construction trailers and construction sheds shall be located on the lot on which construction is progressing and shall not be located within twenty-five (25) feet of the boundary line of any abutting residential lot.

- b. Such construction trailers and construction sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies, and not for any dwelling use whatsoever.
- c. No combustible materials shall be stored in the construction trailer or construction shed.
- d. All construction trailers or construction sheds shall have at least ten (10) feet on all sides for clearance. Two (2) or more construction trailers can be joined for passage from trailer to trailer.
- e. Such construction trailers shall not be moved to, or construction sheds erected on a construction site until the date on or after which construction actually commences and shall be removed from such site within thirty (30) days after completion of construction. If construction is interrupted and ceases for more than sixty (60) days, the construction trailer shall be removed until actual construction commences again.

V. Wind Energy System, Small.

- 1. Borough zoning approval is required prior to the construction of any wind-energy facility on any site or lot.
- 2. The building permit application shall indicate the location of the proposed facility.
- 3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- 4. Where the installation of the facility constitutes a land development, all provisions of applicable Ordinances shall be met.
- 5. Noise from any wind-energy facility shall not exceed fifteen (15) decibels (dBa) at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Butler County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*
- 6. Construction of any wind-energy facility shall comply with all rules, laws and regulations of the United States FAA. Documentation of compliance shall be provided to the Borough.
- 7. To the extent applicable, all wind-energy facilities shall comply with the Pennsylvania Uniform Construction Code (UCC) and the regulations adopted by the PA Department of Labor & Industry.

8. All electrical components of wind-energy facilities shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
9. Wind-energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety.
10. Wind-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
11. Transmission and power lines shall be placed underground or out of sight.
12. Setbacks.
  - a. From buildings: one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
  - b. From property lines: one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
  - c. From public roads: one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
13. Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by one and one-tenth (1.1) times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.
14. Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed; and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line or the distance set forth above, whichever is greater.
15. Maximum height: Where the facility is an independent structure and not mounted to a building, fifty (50) feet maximum height in residential zoning districts and 120 feet maximum height in commercial districts, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be ten (10) feet higher than the tallest point on the building.
16. Minimum vertical clearance between ground level and the lowest movable component of the wind-energy facility when at its lowest point: fifteen (15) feet.
17. The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical



characters shall be representative of the facility manufacturer only and shall comprise no more than five (5) square feet.

W. Stables, Private.

1. Private stables shall be located on a minimum of two (2) acres.
2. Private stables shall be setback a minimum fifty (50) feet from all property lines.
3. The keeping of non-commercial livestock shall be permitted as an accessory use only where there is an occupied residence.
4. The gross floor area of a private stable shall not exceed twenty-five (25%) of the permitted lot coverage of the underlying zoning district.
5. Private stables shall not exceed the height of the principal structure.

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## **Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses**

### **Section 401: Conditional Uses**

- A. Purpose: Conditional use provisions apply to all uses identified as conditional uses in the Tables of Authorized Uses (Principal and Accessory). The conditional use approval process is designed to allow the Borough Council to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as conditional uses in the Tables of Authorized Uses (Principal and Accessory) to be reviewed by the Borough Council so that they may determine compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance as the Council may deem necessary to implement the purposes of this Ordinance.
- B. Not all conditional uses authorized in the Tables of Authorized Principal and Accessory Uses have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a special exception or conditional use in the Table of Authorized Principal and Accessory Uses, the general standards for all conditional uses and special exceptions shall still apply. In addition, the Council may apply conditions identified in the Express Specific Standards for Specific uses, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.
- C. If the conditional use involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the conditional use, the approval shall lapse.
  - 1. The conditional use approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
  - 2. A conditional use approval shall not lapse if, the conditional use is associated with a current land development approval.

### **Section 402: Conditional Use Procedure for Approval**

- A. Procedure: The Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the MPC and this Ordinance and subject to the following:
  - 1. If a land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the Borough's adopted SALDO may be processed concurrently or separately at the discretion of the applicant, provided that all application requirements of both ordinances for a conditional use and the land development plan are met.

- B. Application Procedure. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person of the Borough. The application for development shall indicate the Section of this Ordinance under which the conditional use is sought and shall state the grounds upon which it is requested.
- C. Application Content. An application for approval of a conditional use shall include the following:
  - 1. One (1) copy of the application form provided by the Borough and completed by the applicant. If the applicant is other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany application.
  - 2. Five (5) paper and one (1) electronic copies of a site plan meeting the requirements for a preliminary plan for land development as set forth in the SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
  - 3. The Governing Body may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Council.
- D. Administrative review and determination of complete application. After a conditional use application is submitted, the Borough shall review the conditional use application for completeness of required submission items. The Borough shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- E. The Borough shall submit the complete conditional use application to the Borough Planning Commission for review and recommendations. The Planning Commission shall review the application and make a written recommendation to the Council. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the SALDO.
- F. The Council shall hold a hearing, in accordance with §913.2 of the MPC, 53 P.S. 10913.2, and public notice shall be given as defined in this Ordinance and in accordance with §908(1) of the MPC. The hearing shall be commenced by the Council within sixty (60) days from the date of receipt of the applicant's completed application, unless the applicant has agreed in writing to an extension of time.
- G. Conditions. In considering any conditional use, the Council may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Council deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance.
- H. Written Decision in Accordance with §908(10) of the MPC. The Council shall render a written decision or, when no decision is called for; make written findings on the conditional use application within forty-five (45) days after the last hearing before the Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. 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 no 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.

- I. Expiration. Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use or a grading or building permit to undertake the work described in the conditional use approval has been submitted within twelve (12) months of said approval, unless the Council, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension. The Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this Ordinance.
- J. Effect on Prior Approvals. Conditional use approval, granted prior to the effective date of this Ordinance, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Council, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- K. All provisions of the SALDO which are not specifically modified by the Council in approving a conditional use, shall apply to any conditional use involving subdivision and land development.
- L. Burden of Proof. In any application for conditional use, the applicant shall have the persuasion burden and presentation duty to show compliance with this Ordinance, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

### **Section 403: Special Exceptions**

- A. Purpose: Special Exception use provisions apply to all uses identified as Special Exception uses in the Tables of Authorized Uses (Principal and Accessory). The Special Exception use approval process is designed to allow the ZHB to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as Special Exception uses in the Tables of Authorized Uses (Principal and Accessory) to be reviewed by the ZHB so that they may determine use compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance as the ZHB may deem necessary to implement the purposes of the Zoning Ordinance or MPC.

- B. Not all Special Exception uses authorized in the Tables of Authorized Uses (Principal and Accessory) have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a Special Exception or conditional use in the Table of Authorized Uses (Principal and Accessory), the general standards for all conditional uses and Special Exceptions shall still apply. In addition, the Council may apply conditions identified in the Express Specific Standards for Specific uses, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.
- C. If the special exception involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the special exception, the approval shall lapse.
  - 1. The special exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
  - 2. A special exception approval shall not lapse if, the special exception is associated with a current land development approval.

#### **Section 404: Special Exception Procedure for Approval**

- A. Procedure: The ZHB shall consider special exception applications and render its decision in accordance with the requirements of the Pennsylvania MPC and this Ordinance and subject to the following:
  - 1. If land development approval is required for the use by Special Exception, the application for approval of a land development required by the SALDO shall be submitted to the Borough Planning Commission and Council following approval of the use by Special Exception by the ZHB.
  - 2. Application Procedure. The applicant shall submit an application for approval of a Special Exception to the Zoning Officer or designated staff person of the Borough. The application form shall indicate the Section of this Ordinance under which the Special Exception is sought and shall state the grounds upon which it is requested.
  - 3. Application Content. An application for approval of a Special Exception shall include the following:
    - a. One (1) copy of the application form provided by the Borough and completed by the applicant. If the applicant is other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany application.
    - b. Five (5) paper and one (1) electronic copies of a site plan meeting the requirements for a preliminary plan for land development as set forth in SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
    - c. The Governing Body may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Council.

4. Administrative review and determination of complete application. After a Special Exception application is submitted, the Borough shall review the application for completeness of required submission items. The Borough shall notify the applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
5. A hearing pursuant to public notice, as defined herein, shall be commenced by the ZHB within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this Ordinance and §908 of the MPC.
6. Burden of Proof: In proceedings involving a request for a use by Special Exception, both the duty of initially presenting evidence and the burden of persuading the ZHB that the proposed use is authorized as a use by Special Exception and satisfies the specific or objective requirements for the grant of a use by Special Exception as set forth in this Ordinance rest upon the applicant. The applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.
7. Conditions: In considering any Special Exception, the ZHB may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Board deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the Special Exception is granted, shall be deemed a violation of this Ordinance, and upon finding of violation, shall require that the Special Exception use be discontinued until the violation is corrected.

#### **Section 405: General Standards for all Conditional Uses and Special Exceptions**

- A. When considering applications for Conditional Uses and Special Exceptions the following general standards for all conditional uses and special exceptions shall be met:
  1. In accordance with the Comprehensive Plan the use shall be consistent with the spirit, purposes, and the intent of this Ordinance.
  2. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide sufficient plans, studies, or other data to demonstrate compliance.
  3. Compliance with other laws. The approval may be conditioned upon the applicant demonstrating compliance with other specific applicable local, state, and federal laws, regulations, and permits.
  4. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.

5. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any improvements proposed to be made by the applicant as a condition on approval. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
6. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.
7. The proposed use shall not create a significant hazard to the public health safety, and welfare.
8. The proposed use shall be suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
9. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

**Section 406: Accessory Dwelling Unit**

- A. Accessory dwelling units shall be attached to a permitted, principal residential dwelling.
- B. Accessory dwelling units are only permitted in conjunction with owner occupied properties, when the owner occupies one of the dwellings on the lot.
- C. Only one (1) accessory dwelling unit is permitted on a lot.
- D. Accessory dwelling units shall meet all the setback, bulk, and area requirements of the principal use of the lot.
- E. The minimum number of required parking spaces for an accessory dwelling unit shall be added to the minimum number of required parking spaces for the principal use (see Table 19).

**Section 407: Adaptive Reuse**

- A. Permitted Reuses. Structures determined to meet the criteria of Adaptive Reuses may be reused for the following purposes by conditional use:
  1. Single-family dwelling.
  2. Multiple-family dwelling.
  3. Financial institution.
  4. Private clubs or social halls; provided, that there are no sales of alcohol on the premises.



5. Day care facilities of all types.
  6. Nursing or personal care homes.
  7. Hospitals and medical clinics for humans.
  8. Civic or cultural building.
  9. Conference Centers.
  10. Community Center.
  11. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Governing Body.
- B. Standards for Exterior Alterations. It shall be a condition of this Adaptive Reuse that all exterior alterations shall meet Standards for Historic Preservation if the property contains a historic structure as defined by this Ordinance. Properties not required to meet the standards for historic preservation shall make exterior alterations generally consistent with the original structure's architecture and the neighborhood in which it is located.
- C. Parking shall meet the requirements of Article VI based on the permitted reuses.

**Section 408: After Hours Club**

- A. All operations shall be conducted within a completely enclosed building.
- B. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.

**Section 409: Amusement Arcade**

- A. Noise levels from amusement devices within an amusement arcade shall not exceed fifty (50) decibels (dBa), measured along the property boundary of the amusement arcade.
- B. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

**Section 410: Amusement Park**

- A. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- B. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- C. No direct beams or rays of light from exterior lighting fixtures, signs, or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated open spaces of adjacent residential properties.

- D. Access for the development site shall be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.
- E. Noise levels from amusement devices within an amusement park shall not exceed fifty (50) decibels (dBa), measured along the property boundary of the amusement park.
- F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

**Section 411: Asphalt/Concrete Plant**

- A. If materials are to be stored, they shall be screened sufficiently from adjacent properties and the public ROW.
- B. All batch plants (permanent or temporary) shall have an effective dust collection system approved by the Borough.
- C. The governing body require the use of wheel washers or other means of cleaning trucks/vehicles before entering public streets.
- D. Batch plants shall have an approved sediment pond before wash out water is discharged into any waterway.
- E. The governing body may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

**Section 412: Automobile Repair and Service**

- A. All use and equipment related to the facility operations and the repair/maintenance of the permitted vehicles shall be conducted entirely within a building.
- B. Outside storage or parking of any disabled, wrecked, unlicensed, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30) day period.
- C. Vehicles awaiting repair outside and wrecked or junk vehicles shall be screened and a view of them from adjacent properties and streets obscured with a solid vegetative landscape buffer or opaque fencing of at least six (6) feet in height.
- D. When vehicles are to be stored on the site awaiting repair, there shall be a designated storage area that shall not include required parking for the site and such that traffic hazards or blocking of traffic flow shall occur.
- E. No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.

- F. All motorized vehicles not in operating condition shall be kept in fully enclosed buildings except as noted above.
- G. The Governing Body may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district, municipal infrastructure or adjacent land uses.

**Section 413: Bed and Breakfast**

- A. The operator shall be a full-time resident of the dwelling in which the bed and breakfast is located.
- B. No more than four (4) guest rooms shall be offered to transient overnight guests.
- C. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- D. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each guest room offered to overnight guests.
- E. Off-street parking shall not be located in any front or side yard.

**Section 414: Boarding House**

- A. Public ingress and egress to the boarding house shall be through one common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.
- B. Entry access to all boarding sleeping rooms shall be through the interior of the building. No exit doors from individual boarding sleeping rooms shall lead directly to the exterior of the building.
- C. All required parking shall be located in the rear yard of the lot and screened from surrounding parcels.

**Section 415: Bus or Truck Maintenance Facility**

- A. The standards for "Automobile Repair and Service" in this Article shall apply.

**Section 416: Care Facilities and Senior Housing**

- A. Lot Size. Care facilities and senior housing must be located on a minimum of ten (10) acres.
- B. When located in a residential zoning district, all care facilities or senior housing must comply with the density of development limits of the underlying district.
- C. When located in a nonresidential zoning district, all care facilities or senior housing must comply with the density of development limits of the "MF" Multifamily Residential District.

- D. The facility shall be duly licensed by the Commonwealth and shall operate in accordance with the regulations of the licensing agency.
- E. The facility shall provide on-site all required off-street parking and loading spaces.
- F. The site shall be served by public water and public sewers.
- G. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. A traffic study shall be required in accordance with the Borough's SALDO provisions.
- H. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- I. The parking and circulation plan shall be referred to the appropriate Fire Company for comments regarding traffic safety and emergency access.
- J. Ambulance, delivery and service areas shall be obscured from the view of adjacent residential properties by fencing, screening or planting as approved by the Borough.
- K. The developer must record a covenant that runs in perpetuity that prohibits the property from being used for any other purposes than "Senior Housing". Proof of said recording must be provided to the Borough prior to issuance of any permits for the development.

**Section 417: Campground**

- A. In the case of a camp or campground in which multiple units, including tents, travel trailers, and other forms of living accommodations, are placed on one (1) site, a twenty-five (25) foot buffer area shall be required at all property lines, excluding points of vehicular ingress/egress.
- B. A mud-free, dust-free access road shall be designed for safe and convenient access to camping spaces and to facilities for common use by the occupants. Direct access to individual camping spaces from public streets shall not be permitted.
- C. All camps and campgrounds shall comply with all applicable regulations of the Commonwealth, including, but not limited to, regulations covering food service, water supply, sewage disposal, bathing places, vector control, toilet facilities, sanitary stations, and garbage disposal.
- D. Vacation cottages, rental cabins and other dwellings with permanent foundations shall comply with the minimum net lot area and dimensional standards of the zoning district in which they are located.
- E. The Borough Council may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

**Section 418: Cemetery and Mausoleums**

- A. Expansion and/or establishment of cemeteries must be in conjunction with and adjacent to existing cemeteries or religious facilities.
- B. Adequately funded programs and provisions which meet the approval of the Borough Solicitor shall be provided to guarantee perpetual care of all cemetery grounds. This provision shall apply to existing cemeteries for which expansions are proposed.
- C. All garages, equipment shelters, offices, and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences approved by the Borough Council on the basis of design, aesthetic quality and general adequacy.
- D. All equipment shall be properly stored when not in use.

**Section 419: Commercial Motor Vehicle Repair**

- A. The standards for “Automobile Repair and Service” in this Article shall apply.

**Section 420: Commercial Recreation – Outdoor**

- A. Uses that feature outdoor entertainment and/or recreational activities shall provide all applicable bufferyards as required by this Ordinance. Additional screening may be required as determined appropriate by the Borough Council in order to reasonably contain noise, light, fumes, objects, or other materials to the site of the proposed use.
- B. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.
- C. No lighting, noise, or other aspect of the recreation development shall, in the opinion of the Planning Commission, produce any nuisance factor to residential or public uses which are in proximity.

**Section 421: Community Center**

- A. The community center building shall be located within 100 feet of the property boundary of the principal use location of the organization that runs the community center.
- B. The community center structure(s) shall not exceed 3,000 square feet.
- C. No noise, music, or other outdoor activity shall be conducted between the hours of 9:00 p.m. and 8:00 a.m.

**Section 422: Construction-related Business**

- A. All supplies and equipment shall be stored within a completely enclosed building.
- B. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a “Supply Yard” as an accessory use.
- C. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a “Storage Yard” as an accessory use.

- D. The use shall be accessed directly from an arterial or collector street.

**Section 423: Convenience Store**

- A. Ingress, egress, and traffic circulation on the site shall be designed to minimize hazards and congestion.
- B. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- C. All lighting shall be shielded and reflected away from streets and adjoining properties.
- D. All sales and/or storage or display of all merchandise, including seasonal items, such as bagged wood chips, peat moss, rock salt, flowers, etc., shall be conducted within a completely enclosed building.

**Section 424: Correctional Facility**

- A. All applicable county, state and federal permits shall be applied for prior to issuance of Borough permits. Documentation of application shall be made a part of the conditional use application.
- B. Lighting shall be required throughout the property for safety purposes. Such lighting shall be oriented away from adjacent properties and shall not exceed two (2) footcandles of illumination at the property boundary line.
- C. All structures shall be a minimum of 150 feet from all property lines.
- D. Access shall be from the collector street only.
- E. An evacuation plan shall be submitted for review and approval by the Governing Body and/or Emergency Management Coordinator.

**Section 425: Day Care, Adult**

- A. The facility shall be registered with or licensed by the Commonwealth. Proof of this valid license shall be provided to the Borough prior to the Borough's issuance of zoning approval for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible Police Department and Borough Fire Departments.
- B. There shall be provided an adequate area for safe drop-off and pick-up. Areas for drop-off and pick-up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.
- C. These provisions do not apply to "Home Based Day Cares" which are classified as an accessory use.

**Section 426: Day Care, Child**

- A. The facility shall be registered with or licensed by the Commonwealth. Proof of this valid license shall be provided to the Borough prior to the Borough's issuance of zoning approval for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible Police Department and Borough Fire Departments.
- B. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.
- C. The general safety of the property proposed for a day-care center or home-based day care shall meet the needs of small children. There shall be no potential hazards in the outdoor play area.
- D. There shall be provided an adequate area for safe child drop-off and pick-up. Areas for drop-off and pick-up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.
- E. These provisions do not apply to "Home Based Day Cares" which are classified as an accessory use.

**Section 427: Day Care, Home Based**

- A. The facility shall be registered with or licensed by the Commonwealth. Proof of this valid license shall be provided to the Borough prior to the Borough's issuance of zoning approval for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible Police Department and Borough Fire Departments.
- B. The minimum lot area shall be one (1) acre.
- C. The use shall be subordinate to the facility's primary use as a family residence.
- D. The use must be in compliance with all requirements of applicable Building Codes and Fire Codes as adopted by the Borough, and the Rules and Regulations of the Pennsylvania Department of Public Welfare relating to Home Based Day Care, and all other applicable laws, ordinances and regulations.
- E. To the extent that those picking-up and/or dropping-off their children do so by use of vehicles, adequate provision for off-street parking shall be provided and/or sufficient on-street parking must be available, as determined by the Borough Council, so as not to result in traffic congestion, facilitate traffic movement and provide for maximum safety and protection on the abutting residential streets.
- F. The Borough Council shall determine appropriate times of operation and the quantity of children serviced by the Family Child Day Care Home such that the use will not disturb and/or disrupt the peaceful enjoyment of the adjacent residential uses.

**Section 428: Drive-through Facilities**

- A. Each window, bay, or area designed for drive-through service shall provide five (5) reservoir vehicle stacking spaces per window, bay, or area; such space shall not encroach into any other required aisles or spaces.
- B. Drive-through lanes shall be located to the rear of buildings unless the Governing Body determines that drive-through lanes located on the side of the building will have less impact on adjacent uses, vehicular and pedestrian circulation, and safety.
- C. Drive-through lanes shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above.
- D. A drive-through shall be located so that it does not conflict with pedestrian or vehicular movement.
- E. Drive-through lanes shall be separated by a minimum of five (5) feet. A separate circulation drive shall be provided for passage around and escape from the outermost drive-through service lane. The Governing Body may consider alternative designs when it is demonstrated that the drive-through is screened from view and that traffic and pedestrian circulation is improved.
- F. A drive-through shall have no more than two (2) service lanes and a passage around and escape from the outermost drive-through service lane, except that a financial institution may have a minimum of three (3) service lanes.

**Section 429: Dwelling Types**

- A. Conversion Dwelling Units.
  - 1. Each dwelling unit shall contain a minimum of 800 square feet of gross floor area.
  - 2. Each dwelling unit shall have separate living, sleeping, kitchen, and sanitary facilities.
  - 3. The proposed conversion dwelling shall meet the minimum lot and area requirements for similar dwelling types authorized within the district in which it is located.
  - 4. Each dwelling unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.
  - 5. Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.
  - 6. The paving and design of the off-street parking spaces shall be in compliance with the requirements of Article VI Parking. Off-street parking areas for more than three (3) vehicles shall be screened.
  - 7. Conversion dwellings shall provide continuity in architectural design and shall incorporate any proposed construction into the existing structural features.



**B. Multifamily Dwellings.**

1. The site must possess direct access to an arterial or collector street.
2. Groupings of multifamily structures shall be situated no closer than thirty (30) feet to one another or the separation required by the Municipality's Building Code, whichever is greater.

**C. Townhomes.**

1. The site must possess direct access to an arterial or collector street.
2. Groupings of multifamily structures shall be situated no closer than thirty (30) feet to one another or the separation required by the Municipality's Building Code, whichever is greater.
3. No more than six (6) units shall be joined in a group by party walls.
4. Front-loaded garages shall be a nonwhite, earth tone color, and shall be architecturally treated in a manner consistent with the dwelling to de-emphasize the garage door as an architectural feature.
5. Dwelling units must have an individual identity which is deemed to be in the best interests of the welfare of the residents and which is to be achieved by a combination of some or all of the following architectural features:
  - a. Varying building unit heights or forms.
  - b. Varying roof pitch and pitch direction.
  - c. Staggering of exterior walls where the wall exceeds 100 linear feet in length.
  - d. The use of contrasting building materials on the exterior.
  - e. Any other method developed by the designer that maintains unit individuality but achieves an overall design compatibility within the structure.

**Section 430: Gas/Fuel Station**

- A. Access driveways to the service station shall be at least thirty (30) feet from the intersection of any public streets.
- B. Gasoline pumps shall be located at least thirty (30) feet from the edge of the ROW of a public street.
- C. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.

- D. Air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than ten (10) feet of any property line.
- E. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet from the pumps.
- F. All canopy lighting must be fully recessed within the canopy.

**Section 431: Greenhouses/Nurseries**

- A. Impervious surface coverage shall not exceed twenty (20%) percent.
- B. All principal and accessory structures shall be placed a minimum of seventy-five (75) feet from all property lines.
- C. The retail sales area for a greenhouse shall not exceed 1,200 square feet. The growing area shall not be considered sales area.
- D. All supplies and equipment shall be stored within a completely enclosed building.
- E. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require "Landscape Supply Yard" approval.

**Section 432: Home Occupational Business**

- A. The minimum lot area shall be one (1) acre.
- B. The use shall be subordinate to the facility's primary use as a residential unit.
- C. The use must be in compliance with all requirements of applicable Building Codes and Fire Codes as adopted by the Borough.
- D. Adequate provision for off-street parking shall be provided and/or sufficient on-street parking must be available, as determined by the Borough Council, so as not to result in traffic congestion, facilitate traffic movement, and provide for maximum safety and protection on the abutting residential streets.
- E. The parking shall meet the requirements of Article VI based on the combined requirements for the residential unit and the proposed business.

**Section 433: Heavy Equipment Repair**

- A. The standards for "Automobile Repair and Service" in this Article shall apply.

**Section 434: Injection Well**

- A. Conditional Use Application: A person or entity desiring approval of a conditional use application pursuant to this Section shall submit a written application in a form to be prescribed by the Borough. Before submitting the application, the applicant is strongly encouraged to meet with the Borough Manager or his designee to determine the

requirements of and the procedural steps for the application. The intent of this process is for the applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. The application shall not be considered to be complete and properly filed unless and until all items required by this Section, including the application fee, have been received. Such application shall include the following information and plans:

1. Payment of an application fee in an amount to be determined from time to time by the Borough Council as adopted by a Fee Resolution. Said fee shall also include a requirement to deposit escrow funds to be drawn from by the Borough for reimbursement of administrative and engineering and other professional fees associated with review and inspections to ensure compliance with the Ordinance. The Borough may adjust the escrow amount from time to time as may reasonably be required.
2. Fourteen (14) paper copies and one (1) electronic copy of the completed application form supplied by the Borough along with supporting documentation as identified in this Section.
3. Written permission from the property owner(s) who has legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property.
4. The GPS location and 911 address of the Well Site.
5. Copies of any and all permits and applications submitted to all applicable local, county, state and federal agencies. Permits and plans shall include but not be limited to the Pennsylvania DEP well applications and permit, Erosion and Sediment Control General Permit-2, or current permit requirement, and all other required erosion and sedimentation, air, water and waste management permits.
6. A site plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, temporary housing, ponds and pits, and ancillary equipment on the well site shall be identified. All protected structures within 1,500 feet of the property lines of the well site shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all Borough emergency service organizations.
7. Traffic Study:
  - a. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.

- b. An inventory, analysis and evaluation of existing road conditions on Borough roads along the proposed transportation route identified by the application, including photography, video and core boring as determined to be necessary by the Borough engineer(s).
8. The applicant shall provide a sufficient number of copies to the Borough of the preparedness, prevention and contingency ("PPC") plan as defined in the PADEP document, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," or the most recent applicable guidance document, to be distributed to the Borough Manager, the Emergency Management Coordinator, the Fire Chief, and any other emergency service providers for the Borough.
9. Noise Management Plan:
  - a. An acoustics study shall be prepared and submitted with the application. The study shall be prepared by an acoustics expert(s) acceptable to the Borough. The study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates of the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use and if there are any significant increases in those noise levels. The report shall also contain specific proposals that are intended to reduce noise levels emanating off the site.
  - b. The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site of the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on acoustics, in regard to the standards of this Section.
10. Environmental Impact Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The environmental impact analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Borough Council. The environmental impact study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of twenty-five (25%) percent; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils;

carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

11. Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an Air Quality Study. The Study shall be prepared by experts acceptable to the Borough and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
12. Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a hydrological study. The study shall be prepared by a hydrogeologist acceptable to the Borough. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the Borough Council. If the study shows an alteration to the groundwater, the application shall be denied.
13. Geological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a Geological Study. The Study shall be prepared by experts acceptable to the Borough and submitted with the application and shall include an analysis of the existing geological formations in and surrounding the proposed site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report regarding the potential geological impact of the proposed use.
14. Pre-Development and Post-Development Soil Testing. Prior to beginning any injection well development activities, the operator shall be responsible for testing soil conditions within 300 feet each well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.

- a. Pre-drilling testing results shall be submitted as part of the Conditional Use application.
  - b. Post-development testing shall be completed twelve (12) months after operations have begun.
  - c. The results shall be submitted to the Borough and PA DEP within ten (10) days of their receipt.
  - d. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Borough.
15. The applicant shall provide any and all waivers from owners of protected structures.
16. Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for all proposed activities.
17. Insurance. Applicant shall furnish to the Borough a Certificate of Liability Insurance naming the Borough as an additional insured with respect to operations conducted within the Borough, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than \$25,000,000 per occurrence. The applicant shall fully defend, protect, indemnify, and hold harmless the Borough, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the Borough, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage, and umbrella coverage.
- B. Conditional use approval is non-transferrable without consent from Borough Council and shall automatically terminate, unless extended, if operations have not commenced within one (1) year from the date of issuance of the approval. The conditional use approval may be extended by the Borough Council upon written request by the operator, after notice and hearing. The operator shall provide proof that the requested conditional use permit for such location has not changed and that the operator meets all applicable criteria contained in this Section.
- C. General Standards.
  1. Best management practices for oil and gas operations shall be followed.
  2. The uses regulated by this Section are determined to be land developments and subject to the applicable provisions of the Borough's SALDO, as it may be amended.
  3. Any hazardous or toxic material shall be securely contained, stored and removed in accordance with applicable state or Federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection

Association ("NFPA") Code 104 - Standard System for the identification of the Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.

4. Fracture fluid storage ponds, open pits, and reserve pits are highly discouraged. Closed-loop systems and other related best management practices, including but not limited to the use of netting over fracture fluid ponds, shall be used during the drilling or completion of any well.
5. Fresh water storage ponds are permitted. The use of non-potable water is strongly encouraged.
6. All operations shall be in accordance with applicable Federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601.101 et seq.), as amended, and pursuant to all other applicable rules, regulations, and procedures adopted pursuant thereto.
7. The operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil, and toxic or hazardous materials.
8. Changes in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards drilling operations, requires a new conditional use approval pursuant to the terms and conditions of this Section of the Ordinance.
9. At least thirty (30) days prior to any development activity at the development or facility, the operator shall provide the following information to each property owner within 4,000 feet of the planned surface location of the development or facility.
  - a. A copy of the site plan submitted as part of the conditional use application;
  - b. A general description of the planned operations at the development or facility and associated equipment to be used;
  - c. The contact information for the operator; and
  - d. The availability of the operator to hold a meeting locally with such residents to present the operator's plans for the development or facility and to allow for questions and answers. The meeting(s) shall be held prior to the commencement of development activity.
10. A duly authorized representative of the Borough, trained by the operator or agents of the operator, shall have the authority in relation to the enforcement of this Section to enter upon the property of a development or facility for the purpose of inspecting the equipment and all other aspects of the site necessary to assure compliance with this Section.
11. The operator of any development or facility shall notify the Emergency Management Coordinator, Borough Manager and Borough Engineer no less than ninety (90) days prior to the startup and abandonment or shutdown of any well site.

**D. Setbacks/Location.**

1. Injection wells shall comply with all screening and bufferyard requirements of the zoning district in which the pad/well is located.
2. In construction of the injection well, the natural surroundings should be considered and attempts made to minimize impacts to adjacent properties.
3. The wellhead of an injection well shall be located not less than 500 feet any protected structure.
4. All injection well operations and the well pad, including but not limited to derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, ponds, pits, and ancillary equipment, shall be located not less than 500 feet from the nearest property line.

**E. Traffic Impact**

1. The proposed routes must be designed to minimize the impact on streets within the Borough. The Borough reserves the right to designate alternate routes in the event that the applicant's proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by the Borough. Vehicles are to operate on state roads and may only use municipal roads when the use of state roads is not feasible. The operator shall coordinate truck routes with the school bus schedule so as to minimize interference with transportation of students to and from school.
2. Prior to the commencement of any activity at the development or facility, the operator shall enter into a municipal roadway maintenance and repair agreement with the Borough, in a form acceptable to the Borough, regarding maintenance, repair and bonding of municipal roads that are to be used by vehicles for development activities. The applicant shall take all necessary corrective action and measures as directed by the Borough pursuant to the agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities.
3. The operator shall take the necessary safeguards to ensure that the municipal roads utilized remain free of dirt, mud, and debris resulting from development activities and/or shall ensure such roads are promptly swept and cleaned if dirt, mud, and debris occur.
4. The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and or/adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
5. There will be no staging of trucks or equipment on local roads.



6. A traffic control plan in conformance with PennDOT standards shall be provided.
- F. Visual.
1. The injection well facility shall be located, designed and constructed to minimize the removal of trees and shrubs, protect all natural resources, and minimize the amount of surface disturbance.
  2. The operator shall not clear brush or trees by way of burning and shall chip, grind, or remove all tree stumps from properties it clears for development purposes.
  3. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area.
- G. Lighting.
1. Lighting at an injection well and well pad shall, when practicable, be limited to security lighting.
  2. All temporary outdoor lighting shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
  3. No site lighting used for or associated with well site construction, drilling operations or post-drilling production shall be positioned in a manner such that it shines directly on public roads, protected structures, or any property within 3,000 feet of the well site. Site lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.
- H. Air and Water Quality.
1. Air-contaminant emissions shall be in compliance with all municipal, county, state, and federal regulations, including, without limitation, the provisions of this Ordinance, as amended, and all applicable regulations for smoke, ash, dust, fumes, gases, odors, and vapors.
  2. The operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place to prevent visible plumes of dust from crossing the property line or adversely impacting neighboring properties.
  3. Sixty (60) days prior to start of operations, the operator shall notify residents with water wells within 4,000 feet of the injection well of its intentions to begin operations. The operator shall provide proof of notice to the Borough.
  4. All condensate tanks, compressor stations, processing plants, and other facilities shall be equipped with vapor recovery and/or vapor destruction units.
- I. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the injection well development:

1. Prior to development, the operator shall establish a continuous seventy-two (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 seventy-two (72) hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of fifty-five (55) decibels (dBa). The sound level meter used in conducting any evaluation shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
2. The operator shall provide documentation of any established, seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than fifty-five (55) decibels (dBa), to the Zoning Officer within three (3) business days of such a request.
3. The noise generated during operating hours shall not exceed the average ambient noise level by more than ten (10) decibels (dBa) or default level, whichever is higher.
4. All permanent facilities associated with the injection well and well pad shall meet the general noise requirements of this Ordinance. Where a conflict exists the more stringent requirements shall apply.
5. Injection wells/pads 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.
  - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
6. If a complaint is received by the Borough regarding noise generated during construction or operation of the facility the operator shall, within twenty-four (24) hours following receipt of notification, begin continuous monitoring for a period of forty-eight (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.

J. Hazards.

1. Upon request of the Emergency Management Coordinator, the operator shall, prior to start of operations, make available with at least thirty (30) days' notice, at the applicant's sole cost and expense, an appropriate group training program for emergency responders and Borough code enforcement personnel. Such training shall be made available at least annually during any year that the injection well is in operation. Training should cover each phase of the development from site work

to well completion. The Borough shall require a minimum of four (4) hours of annual training, with additional hours added at the recommendation of the Fire Chief annually. If additional wells are drilled at the site, the operator and Emergency Management Coordinator will determine if additional training is required.

2. The applicant shall maintain at the property and on file with the municipality a current list and the Material Safety Data Sheets ("MSDS") for all chemicals used in the drilling operations (including but not limited to types of additives, acids, polymers, salts, surfactants, and solvents) and in any fracturing operations. If the PPC requires availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the Borough shall require the operator to reimburse the Borough for the cost of procurement of such special equipment or supplies.

K. Access.

1. Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first fifty (50) feet and improved with limestone or other material for the next 100 feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt or other debris is carried onto public or private ROW from the well site, the operator shall immediately clean the roads and implement a remedial plan as directed by the Borough to keep the streets continuously clean.
  - a. The first fifty (50) feet from the existing edge of pavement extending into the site shall consist of the following material:
    - i. Compacted subgrade.
    - ii. PennDOT Class 4 geotextile fabric.
    - iii. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
    - iv. Two (2) inches of PennDOT 2A aggregate.
    - v. Six (6) inches of superpave 25 mm binder course.
  - b. The remainder of the driveway to the well pad shall be constructed with the following material:
    - i. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
    - ii. Two (2) inches of PennDOT 2A aggregate.
2. Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:
  - a. Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
  - b. Ensure adequate capacity for existing and projected traffic volume.

- c. Provide efficient movement of traffic, including appropriate turning radii and transition grade.
  - d. Minimize hazards to highway users and adjacent property and human activity.
- 3. All applicable permits or approvals must be obtained, including, without limitation:
  - a. Access or driveway permits to state or county roads.
  - b. Overweight or oversize loads.

**L. Storage of Equipment.**

- 1. No equipment, including drilling, re-drilling, re-working, or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
- 2. Lumber, pipes, tubing, and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.
- 3. It shall be illegal to park or store any vehicle or item of machinery on any street, ROW or in any driveway, alley or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.

**M. Fencing.**

- 1. Security fencing consisting of a permanent galvanized chain-link fence, a minimum of eight (8) feet in height, topped with either razor or barbed wire shall be installed prior to the commencement of any activity at every well site to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the well site.
- 2. Security fencing shall be equipped with lockable gates at every access point, and having openings no less than twelve (12) feet wide. Gates shall be kept locked except when being used for access to the site. Additional lockable gates used to access the well site, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
- 3. The Borough's first responders shall be given means to access the well site in case of an emergency via lock box or a Borough-approved equivalent. The applicant must provide the Allegheny County 911 Communications Center with necessary information to access the development or facility in case of an emergency.

4. Warning signs shall be placed on the fencing surrounding the development or facility, providing notice of the potential dangers and the contact information in case of an emergency.
- N. Structure Height. Permanent structures of the injection well developments and facilities (both principal and accessory) shall comply with the height regulations of the applicable zoning district.

**Section 435: Kennel**

- A. The operator or owner of any kennel must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- B. The minimum lot area for a kennel shall be two (2) acres.
- C. Kennels shall be located within a completely enclosed building and soundproofed to reduce noise impacts on adjacent properties.
- D. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be maintained in a safe condition, and shall be secured by a fence with a self-latching gate.
- E. Outdoor runs, pens, coops, and similar facilities shall be located at least 300 feet from any occupied dwelling on adjoining property and shall be visually screened from adjoining lots.

**Section 436: Landscape Business**

- A. All supplies and equipment shall be stored within a completely enclosed building.
- B. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a "Supply Yard" as an accessory use.
- C. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a "Storage Yard" as an accessory use.
- D. The use shall be accessed directly from an arterial or collector street.

**Section 437: Limited Winery**

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

**Section 438: Live-Work Units**

- A. Permitted ground floor uses shall include:
  1. Day care facilities of all types.
  2. Retail store.

3. Neighborhood restaurant.
  4. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Governing Body.
- B. Parking shall meet the requirements of Article VI based on the combined requirements for the residential unit and ground floor use.
- C. All Live-Work Units shall be constructed in accordance with the Municipality's Construction Code and shall be occupied as Live-Work capacity upon construction.

**Section 439: Medical Marijuana Dispensary**

- A. The applicant shall demonstrate compliance with all facility regulations in §802 of the Medical Marijuana Act, as amended (Act 16, Pennsylvania Law 84, No.16).
- B. The dispensary shall meet the same land use requirements as other commercial facilities that are located in the underlying district.

**Section 440: Medical Marijuana Grower/Processor**

- A. The applicant shall demonstrate compliance with all facility regulations outline in §702 of the Medical Marijuana Act, as amended (Act 16, Pennsylvania Law 84, No.16).
- B. The grower/processor facility shall meet the same land use requirements as other manufacturing, processing, and production facilities that are located in the underlying district.

**Section 441: Methadone Treatment Facility**

- A. For any building (or portion thereof) which is proposed to contain a methadone treatment facility, the lot upon which such building (or portion thereof) sits shall not be located closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment.
- B. Notwithstanding Subsection A above, a methadone treatment facility may be established and operated closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the governing body approves a use for said facility at such location. At least fourteen (14) days prior to any such vote by the governing body, one (1) or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality pursuant to public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearing(s) at least thirty (30) days prior to said public hearing(s) occurring.

- C. All buildings proposed to contain a methadone treatment facility shall fully comply with the requirements of the Municipality's Construction Code.
- D. In addition to the otherwise required number of parking spaces specified by Article VI of this Ordinance for the usage of the building proposed for a methadone treatment facility, additional parking shall be required specifically for the methadone treatment facility at a rate of one (1) additional parking space for each 200 square feet of area devoted to the methadone treatment facility.
- E. Each building or portion thereof proposed for use as a methadone treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the methadone treatment facility. Such separate and distinct entrance shall face a major street thoroughfare. Access to the methadone treatment facility shall not be permitted via a shared building entrance or from a shared interior corridor within the building in which it is located.

**Section 442: Micro-brewery**

- A. The standards for "Tavern or Bar" in this Article shall apply.

**Section 443: Micro-distillery**

- A. The standards for "Tavern or Bar" in this Article shall apply.

**Section 444: Mineral Development**

- A. The applicant for a mining or processing conditional use permit shall submit the following information to the Zoning Officer:
  - 1. Evidence of compliance with all state and federal laws applicable to the process for which the conditional use permit is sought.
  - 2. A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials areas for the deposit of coal waste, and facilities for processing, loading, and transportation of minerals.
- B. The location of all structures, land uses, and overlay zoning features which may be affected by the proposed operation and measures which will be taken to protect all structures, land uses and overlay zoning features from adverse impacts from mining.
- C. Measures which will be taken to ensure that any loss, diminution or pollution of water supplies in areas affected by mining will be corrected or replaced.
- D. Measures which will be taken to ensure that the performance standards contained in all Sections of this Ordinance shall be met.
- E. Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles and measures which will be taken to maintain all roads within the Borough which are used to transport minerals.

- F. Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as conditional uses in the concerned district.
  - 1. If the proposed reclamation is for development, the proposed development should be compatible with the Comprehensive Plan and in conformance with the purposes and regulations of the district in which it is located.
- G. Adequate screening and buffering shall be provided as required by this Ordinance.
- H. No expansion in area of a mining operation shall be permitted until mining activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.
- I. In no case shall a conditional use permit extend to an area of land or mode of operation which is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed mining or processing activity.
- J. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

**Section 445: Mixed-Use**

- A. Permitted ground floor uses shall include:
  - 1. Day care facilities of all types.
  - 2. Retail store.
  - 3. Neighborhood restaurant.
  - 4. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Governing Body.
- B. Parking shall meet the requirements of Article VI based on the combined requirements for the residential unit and ground floor use.
- C. All mixed-use units shall be constructed in accordance with the Borough's Building Code.

**Section 446: Mobile Home Park**

- A. All mobile home parks shall comply with the standards and criteria established by the Municipality's SALDO and all other public improvement provisions that apply to a land development.

**Section 447: Night Club**

- A. The nightclub operations shall cease between the hours of 2:00 a.m. and 7:00 a.m., prevailing time (unless more restrictive non-operating hours are established by the Borough Council in its conditional use decision), and the establishment shall not be open to the public during those hours.



- B. All nightclub operations shall be conducted within an enclosed building, and all doors and windows shall remain closed during the hours that the nightclub is open for operation.
- C. The facility entrances and exits (excluding emergency exits) which face adjacent residential dwellings and/or residential zoned properties shall have a vestibule with a second door to minimize noise impacts to adjacent residential dwellings and properties.
- D. No nightclub shall be permitted within 500 feet of an adult-oriented business and/or another nightclub, as measured from lot line to lot line.
- E. The nightclub operations shall not cause or create a nuisance, including, but not limited to, excessive noise levels.

**Section 448: Oil or Gas Compressor Station**

- A. No oil or gas compressor station or an addition to an existing oil or gas well site shall be constructed or located within the Borough unless zoning approval under this Ordinance 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 a natural gas compressor station.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established by Resolution in the Borough Fee Schedule.
- C. In addition to the other requirements of this Ordinance the applicant shall provide to the Borough at the time of application the following information:
  - 1. A narrative describing an overview of the project including the number of acres to be disturbed for development and the location, number, and description of equipment and structures to the extent known.
  - 2. A narrative describing an overview of the project as it relates to the natural gas compressor station.
  - 3. The address of the compressor station as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
  - 4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas compressor station 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 twenty-four (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.
  - 5. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the site. The plan will identify, but not be limited to gathering lines and other midstream and downstream facilities located within the municipality and extending 800 feet beyond the (municipality) boundary.

6. A site plan of the natural gas compressor station including any major equipment and structures and all permanent improvements to the site.
  7. 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.
  8. 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 sites 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 twelve (12) months shall be accepted. Site orientation for each oil and gas site shall still be required for the appropriate Emergency Responders, as determined by the Borough.
- D. The applicant/operator shall comply with any generally applicable bonding and permitting requirements for Borough roads that are to be used by vehicles for site construction and site operations.
- E. Access.
1. Oil and gas facilities shall be accessed directly from an arterial or collector street as defined by this Ordinance.
  2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
  3. Access directly to State roads shall require Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permit (HOP) Approval. Prior to initiating any work at a drill site, the Borough shall be provided a copy of the HOP.
  4. Access directly to Borough / County roads shall require a Driveway Permit/HOP prior to initiating any work at a well site.
- F. Height.
1. Permanent structures associated with natural gas compressor stations shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
- G. Setbacks/Location.
1. 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.

2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, the 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.
3. In construction of compressor station sites, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.

H. Screening and Fencing.

1. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Additional lockable gates used to access compressor station site by foot may be allowed, as necessary.
2. 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 compressor station site in the event of an emergency.
3. Warning signs shall be placed on the fencing surrounding the compressor station 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.

I. Lighting.

1. Lighting at a natural gas compressor station shall, when practicable, be limited to security lighting.
2. All temporary and permanent outdoor lighting shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

J. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:

1. Prior to development, the operator shall establish a continuous seventy-two (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 seventy-two (72) hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of fifty-five (55) decibels (dBa). The sound level meter used in conducting any evaluation shall meet the American National Standard Institute (ANSI) standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

2. The operator shall provide documentation of any established, seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than fifty-five (55) decibels (dBa), to the Zoning Officer within three (3) business days of such a request.
  3. The noise generated during operating hours shall not exceed the average ambient noise level as determined by the seventy-two (72) hour evaluation or default level, whichever is higher.
  4. All permanent facilities associated with oil and gas well sites, including, but not limited to natural gas compressor stations, shall meet the general noise requirements of this Ordinance. Where a conflict exists the more stringent requirements shall apply.
  5. Natural gas compressor stations 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.
    - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
  6. If a complaint is received by the Borough regarding noise generated during construction or operation of the compressor station the operator shall, within twenty-four (24) hours following receipt of notification, begin continuous monitoring for a period of forty-eight (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.
- K. As a condition of approval, applicant shall provide all permits and plans from the DEP and other appropriate regulatory agencies within thirty (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.
- L. Temporary housing for well site workers on the site is not permitted.

**Section 449: Oil or Gas Processing Plant**

- A. No oil or gas processing plant or an addition to an existing oil or gas site shall be constructed or located within the Borough unless zoning approval under this Ordinance has been issued by the Borough to the owner or operator approving the construction or preparation of the site for oil or gas development.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established by Resolution in the Borough Fee Schedule.

- C. In addition to the other requirements of this Ordinance, the applicant shall provide to the Borough at the time of application the following information:
1. A narrative describing an overview of the project including the number of acres to be disturbed for development and the location, number, and description of equipment and structures to the extent known.
  2. A narrative describing an overview of the project as it relates to the natural gas processing plant.
  3. The address of the natural gas processing plant as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
  4. The contact information of the individual or individuals responsible for the operation and activities of the natural gas processing plant 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 twenty-four (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.
  5. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the 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.
  6. A site plan of the natural gas compressor station including any major equipment and structures and all permanent improvements to the site.
  7. 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.
  8. 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 sites 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 twelve (12) months shall be accepted. Site orientation for each oil and gas site shall still be required for the appropriate Emergency Responders, as determined by the Borough.
- D. The operator shall comply with any generally applicable bonding and permitting requirements for Borough roads that are to be used by vehicles for site construction, drilling activities and site operations.

**E. Access.**

1. Oil and gas facilities shall be accessed directly from an arterial or collector street as defined by this Ordinance.
2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
3. Access directly to State roads shall require PennDOT HOP Approval. Prior to initiating any work at a drill site, the Borough shall be provided a copy of the HOP.
4. Access directly to Borough / County roads shall require a Driveway Permit/HOP prior to initiating any work at a well site.

**F. Height.**

1. Permanent structures associated with the natural gas processing plant shall comply with the height regulations for the zoning district in which the natural gas processing plant is located.

**G. Setbacks/Location.**

1. Natural gas processing plants shall comply with all general setback and buffer requirements of the zoning district in which the natural gas processing plant is located.
2. 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, the 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.
3. In construction of the natural gas processing plant, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.

**H. Screening and Fencing.**

1. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Additional lockable gates used to access the natural gas processing plant by foot may be allowed, as necessary.
2. First Responders shall be given means to access the natural gas processing plant 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.
3. Warning signs shall be placed on the fencing surrounding the natural gas processing plant providing notice of the potential dangers and the contact information in case of an emergency.

**I. Lighting.**

1. Lighting at a natural gas processing plant shall, when practicable, be limited to security lighting.
2. All temporary and permanent outdoor lighting shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

**J. Noise.** The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:

1. Prior to development, the operator shall establish a continuous seventy-two (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 seventy-two (72) hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of fifty-five (55) decibels (dBa). The sound level meter used in conducting any evaluation shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
2. The operator shall provide documentation of any established, seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than fifty-five (55) decibels (dBa), to the Zoning Officer within three (3) business days of such a request.
3. The noise generated during operating hours shall not exceed the average ambient noise level as determined by the seventy-two (72) hour evaluation or default level, whichever is higher.
4. 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 Ordinance. Where a conflict exists the more stringent requirements shall apply.
5. 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.
  - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
6. If a complaint is received by the Borough regarding noise generated during construction or operation of the compressor station the operator shall, within twenty-four (24) hours following receipt of notification, begin continuous monitoring

for a period of forty-eight (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.

- K. As a condition of approval, applicant shall provide all permits and plans from the DEP and other appropriate regulatory agencies within thirty (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.
- L. Temporary housing for well site workers on the site is not permitted.

#### **Section 450: Oil or Gas Well/Pad**

- A. Conditional Use Application: A person or entity desiring approval of a conditional use application pursuant to this Section shall submit a written application in a form to be prescribed by the Borough. Before submitting the application, the applicant is strongly encouraged to meet with the Borough Manager or his designee to determine the requirements of and the procedural steps for the application. The intent of this process is for the applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. The application shall not be considered to be complete and properly filed unless and until all items required by this Section, including the application fee, have been received. Such application shall include the following information and plans:
  - 1. Payment of an application fee in an amount to be determined from time to time by the Borough Council as adopted by a Fee Resolution. Said fee shall also include a requirement to deposit escrow funds to be drawn from by the Borough for reimbursement of administrative and engineering and other professional fees associated with review and inspections to ensure compliance with the Ordinance. The Borough may adjust the escrow amount from time to time as may reasonably be required.
  - 2. Fourteen (14) paper copies and one (1) electronic copy of the completed application form supplied by the Borough along with supporting documentation as identified in this Section.
  - 3. Written permission from the property owner(s) who has legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property.
  - 4. The GPS location and 911 address of the Well Site.
  - 5. Copies of any and all permits and applications submitted to all applicable local, county, state, and federal agencies. Permits and plans shall include but not be limited to the Pennsylvania DEP well applications and permit, Erosion and Sediment Control General Permit-2, or current permit requirement, and all other required erosion and sedimentation, air, water and waste management permits.



6. A site plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, temporary housing, ponds and pits, and ancillary equipment on the well site shall be identified. All protected structures within 1,500 feet of the property lines of the well site shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all Borough emergency service organizations.
7. Traffic Study:
  - a. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
  - b. An inventory, analysis and evaluation of existing road conditions on Borough roads along the proposed transportation route identified by the application, including photography, video and core boring as determined to be necessary by the Borough engineer(s).
8. To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a water withdrawal plan for the development identifying the source of water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routes, and all permits issued by the Commonwealth of Pennsylvania or any other governmental body. If the development is to be supplied by way of waterlines, the locations of all proposed waterlines are to be identified. The site for the treatment and disposal of the water shall also be identified. The use of non-potable water sources is highly encouraged. The use of injection wells for disposal of fracking fluid is strongly discouraged. The applicant is required to use best management practices.
9. To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall identify the means and availability of the site for disposal of cuttings, fracturing fluids, oil, toxic materials, hazardous materials, and other waste products.
10. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the development. The plan will identify but not be limited to gathering lines, compressors and other mid and downstream facilities located within the Borough and extending 800 feet beyond the Borough boundary.

11. The applicant shall provide a sufficient number of copies to the Borough of the preparedness, prevention and contingency ("PPC") plan as defined in the PADEP document, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," or the most recent applicable guidance document, to be distributed to the Borough Manager, the Emergency Management Coordinator, the Fire Chief and any other emergency service providers for the Borough.
12. Noise Management Plan:
  - a. An acoustics study shall be prepared and submitted with the application. The study shall be prepared by an acoustics expert(s) acceptable to the Borough. The study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates of the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use and if there are any significant increases in those noise levels. The report shall also contain specific proposals that are intended to reduce noise levels emanating off the site.
  - b. The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site of the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on acoustics, in regard to the standards of this Section.
13. Environmental Impact Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The environmental impact analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Planning Commission and the Borough Council. The environmental impact study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of twenty-five (25%) percent; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

14. Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an Air Quality Study. The Study shall be prepared by experts acceptable to the Borough and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
15. Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a hydrological study. The study shall be prepared by a hydrogeologist acceptable to the Borough. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the Borough Council. If the study shows an alteration to the groundwater, the application shall be denied.
16. Pre-Development and Post-Development Soil Testing. Prior to beginning any oil and gas development activities, the operator shall be responsible for testing soil conditions within 300 feet each well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.
  - a. Pre-drilling testing results shall be submitted as part of the Conditional Use application.
  - b. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.
  - c. The results shall be submitted to the Borough and PA DEP within ten (10) days of their receipt.
  - d. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Borough.
17. The applicant shall provide any and all waivers from owners of protected structures.

18. Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for the following activities:

- a. Well site preparation;
- b. Drilling activity;
- c. Completion (perforating);
- d. Stimulation (hydraulic fracturing);
- e. Production work;
- f. Plugging; and
- g. Site restoration.

19. Insurance. Applicant shall furnish to the Borough a Certificate of Liability Insurance naming the Borough as an additional insured with respect to operations conducted within the Borough, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than \$25,000,000 per occurrence. The applicant shall fully defend, protect, indemnify, and hold harmless the Borough, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the Borough, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage and umbrella coverage.

B. Conditional use approval is non-transferrable without consent from Borough Council and shall automatically terminate, unless extended, if drilling is not commenced within one year from the date of issuance of the approval. The conditional use approval may be extended by the Borough Council upon written request by the operator, after notice and hearing. The operator shall provide proof that the requested conditional use permit for such location has not changed and that the operator meets all applicable criteria contained in this Section.

C. General Standards.

- 1. Best management practices shall be followed.
- 2. The uses regulated by this Section are determined to be land developments and subject to the applicable provisions of the Borough's Subdivision and Land Development Ordinance, as it may be amended.
- 3. Any hazardous or toxic material shall be securely contained, stored and removed in accordance with applicable state or Federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection Association ("NFPA") Code 104 - Standard System for the identification of the

Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.

4. Fracture fluid storage ponds, open pits and reserve pits are highly discouraged. Closed-loop systems and other related best management practices, including but not limited to the use of netting over fracture fluid ponds, shall be used during the drilling or completion of any well.
5. Fresh water storage ponds are permitted. The use of non-potable water is strongly encouraged.
6. All operations shall be in accordance with applicable Federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601.101 et seq.), as amended, and pursuant to all other applicable rules, regulations, and procedures adopted pursuant thereto.
7. The operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil, and toxic or hazardous materials.
8. Multiple well pad sites on any one (1) oil and gas development shall be prohibited, unless the operator proves to the satisfaction of the Borough that the underlying geology makes using a single well pad impractical.
9. Changes in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards drilling operations, requires a new conditional use approval pursuant to the terms and conditions of this Section of the Ordinance.
10. At least thirty (30) days prior to any development activity at the development or facility, the operator shall provide the following information to each property owner within 4,000 feet of the planned surface location of the development or facility.
  - a. A copy of the site plan submitted as part of the conditional use application;
  - b. A general description of the planned operations at the development or facility and associated equipment to be used;
  - c. The contact information for the operator; and
  - d. The availability of the operator to hold a meeting locally with such residents to present the operator's plans for the development or facility and to allow for questions and answers. The meeting(s) shall be held prior to the commencement of development activity.
11. A duly authorized representative of the Borough, trained by the operator or agents of the operator, shall have the authority in relation to the enforcement of this Section to enter upon the property of a development or facility for the purpose of inspecting the equipment and all other aspects of the site necessary to assure compliance with this Section.

12. The operator of any development or facility shall notify the Emergency Management Coordinator, Borough Manager, and Borough Engineer no less than ninety (90) days prior to the startup and abandonment or shutdown of any well site.

**D. Setbacks/Location.**

1. Oil and gas well/pads shall comply with all screening and bufferyard requirements of the zoning district in which the pad/well is located.
2. In construction of the oil and gas well/pad, the natural surroundings should be considered and attempts made to minimize impacts to adjacent properties.
3. Wellheads shall be located not less than 500 feet from any protected structure.
4. Oil and Gas well/pads and all drilling and production operations, including but not limited to derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, ponds, pits, and ancillary equipment, shall be located not less than 500 feet from the nearest property line.

**E. Traffic Impact**

1. The proposed routes must be designed to minimize the impact on streets within the Borough. The Borough reserves the right to designate alternate routes in the event that the applicant's proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by the Borough. Vehicles are to operate on state roads and may only use municipal roads when the use of state roads is not feasible. The operator shall coordinate truck routes with the school bus schedule so as to minimize interference with transportation of students to and from school.
2. Prior to the commencement of any activity at the development or facility, the operator shall enter into a municipal roadway maintenance and repair agreement with the Borough, in a form acceptable to the Borough, regarding maintenance, repair and bonding of municipal roads that are to be used by vehicles for development activities. The applicant shall take all necessary corrective action and measures as directed by the Borough pursuant to the agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities.
3. The operator shall take the necessary safeguards to ensure that the municipal roads utilized remain free of dirt, mud, and debris resulting from development activities and/or shall ensure such roads are promptly swept and cleaned if dirt, mud, and debris occur.
4. The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and or/adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

5. There will be no staging of trucks or equipment on local roads.
6. A traffic control plan in conformance with PennDOT standards shall be provided.

F. Visual.

1. The oil and gas development or facility shall be located, designed and constructed to minimize the removal of trees and shrubs, protect all natural resources, and minimize the amount of surface disturbance.
2. The operator shall not clear brush or trees by way of burning and shall chip, grind, or remove all tree stumps from properties it clears for development purposes.
3. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area.

G. Lighting.

1. Lighting at an oil and gas well/pad shall, when practicable, be limited to security lighting.
2. All temporary outdoor lighting shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
3. No site lighting used for or associated with well site construction, drilling operations or post-drilling production shall be positioned in a manner such that it shines directly on public roads, protected structures, or any property within 3,000 feet of the well site. Site lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.

H. Air and Water Quality.

1. Air-contaminant emissions shall be in compliance with all municipal, county, state, and Federal regulations, including, without limitation, the provisions of this Ordinance, as amended, and all applicable regulations for smoke, ash, dust, fumes, gases, odors, and vapors.
2. The operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place to prevent visible plumes of dust from crossing the property line or adversely impacting neighboring properties.
3. Sixty (60) days prior to drilling, the operator shall notify residents with water wells within 4,000 feet of the gas well of its intentions to drill. The operator shall provide proof of notice to the Borough.
4. All condensate tanks, compressor stations, processing plants and other production facilities shall be equipped with vapor recovery and/or vapor destruction units.

- I. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:

1. Prior to development, the operator shall establish a continuous seventy-two (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 seventy-two (72) hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of fifty-five (55) decibels (dBa). The sound level meter used in conducting any evaluation shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
2. The operator shall provide documentation of any established, seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than fifty-five (55) decibels (dBa), to the Zoning Officer within three (3) business days of such a request.
3. The noise generated during operating hours activities shall not exceed the average ambient noise level as determined by the seventy-two (72) hour evaluation or default level, whichever is higher:
  - a. During drilling activities, by more than ten (10) decibels (dBa) during the hours of 7:00 a.m. to 9:00 p.m.
  - b. During drilling activities, by more than seven (7) decibels (dBa) during the hours of 9:00 p.m. and 7:00 a.m. or by more than ten (10) decibels (dBa) during hydraulic fracturing operations. The operator shall inform the Borough of which level (average ambient noise level or default level) is being used.
4. All permanent facilities associated with the oil and gas well/pad shall meet the general noise requirements of this Ordinance. Where a conflict exists the more stringent requirements shall apply.
5. Oil and gas wells/pads 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.
  - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
6. If a complaint is received by the Borough regarding noise generated during construction or operation of the compressor station the operator shall, within twenty-four (24) hours following receipt of notification, begin continuous monitoring for a period of forty-eight (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.



**J. Hazards.**

1. Upon request of the Emergency Management Coordinator, the operator shall, prior to drilling its first gas well in the Borough, make available with at least thirty (30) days' notice, at the applicant's sole cost and expense, an appropriate group training program for emergency responders and Borough code enforcement personnel. Such training shall be made available at least annually during any year that drilling activities take place at the oil and gas development or facility. Training should cover each phase of the development from site work to well completion. The Borough shall require a minimum of four (4) hours of annual training, with additional hours added at the recommendation of the Fire Chief annually. If additional wells are drilled at the site, the operator and Emergency Management Coordinator will determine if additional training is required.
2. The applicant shall maintain at the property and on file with the municipality a current list and the Material Safety Data Sheets ("MSDS") for all chemicals used in the drilling operations (including but not limited to types of additives, acids, polymers, salts, surfactants and solvents) and in any fracturing operations. If the PPC requires availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the Borough shall require the operator to reimburse the Borough for the cost of procurement of such special equipment or supplies.

**K. Access.**

1. Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first fifty (50) feet and improved with limestone or other material for the next 100 feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt, or other debris is carried onto public or private ROW from the well site, the operator shall immediately clean the roads and implement a remedial plan as directed by the Borough to keep the streets continuously clean.
  - a. The first fifty (50) feet from the existing edge of pavement extending into the site shall consist of the following material:
    - i. Compacted subgrade.
    - ii. PennDOT Class 4 geotextile fabric.
    - iii. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
    - iv. Two (2) inches of PennDOT 2A aggregate.
    - v. Six (6) inches of superpave 25 mm binder course.
  - b. The remainder of the driveway to the well pad shall be constructed with the following material:
    - i. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.

- ii. Two (2) inches of PennDOT 2A aggregate.
- 2. Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:
  - a. Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
  - b. Ensure adequate capacity for existing and projected traffic volume.
  - c. Provide efficient movement of traffic, including appropriate turning radii and transition grade.
  - d. Minimize hazards to highway users and adjacent property and human activity.
- 3. All applicable permits or approvals must be obtained, including, without limitation:
  - a. Access or driveway permits to state or county roads.
  - b. Overweight or oversize loads.
- L. Geophysical Exploration.
  - 1. For any areas of the Borough where the applicant intends to conduct seismic testing, a licensed geologist must provide a report regarding the ability of the land to subside due to the proposed operations. This report must detail the amount of risk of seismic activity because of existing subsurface conditions and with the introduction of drilling and fracking.
  - 2. The applicant shall post a bond or other security in a form to be approved by the Borough in the amount of \$1,000,000 to cover the cost of any damages as a result of seismic testing.
- M. Storage of Equipment.
  - 1. No equipment, including drilling, re-drilling, re-working or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
  - 2. Lumber, pipes, tubing, and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.
  - 3. It shall be illegal to park or store any vehicle or item of machinery on any street, ROW or in any driveway, alley or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.
- N. Fencing, screening and buffering.

1. Security fencing consisting of a permanent galvanized chain-link fence, a minimum of eight (8) feet in height, topped with either razor or barbed wire shall be installed prior to the commencement of any activity at every well site to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the well site.
  2. Security fencing shall be equipped with lockable gates at every access point, and having openings no less than twelve (12) feet wide. Gates shall be kept locked except when being used for access to the site. Additional lockable gates used to access the well site, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
  3. The Borough's first responders shall be given means to access the well site in case of an emergency via lock box or a Borough-approved equivalent. The applicant must provide the Allegheny County 911 Communications Center with necessary information to access the development or facility in case of an emergency.
  4. Warning signs shall be placed on the fencing surrounding the development or facility, providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the well site.
  5. In construction of the oil and gas development or facility, the natural surroundings shall be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.
- O. Structure Height. Permanent structures of the oil and gas developments and facilities (both principal and accessory) shall comply with the height regulations of the applicable zoning district.

**Section 451: Power Generation Facility, Electric**

- A. Power generation plants shall be located at least 1,000 feet from any property line adjoining a residential use or zoning district and at least 500 feet from a property line adjoining any other zoning district.
- B. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created.
- C. The Governing Body may impose restrictions on access to the facility, storage of vehicles or materials on the premises, and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- D. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

**Section 452: Repossession Business**

- A. The standards for “Automobile Repair and Service” in this Article shall apply.
- B. Exterior storage of vehicles and/or equipment associated with the permitted principal use shall require approval of a “Storage Yard” as an accessory use.

**Section 453: Recycling Business**

- A. The perimeter of the property shall be enclosed with a fence or wall no higher than eight (8) feet and no lower than six (6) feet in height. Barbed-wire fences are prohibited.
- B. Requirements for indoor and outdoor storage see Table 17.

**TABLE 17 – RECYCLING REQUIREMENTS**

Type of Recyclable	Under Roof Y/N	Need to be Covered Y/N
Beverage Containers	No	No
Demolition Debris	No	No
Electronics	Yes	N/A
Metal	No	No
Oil	Yes	N/A
Paper	Yes	N/A
Plastic	No	No
Rubber Products	No	Yes
Tires	Yes	Yes

- C. Batteries and other items considered hazardous waste shall not be kept on site.
- D. Recycled oil shall be kept in an enclosed container at all times.
- E. Any item that would create a hazardous run-off shall be kept under a roof or covered at all times.
- F. Items such as newspaper, office paper, plastic, and drinking containers shall be secured so that they are not affected by the wind.
- G. No pile of recyclables shall exceed twenty (20) feet in height.

**Section 454: Research and Development**

- A. The facility shall not involve the manufacturing of any products being tested or engineered.
- B. No research or testing activities shall be conducted outside a completely enclosed building.

**Section 455: Roadside Stand, Principal**

- A. A current peddler's license shall be clearly displayed on the premises.
- B. Principal use roadside stands shall meet the same setbacks required for primary structures located in the applicable zoning classification.
- C. All parking for salespeople and customers shall be on the property of the landowner and there shall be no parking permitted on a ROW.
- D. Principal roadside stands shall provide the required parking specified in Article VI of this Ordinance.

**Section 456: Salt Storage Facility**

- A. All salt piles must be covered with roof in order to prevent run-off into public or private sewer inlets.

**Section 457: Salvage/Junk Yard**

- A. Lot size. A salvage/junk yard must be located on a minimum of ten (10) acres.
- B. The site shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, organic waste, or hazardous waste shall be stored, buried, or disposed of on the site.
- D. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire-fighting and prevent the accumulation of stagnant water. The proposed layout of the junkyard shall be indicated on the site plan submitted with the application.
- E. No junk shall be stored or accumulated and no structure shall be constructed within fifty (50) feet of any dwelling unit or within twenty-five (25) feet of any other parcel line or ROW of a public street.
- F. The site shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with self-latching gate.
- G. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty (80%) percent opaque.
- H. No vehicles or material related to the principal use shall be stacked higher than the visual barrier.
- I. The Governing Body may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is not adverse impact upon the functioning of the district or adjacent parcels.
- J. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

**Section 458: Self-storage Facility**

- A. All storage shall be within an enclosed building except vehicular storage, which may be permitted in a parking facility as an accessory use.
- B. The minimum distance from the face of any storage building, which contains access to storage units to the face of any adjacent storage building, which contains access to storage units, shall be thirty (30) feet.
- C. The minimum distance from the face of any storage building, which does not contain access to storage units, to the face of any adjacent storage building, with or without access to storage units, is twenty (20) feet.
- D. Maximum length of any storage building is 200 feet.
- E. Maximum size of any storage unit shall be fourteen (14) feet wide, forty (40) feet deep and one (1) story and no more than fifteen (15) feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed forty (40) feet.
- F. Storage units may not be equipped with water or sanitary sewer service.
- G. Exterior finishes of the storage units shall be compatible with the character of the development on adjoining properties.
- H. The Borough Council may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the adjacent parcels.
- I. No door openings accessing storage units shall face an adjacent residential zoning district.
- J. The site shall front along a collector street and shall have direct vehicular access to a collector street.
- K. Vehicular access shall be limited to one (1) two-way driveway from each collector street on which the site has frontage.

**Section 459: Sexually Oriented Businesses**

- A. Sexually oriented and adult businesses shall also meet or exceed the following setback requirements. The building shall be setback as follows:
  - 1. 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).
  - 2. The building shall be at least 1,000 feet in any direction from any school property, church property, preschool property, or child day care center property (including such uses in adjacent municipalities).
  - 3. The building shall be at least 100 feet in any direction from any hotel or motel (including such uses in adjacent municipalities).

4. 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).
- B. All activities pertaining to the sexually oriented and/or adult business shall be conducted entirely within the confines of the building. 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.
- C. Any sexually oriented and/or adult business which has liquor for sale shall abide by all rules and regulations of the LCB. If any of the applicable regulations of the LCB are more stringent than the regulations specified in this Section, those regulations shall be adhered to by the applicant.
- D. Unless governed by more stringent regulations by the LCB, the following hours of operation shall be adhered to by all the sexually oriented and/or adult businesses.
  1. No the sexually oriented and/or adult business shall be open from 2:00 a.m. to 11:00 a.m. daily.
  2. No the sexually oriented and/or 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.
- E. The maximum gross floor area of any building which is utilized for the sexually oriented and/or adult business shall be 5,000 square feet.
- F. No sexually oriented and/or adult business shall display an exterior sign which displays obscene materials or which depicts nudity or sexually explicit activities. All other regulations pertaining to commercial signs shall be complied with.
- G. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.
- H. To ensure the regulations of this Section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.
  1. A site survey of the property and building proposed for the sexually oriented and/or 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 and shall be at a scale no less than one (1) 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 twenty-four (24) inches by thirty-six (36) inches. Twenty (20) copies of the survey shall be submitted with the application.
  2. The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, and any other exterior improvements.

3. If liquor for sale is proposed, a copy of the license issued by the LCB shall be submitted.
- I. 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 SALDO.
- J. An applicant proposing the sexually oriented and/or adult business shall satisfy all requirements of the Zoning Ordinance which relate to general requirements for approval of conditional uses.
- K. Additional Regulations for Nude Model Studios.
  1. A nude model studio shall not employ any person under the age of eighteen (18) years.
  2. The Studio owner or operator and any person under the age of eighteen (18) years commits a violation of this Ordinance if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this Subsection if the person under eighteen (18) years was in a rest room not open to public view or visible to any other person.
  3. The Studio owner or operator and any person commits a violation of this part if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public ROW.
  4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises; except that a sofa may be placed in a reception room open to the public.

**Section 460: Shopping Center**

- A. Shopping Centers shall be located on a minimum of ten (10) acres.
- B. Any shopping center proposed with an anchor tenant space shall provide an outdoor public plaza, open space, or similar pedestrian amenity equal to five (5%) percent of the lot area. This required amenity shall be constructed as part of Phase I should the project be constructed in phases.
- C. All buildings shall provide a prominent and highly visible street-level doorway or entrance along the front or side of the building which faces a street.
- D. Sidewalks shall extend from the main entry point and link to the public sidewalk.
- E. The street-level facade of any building facing a street shall be transparent (incorporate windows) between a minimum of three (3) feet and eight (8) feet in height for no less than sixty (60%) percent of the horizontal length of the structure facing the street.
- F. Surface treatments to create visual interest, such as cornices, brackets, window and door moldings and details, recesses, projections, awnings, porches, steps, decorative finish



materials, and other architectural articulation, shall be required along facades facing streets. At least two (2) such surface treatments must be provided along the facade.

- G. Any drive-through proposed with a tenant space shall be designed in accordance with drive-through standards outlined in this Ordinance.
- H. Elevation drawings shall be required for all neighborhood shopping centers. The elevations shall show a perspective from the street frontage whereby the applicant shall demonstrate that the site improvements, including buildings, parking areas and circulation drives, have a consistent physical/spatial relationship to the existing street grade along property frontages. Specifically, the intent is to design neighborhood shopping centers in a manner that creates consistency in the streetscape and not cause an effect to separate or segregate the use of the property from the surrounding neighborhoods or streets. The design of a neighborhood shopping center is to integrate into and be at a scale compatible to the surrounding area.
- I. The entire shopping center shall have a common architectural character and be an integrated design.
- J. Access from adjacent streets shall be carefully designed to minimize congestion and confusion.
- K. Loading areas shall be separate from parking lots.
- L. Areas not paved or occupied by structures shall be landscaped and maintained, and the edges of paved areas abutting landscaped areas shall be curbed.
- M. Areas to be used for outdoor sales shall be designated and shall not occur on pedestrian circulation areas or in required parking lots.
- N. The Governing Body may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.

#### **Section 461: Short-term Rental (Accessory Use Only)**

- A. Accessory short-term rental units shall provide the required off-street parking as specified in Article VI of this Ordinance.
- B. A short-term rental shall be the primary residence of the short-term rental host for a minimum of 180 days per calendar year.
  - 1. A short-term rental host shall provide the Borough with a copy of a valid Pennsylvania Driver's License with the address of the short-term rental and a recent utility bill with the address of the short-term rental to demonstrate residency. In addition, the short-term rental host shall provide proof of registration with the Department of Revenue for a Sales, Use and Hotel Occupancy Tax License as required by the State.
- C. Outdoor signage which identifies the short-term rental is prohibited in all districts.

- D. The short-term rental shall meet all building code requirements as specified in the current Building Code and shall be inspected by the Borough's Building Inspector at the time of the zoning application.

**Section 462: Skilled Nursing Facility**

- A. The standards for "Care Facilities and Senior Housing" in this Article shall apply.

**Section 463: Solar Energy Production Facilities, Large**

- A. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories, the American Standards Technical Manual, or other similar certifying organizations, and shall comply with the UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
- C. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street ROW.
- D. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.
- E. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
- F. All ground-mounted and free-standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- G. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- H. For a building-mounted system installed on a sloped roof that faces the front yard, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge of the system.
- I. Building-mounted systems mounted on a flat roof shall not be visible from the public ROW immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public ROW at ground level.

- J. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three (3) feet above the highest point of the roof line to which it is attached.
- K. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.
- L. The surface area of ground-mounted systems, regardless of the mounted angle of any portion of the system is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district in which it is located.
- M. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.
- N. Vacation, Abandonment and/or Decommissioning of Solar Facilities:
  - 1. The solar energy production facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation.
  - 2. Discontinuation/abandonment is presumed when a solar system has been disconnected from the Net metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the Borough.
  - 3. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
  - 4. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
  - 5. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar facilities within the twelve (12) month period outlined above, the Borough reserves the right to enter the property, remove the system and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense.
  - 6. Any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar system shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens.
- O. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structures.

**Section 464: Solid Waste Facilities (Transfer Stations; Incinerators; Landfills)**

- A. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Street design shall allow a weight limit of 19,000 pounds per axle. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets primarily intended to provide access to residences in a neighborhood.
- B. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.
- C. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a residential zoning district.
- D. The hours of operation shall be limited from 7:00 a.m. to 7:00 p.m., except that the hours of operation may be extended when the DEP certifies that sanitation conditions require an extension of operating hours.
- E. Municipal solid waste landfills shall be covered in accordance with the DEP. Exterior lighting shall not cause illumination in excess of one (1) footcandle at any property line, except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

**Section 465: Storage Yard**

- A. General requirements for all storage yards:
  - 1. The applicant shall provide to the Borough at the time of application the following information:
    - a. A narrative describing the material that will be stored in the proposed storage yard.
    - b. A site plan of the lot and/or parcel including the location of the proposed storage yard and materials to be stored.
  - 2. Storage yards shall not be used to:
    - a. Service, repair, or conduct similar repair activities of any of the items stored at the outdoor storage yard.
    - b. Be occupied or used for living, or sleeping purposes.
    - c. Conduct vehicle sales or retail sales of any kind.
    - d. Conduct any other commercial or industrial activity.
  - 3. No outdoor storage shall be permitted in the required setback areas.
  - 4. All organic rubbish or waste materials shall be stored in airtight vermin-proof containers.

5. Outdoor storage of vehicles, including but not limited to automobiles, buses, motorcycles, watercraft, and similar machines shall conform to the following standards:
    - a. All operable vehicles stored in identified storage areas shall have current vehicle registration and/or inspection, as required.
  6. Any repossessed, disabled, wrecked, unlicensed or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30) day period.
  7. The storage yard shall be paved with a minimum of three (3) inches of gravel and maintained in a dust-free manner.
  8. The storage yard shall be set back a minimum of fifty (50) feet from any property bearing a single-family detached dwelling.
- B. Specific standards for storage yards permitted as an accessory use:
1. All storage yards related to the principal use are permitted only in the rear yard and at least fifty (50) feet from a residential zoning district.
  2. The designated storage area shall not include the required parking for the permitted principal use.
  3. Storage areas shall not create traffic hazards or block pedestrian and vehicular circulation.
  4. The storage yard shall be screened from the adjoining parcels as required by the Buffer Yard Standards defined in this Ordinance.
    - a. A storage yard shall be considered an industrial use when interpreting the required bufferyard chart (Table 18).
- C. Specific Standards for storage yards permitted as a principal use:
1. The storage yard shall be screened from the adjoining parcels as required by the Buffer Yard Standards defined in this Ordinance.
    - a. A storage yard shall be considered an industrial use when interpreting the required bufferyard chart (Table 18).
  2. The storage yard shall be screened from the public roadway by a solid vegetated hedge or opaque fence that is a minimum six (6) feet high.

## **Section 466: Supply Yard**

- A. General requirements for all supply yards (principal and accessory uses):
1. The applicant shall provide to the Borough at the time of application the following information:

- a. A narrative describing the material that will be stored, displayed, and/or sold in the proposed supply yard.
  - b. A site plan of the lot and/or parcel including the location of the proposed supply yard and materials to be stored.
2. Supply yards shall not be used to:
  - a. Be occupied or used for living or sleeping purposes.
  - b. Conduct vehicle sales or retail sales of any kind.
3. No outdoor storage and/or sale of materials shall be permitted in the required setback areas.
4. Outdoor display and/or sale of materials and/or equipment shall be incidental to a principal use in the district in which it is permitted.
5. Only the business or entity occupying the principal structure may sell merchandise in the outdoor supply yard.
6. Areas to be used for outdoor display, and/or sales shall not occur on pedestrian and/or vehicular circulation areas or in required parking lots.
7. The supply yard shall be screened from the adjoining parcels by a bufferyard as required by the standards of this Ordinance.
  - a. A supply yard shall be considered an industrial use when interpreting the required bufferyard chart (Table 18).
8. The storage yard shall be paved with a minimum of three (3) inches of gravel and maintained in a dust-free manner.
9. The storage yard shall be set back a minimum of fifty (50) feet from any property bearing a single-family detached dwelling.

**Section 467: Tank Farms**

- A. All state and federal permits shall be acquired prior to filing the application for development.
- B. The fuel storage area shall be capable of containing at least one and one half (1.5) times the amount of the largest storage tank.
- C. An explicit plan for emergency procedures and fire prevention and containment shall be approved by the Borough.
- D. The Governing Body may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the zoning district or adjacent parcels.

**Section 468: Tavern or Bar**

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

**Section 469: Towing or Other Road Services**

- A. The standards for "Automobile Repair and Service" in this Article shall apply.
- B. Exterior storage of vehicles and/or equipment associated with the permitted principal use shall require approval of a "Storage Yard" as an accessory use.

**Section 470: Urban Agriculture, Principal**

- A. The keeping of poultry, birds, livestock, or other farm animals is not permitted.
- B. No processing of products grown on the site is permitted.
- C. All structures shall be subject to any required setbacks of the zoning district but shall in all cases be a minimum of ten (10) feet from any property line.
- D. All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

**Section 471: Vehicle Sales; Vehicle Rental Facility**

- A. The minimum lot area required shall be one (1) acre.
- B. The property shall have frontage on and direct vehicular access to an arterial or collector street.
- C. The area used for display of automobiles and related merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and mud free.
- D. All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot.
- E. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street ROW.
- F. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth.

- G. All onsite lighting shall be located at least ten (10) feet from any street ROW or property line, and all lighting shall be shielded and reflected away from adjacent streets and properties.
- H. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- I. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot compact hedge or opaque fence.

**Section 472: Wind Energy Production Facility, Large**

- A. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories, the American Standards Technical Manual, or other similar certifying organizations, and shall comply with the Pennsylvania UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. Large wind energy production facilities shall not generate noise which exceeds fifty-five (55) decibels (dBa) measured at any property line.
- C. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.
- D. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.
- E. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
- F. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
- G. Wind turbines and towers shall be a non-obtrusive color such as white, off-white, or gray.
- H. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.
- I. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- J. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.



- K. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways, or sidewalks.
- L. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street ROW, or overhead utility line.
- M. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
- N. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- O. The large wind energy production facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structures.

**Section 473: Uses Not Listed**

- A. It is the intent of this Ordinance to group similar or compatible land uses into specific zoning districts. Uses which are not specifically listed in the Tables of Authorized Uses (Principal and Accessory) may be permitted upon finding by the Borough that the proposed use is similar to a use listed in the Tables of Authorized Uses.
- B. If a property owner or user asserts that a proposed use is not provided for in the Table of Authorized Uses (Principal and Accessory) the property owner or user shall file an application for conditional use with the Borough and which shall review and make a determination if the proposed use is similar to another use contained in the Table of Authorized Uses.
- C. If the Borough finds the use is similar to an existing use contained in the table it may permit the use subject to the same conditions and requirements of that use including the district in which it may be located.
- D. In considering if a proposed use is similar to an existing use contained in the Table of Authorized Uses (Principal and Accessory) the Borough is not limited to assertions of the applicant that the use is similar to a specific listed use, but instead may consider all uses (Principal and Accessory) contained in the Tables of Authorized Uses.
- E. If the Borough finds the use is similar to an existing use all other provisions of this Ordinance and all codes and Ordinances of the Borough shall apply.

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## **Article V: Supplemental Regulations**

### **Section 501: Performance Standards**

- A. Noise. The ambient noise level of any operation, other than those exempted below, shall not exceed the decibel (dBa) 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 Ordinance, ambient noise level is the average decibel (dBa) 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.
1. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
    - a. 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 sixty (60) decibels (dBa).
    - b. 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 sixty-five (65) decibels (dBa).
    - c. Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
  2. The following uses or activities shall be exempted from the noise regulations:
    - a. Customary and usual farming activities in all zoning classifications.
    - b. Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.
    - c. Noises caused by safety signals, warning devices, and other emergency-related activities or uses.
    - d. Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.
    - e. 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.
  3. 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.
- B. 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.

- C. 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.
- D. 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.
- E. 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.
- F. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- G. 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.
- H. 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.

#### **Section 502: Screening and Bufferyards**

- A. A landscaping plan and associated planting details shall be submitted with all land use and zoning applications.
- B. Landscape screening and bufferyard standards are intended to provide natural transition areas between developed lots, tracts and parcels. The standards will facilitate this in the following ways:
  - 1. General landscaping standards are intended to assist in the development of more attractively landscaped outdoor spaces and provide for a greater sense of continuity within individual developments.
  - 2. The parking lot landscaping requirements should result in more shade, reduced glare and heat build-up, and lessen the visual monotony created by large expanses of pavement and parked cars.
  - 3. Bufferyard standards, requiring appropriate buffers between incompatible land uses, will reduce negative impacts of more intense uses relative to less intense adjacent uses.

- C. Bufferyards shall only apply where dissimilar uses are adjacent to one another; see Table 18, Required Bufferyards.
1. Bufferyards shall be installed within the property line of the proposed land use.
  2. Existing and proposed land use classifications within Table 18 shall be determined by the North American Industry Classification System (2012 NAICS).
- D. Specific landscape standards and criteria are provided in the Borough's SALDO.

**TABLE 18 – REQUIRED BUFFERYARDS**

Existing Land Use									
Proposed Land Use		Single Family Residential	All Other Residential Uses	Agriculture & Forestry (11)	Retail Trade (44-45)	Office & Other Services (51-92)	Construction, Manufacturing, Transportation & Warehousing (23-42 & 48-49)	Mining, Quarrying & Waste Management (21 & 562)	PRD/TND
	Single Family Residential								
	All Other Residential Uses	✓							
	Agriculture & Forestry (11)								
	Retail Trade (44-45)	✓	✓						✓
	Office & Other Services (51-92)	✓	✓						✓
	Construction, Manufacturing, Transportation & Warehousing (23-42 & 48-49)	✓	✓	✓	✓			✓	✓
	Mining, Quarrying & Waste Management (21 & 562)	✓	✓	✓	✓			✓	✓
	PRD/TND	✓	✓		✓	✓	✓	✓	✓

**Section 503: 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 streets (not including parking lot areas) are exempt from this requirement. However, streetlight poles for decorative street-lighting shall not exceed twenty-four (24) 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 fifteen (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 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 twenty-four (24) feet.
- D. Illumination shall not exceed one (1) footcandle at all property boundaries. The one (1) footcandle illumination shall be measured horizontally on the ground surface and vertically at a five (5) 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 ROW. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.

**Section 504: Residential Use Lighting Standards**

- A. For all residential uses that require parking lots that contain more than ten (10) parking spaces the proposed use shall comply with the requirements of the nonresidential use lighting standards above.
- B. All other proposed lighting in residential districts shall be oriented so as not to interfere with adjacent properties. Decorative streetlights constructed in conjunction with a proposed residential development shall be designed to minimize impact to existing developments or properties.

**Section 505: Flood Plains**

All development and use of land and structures in floodplain districts shall comply with the most recently adopted flood plain management Ordinance of the Borough as may be amended from time to time.

**Section 506: Outdoor Storage**

- A. In nonresidential zoning districts 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 (6) feet in height.
- B. 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 bufferyard requirements of Article V of this Ordinance, may be required to screen material or equipment stored outside.
- C. 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 (6) feet in height. Containers shall not be permitted in the front yard.

**Section 507: Utilities**

All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

**Section 508: 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 (6) 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.

**Section 509: Screening of Roof Equipment**

Mechanical equipment designed to be located on the roof of a structure/building must be screened with typical building materials. The screen must be designed to complement building designed and conceal this equipment from neighboring property owners and the public on adjacent roadways.

**Section 510: Temporary Uses****A. Authorized Temporary Uses, Residential Districts.**

1. Model home in a plan of homes used temporarily as a sales office which shall terminate upon the sale or rental of the last unit.
2. Rental or sales office in a multi-family residential complex.
3. Outdoor fair, exhibit, show, other special event sponsored by a nonprofit organization.
4. Private garage/yard sale.
5. Other temporary uses, as approved by the Planning Commission.

**B. Authorized Temporary Uses, all Other Zoning Districts. Zoning approval is required for the following temporary uses in non-residential districts:**

1. Flea market.
2. Outdoor fairs, exhibits.
3. Temporary sales events.
4. Rental or sales office in a development complex.
5. Temporary Storage Container or PODs.
6. Other temporary uses, as approved by the Planning Commission.

**C. Conditions of Approval for Temporary Uses.**

1. All permitted temporary uses shall be removed from the parcel after sixty (60) days.
2. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.
3. Any licenses and permits required to sell products or food or approvals from other governmental agencies shall be submitted prior to the issuance of zoning approval.
4. The Borough Chief of Police and Fire Chief shall be notified in writing of the temporary use.
5. If the applicant does not own the land on which the temporary use is to be located, a letter of agreement and/or permission between the applicant and the landowner shall be submitted.
6. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the Borough. This includes, but is not limited to, provisions for security, trash pick-up, and daily maintenance of the grounds.



7. The Zoning Officer may refer any application for a temporary use to the Planning Commission for review and recommendation prior to issuance of zoning approval.
  8. The provisions of this Section in no way shall be deemed to authorize the outdoor display or sale of automobiles, trailer or equipment rentals, used furniture, appliances, plumbing or building materials, or similar display or sale in any district except as specifically authorized by this Ordinance.
- D. Temporary Construction Structures. Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within thirty (30) days after the completion of construction. Permits for such temporary structures shall not exceed one (1) year but up to three (3) annual renewals of the permit may be obtained.

### **Section 511: Incentive-based Architectural Standards**

- A. Developers of commercial uses or mixed-use structures in the Neighborhood Commercial, General Commercial and Highway Commercial (NC, GC, HC) Zoning Districts may earn an intensity bonus of twenty-five (25%) percent additional lot coverage by meeting the following architectural standards:
1. When practical, all main entrances of nonresidential uses should be oriented towards the public street.
  2. Twenty (20%) percent of any exterior walls facing a sidewalk, public ROW or public street shall be comprised of windows or tinted glass, the sum of which shall be distributed as follows for multistory buildings:
    - a. Two (2) stories: forty (40%) percent to sixty (60%) percent of the total required on each story.
    - b. Three (3) stories: twenty-four (24%) percent to thirty-six (36%) percent of the total required on each story.
  3. Flat roofs, those without any pitched form, shall include a parapet on the front façade concealing the roof.
  4. At least four (4) of the following design standards shall be incorporated into the principal structure:
    - a. Pitched or mansard roof form.
    - b. Cornices or roof overhangs.
    - c. Pilasters, stringcourses, or similar means of dividing the floors of structures or giving the impression of dividing traditional stories of buildings where the use necessitates wall faces taller than fourteen (14) feet facing front lot lines, other principal structures, and public ROW.
    - d. At least two (2) stories within the structure or the appearance of two (2) stories of height along the building's front facade.

- e. The inclusion of canopies housing open walkways and pedestrian areas along the building's front façade.
- f. Changes in building facade material accompanied by a variation in the roof parapet or roof style, which may include a variation in height or change in the style of cornice used.
- g. Other architectural design features, so as to break up large wall surfaces on the street-facing elevations, as approved by Borough Council.

**B. Prohibited exterior wall materials:**

- 1. Large split-face block (e.g., size of eight (8) inches by sixteen (16) inches or greater).
- 2. Tilt-up concrete panels.
- 3. Prefabricated metal panels.
- 4. Standard concrete masonry units (CMU).

**Section 512: Attached Residential Garages**

- A. Attached residential garages shall be permitted as an extension of the principle use in all districts subject to the following standards:
- 1. The attached residential garage is structurally connected to a permitted residential dwelling and meets the bulk and area restrictions of the underlying zoning district.
  - 2. If connected by a breezeway or similar architectural feature, the attached residential garage shall be within ten (10) feet of an exterior wall of the permitted residential dwelling.
  - 3. The attached residential garage shall not exceed forty (40%) percent of the combined architectural footprint of the residential dwelling and attached garage. Attached garages within the first floor or basement of multi-family dwellings are excluded from this requirement.
  - 4. The attached garage shall not exceed the height of the residential dwelling.
- B. Attached residential garages that exceed the height and/or forty (40%) percent of the total architectural footprint shall be considered a second principle use and are not permitted in any residential zoning district (§306.E).

**Section 513: Adaptive Retail Use**

- A. Permitted uses. Existing structures determined to meet the criteria listed below in §513.B may be reused, renovated, and/or occupied for the following purposes as a Permitted Use by Right:
- 1. Art Gallery

2. Arts & Craft Studio
  3. Automobile Detailing
  4. Bakery, Retail
  5. Medical Offices
  6. Offices, Business Professional
  7. Personal Services
  8. Restaurant, Neighborhood
  9. Retail Store
- B. Adaptive Retail Uses shall be permitted only within existing nonresidential structures or existing commercial building located in the Neighborhood Mixed Use Commercial District. Such structures include, but are not limited, to existing strip malls, existing commercial structures, existing retail facilities, and existing office buildings previously permitted within the District.
- C. Parking shall meet the requirements of Article VI based on all permitted uses within the existing nonresidential structure.
- D. Adaptive Retail Uses shall comply with all applicable Bode Code requirements.

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## Article VI: Parking

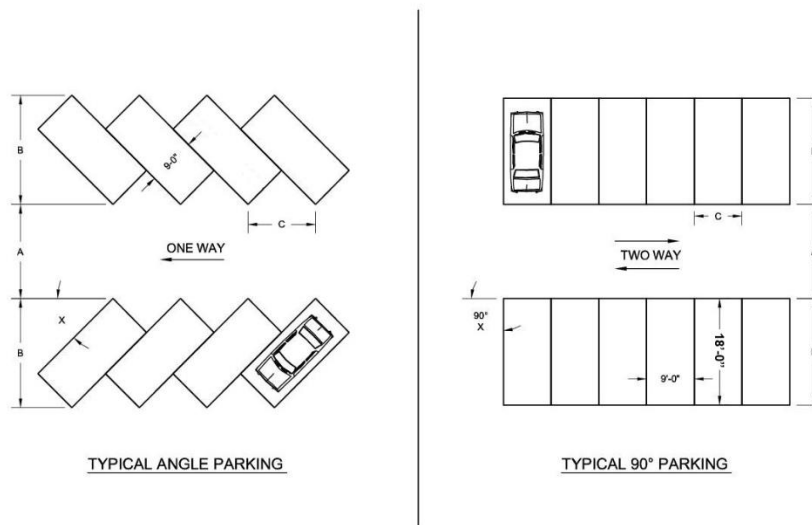
### Section 601: Parking

- A. This Section sets minimum standards for off-street requirements for new construction and expansion of or changes to existing uses. The purpose of this Section is to ensure that uses have a minimum level of on-street and off-street parking to avoid congestion on surrounding streets.

### Section 602: Parking Dimensions

- A. Off-street parking spaces shall have minimum dimensions as established in **Figure 2**.
- B. The minimum width of aisles internal to a parking lot or structure shall be as prescribed in **Figure 2**, provided that aisles having two-way traffic are required to provide a width of twenty-four (24) feet regardless of angle of parking.

**FIGURE 2 – PARKING DIMENSION STANDARDS**



MINIMUM PARKING SPACES AND AISLE DIMENSIONS			
PARKING ANGLE (X)	A	B	C
30°	11'-0"	17'-9 1/2"	18'-0"
45°	13'-0"	20'-6"	12'-9"
60°	18'-0"	21'-10"	10'-4 1/2"
70°	19'-0"	21'-10 1/2"	9'-7"
80°	24'-0"	21'-3"	9'-1 1/2"
90°	24'-0"	18'-0"	9'-0"

NOTE: THE MAXIMUM PERMISSIBLE SLOPE OF ANY PARKING AREA SHALL BE FIVE (5%) PERCENT.

**Section 603: Parking Lot Layout and Design Standards**

- A. Internal driveway system. All off-street parking lots with greater than 200 parking spaces shall include a separate internal driveway system which connects individual aisles to a public ROW. The purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.
  - 1. Internal driveways shall be provided to permit on-site access to all parking and loading facilities and to permit emergency vehicle access.
  - 2. Internal driveway systems shall be designed to connect into adjacent properties, where practical. The Borough may require an easement be placed on the property to allow for future connection to the adjacent properties.
- B. Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.
- C. All parking areas containing three (3) or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public ROW.
- D. Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.
- E. All vehicular turning movements and maneuvering must take place on site.
- F. The end of each parking bay shall have an end cap island of at least five (5) foot in width. The end cap island area shall not be used in meeting required minimum parking space or travel aisle dimensions.
- G. All off-street spaces shall be adequately marked as required by the Borough Construction Standards.
- H. All off-street spaces shall be constructed of an approved all-weather surface to provide safe and convenient access in all seasons. Said all weather surface shall be constructed only of concrete, asphalt or brick or other paved surface approved by the Borough Engineer. The construction of all such off-street loading spaces shall be subject to inspection and approval by the Borough Engineer, concerning the materials of construction and specification of construction, prior to, during and after the completion of construction of such off-street loading spaces.
- I. Parking Lot Landscaping. All off-street parking lots shall include landscaping as required by the Borough SALDO.
- J. Parking Lot Curbs. All off-street parking lots, including loading areas, service areas, and driveways, shall be curbed. All curbing shall be constructed only of concrete, asphalt or other material approved by the Borough Engineer.
- K. Parking Lot Lighting. All off-street parking lots shall include lighting as required by §503 of this Article.

- L. Off-street parking shall not be permitted in any required residential yard area except on a permitted driveway.
  - 1. Residential driveways are subject to the design and location standards established in the Plum Borough SALDO.

**Section 604: Accessible Parking Requirements**

- A. Shall meet the standards of the most recently adopted Pennsylvania Uniform Construction Code (UCC), as may be amended from time to time.

**Section 605: Single Family Parking Requirements**

- A. In addition to the other standards of this Section, the following regulations shall apply to parking spaces in the SR Zoning District:
  - 1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Each required off-street parking space shall have direct access to a public ROW.
  - 2. The term "parking space" shall include but is not limited to a parking pad, driveway, and any other area provided for parking a vehicle.
  - 3. Each parking space provided, constructed, or maintained for parking of vehicle(s) pursuant to the provisions of this Ordinance must have a width not greater than fifty (50%) percent of the width of the front of the dwelling or building structure located on the same lot.

**Section 606: Parking Ratios**

- A. Applicability: The minimum parking ratio standards apply to all zoning districts except as may be modified in the provisions of this Ordinance.
- B. Table 19 establishes the minimum numbers of parking spaces required for the uses indicated. Parking requirements may be met by one (1) or more of a combination of the following methods:
  - 1. On-site parking. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to Table 19. Only spaces that are designed consistent with this Section are counted toward the minimum parking required. The following provision apply when providing the minimum number of required on-site parking spaces:
    - a. Required parking for single family dwellings may be stacked and do not require separate access to each required space.
    - b. No part of a parking or loading space required for any building to comply with this Ordinance shall be included as part of a parking or loading space required for another building.
    - c. Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.

2. Shared Parking. Parking spaces required under this Section may be provided cooperatively for two (2) or more uses on a site as shared subject to the requirements of this Section. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
  - a. The off-site, off-street parking facilities are located on adjacent parcels and are located within 300 feet of the proposed uses.
  - b. The parking demands of the individual uses, as determined by the Zoning Officer, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one (1) time is less than the total parking stalls required.
  - c. A written agreement between the owners and lessees is executed in perpetuity. Should the lease expire or otherwise terminate the use for which the off-site parking was provided shall be considered in violation of its zoning approval and, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.
  - d. The applicant shall provide calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses during the following time periods:
    - 1) Weekday Daytime
    - 2) Weekday Evening
    - 3) Weekend Daytime
    - 4) Weekend Evening
  - e. An application for approval of a shared parking plan shall be filed with the Zoning Officer by the owner of the land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or land development approval, the shared parking agreement requires approval of the Planning Commission and Borough Council.
- C. Uses not identified: The Borough Planning Commission shall determine the parking requirement for uses that do not correspond to the categories listed in Table 19. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
  1. Type of uses.
  2. Number of employees.
  3. Building design capacity.
  4. Building occupancy load.



5. Square feet of sales area and service area.
  6. Parking spaces proposed on site.
  7. Number of accessible parking spaces.
  8. Parking spaces provided elsewhere.
  9. Hours of operation.
- D. Multiple uses: Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or the gross floor area of each structure. This provision does not apply where the applicant has sought and secured approval under the shared parking requirements of this Ordinance.
- E. Fractional measurements: When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction shall be rounded up to require a full off-street parking space.
- F. Parking needs analysis: The number of off-street parking spaces and loading spaces required by Table 19 of this Ordinance may be reduced if a parking needs analysis demonstrates that the specified ratios in Table 19 exceed the total parking demand of all uses on the subject lot at any one (1) time. The parking needs analysis is subject to the following conditions:
1. The parking needs analysis shall be signed and sealed by a licensed engineer.
  2. The parking needs analysis, in the form of a narrative, shall include all information outline in §606.C of this Ordinance.
  3. The parking needs analysis shall be approved by Borough Council.
  4. The landowner or developer shall update the Borough-approved parking needs analysis upon any change in use of the subject lot.

TABLE 19 – PARKING RATIOS

LAND USE/ACTIVITY	PARKING RATIOS
	MINIMUM VEHICLE SPACES
Accessory Dwelling Unit	1 per accessory dwelling unit
Adaptive Reuse	Determined as per parking needs analysis
After Hours Club	1 per 200 square feet of GFA
Agricultural Operations	None except 1 per 200 square feet of gross leasable area of building used for sale of products produced on the premises
Airport	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Airport Control Tower	1 per employee
Ambulance Station	1 per employee plus 1 per 200 square feet of gross floor area
Amphitheater	Determined as per parking needs analysis
Amusement Arcade	Determined as per parking needs analysis
Amusement Park	1 per 600 square feet outdoor recreation area
Animal Cemetery	1 per acre, but not less than 5 spaces
Animal Day Care	1 per 600 square feet of gross floor area plus 1 per employee
Animal Groomer	2 per grooming station plus one per employee
Animal Hospitals and Veterinarian Services	1 per each 400 square feet of floor area
Animal Production	1 per 300 square feet of gross floor area
Aquarium/Zoo	1 per 1,000 square feet of gross floor area
Art Gallery	1 per each 200 square feet of gross floor area
Arts & Craft Studio	1 per each 200 square feet of gross floor area
Asphalt / Concrete Plant	Determined as per parking needs analysis
Auditorium	1 per each 2 seats in the main seating area
Automobile Detailing	1 per 375 square feet gross floor area, including service bays and retail areas
Automobile Repair and Service	3 per repair bay and 1 per each employee
Bakery, Retail	1 per 300 square feet of gross floor area
Barn	None
Bed & Breakfast Inn	1 per guest room and 2 spaces for owner
Beverage Distributor	1 per 300 square feet of gross floor area
Billboards	1 per site
Boarding House	1 per guest room plus 2 spaces for owner's portion
Brewery	Determined as per parking needs analysis
Bus or Truck Maintenance Facility	3 per repair bay and 1 per each employee
Bus Terminal	1 per employee plus spaces required to satisfy projected peak parking needs
Campground	Determined as per parking needs analysis
Car Wash	1 per 375 square feet gross floor area, including service bays, wash tunnels, and retail areas
Care Facilities and Senior Housing:	
Assisted Living Facility	1 per 3 rooms
Independent Living Facility	2 per dwelling unit
Life Care Community	1 per 3 rooms
Nursing Home	1 per 3 rooms
Retirement Housing Facility	1 per three dwelling units

PARKING RATIOS	
LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Catering (Kitchen/Food Prep Only)	1 per employee
Catering/Event Venue	1 per 300 square feet gross floor area
Cemetery & Mausoleums	1 per each employee and ample accessways to the cemetery sections so as to allow parking on the accessway for gravesite services and visitations
Clubs/Lodges (not including commercial recreation uses)	1 per 100 square feet of gross floor area
College/University	1 per 4 students
Commercial Motor Vehicle Repair	3 per repair bay and 1 per each employee
Commercial Recreation – Indoor	1.5 per 500 square feet gross floor area
Commercial Recreation – Outdoor	1 per each 3 participants at maximum utilization
Community Center	1 per 300 square feet gross floor area
Conference Center	1 per 1,000 square feet gross floor area
Construction-related Businesses	1 per 1,000 square feet gross floor area
Convenience Store	1 per 300 square feet gross floor area
Correctional Facility	1 per employee on maximum shift, 1 per service vehicle, and 1 per resident of a halfway house or similar scaled facility
Custom Printing	1 per 300 square feet gross floor area
Day Care, Adult	1 per 375 square feet gross floor area
Day Care, Child	1 per 375 square feet gross floor area
Distillery	Determined as per parking needs analysis
Distribution Center	1 per 1000 square feet gross floor area
Dormitories	1 per 4 students
<b>Dwelling types:</b>	
Conversion Dwellings	2 per dwelling unit
Duplex	2 per dwelling unit
Mobile Home	2 per dwelling unit
Multifamily Dwellings	1.5 per dwelling unit
Quadruplex	2 per dwelling unit
Single-family	2 per dwelling unit
Townhomes	2 per dwelling unit
Educational Institution	1 per 200 feet gross floor area
Emergency Operation Center	1 per employee
Emergency Shelter	1 per 1,000 square feet gross floor area
Essential Services	None
Extended Stay Hotel/Motel	1 per room plus 1 space per employee and 1 per 800 square feet of public meeting area
Farmers Market	1 per 300 square feet gross floor area
Financial Institution	1 per 300 square feet gross floor area
Fire Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 square feet usable office space
Flea Market	1 per 300 square feet of outdoor display area
Forestry	None
Funeral Home/Crematorium	1 per 4 seats

LAND USE/ACTIVITY	PARKING RATIOS
	MINIMUM VEHICLE SPACES
Garden Center	1 per 1,000 square feet
Gas/Fuel Station	1 per 375 square feet gross floor area including service bays, wash tunnels and retail areas
Golf Course	6 per hole
Golf Driving Range	1 per golf tee box plus 1 per employee
Grain Silos	None
Greenhouses/Nurseries	1 per 375 square feet gross floor area
Group Care Facility	1 per 3 rooms
Group Home	1 for every three beds plus one for each employee
Hazardous Waste Recycling Facility	1 per employee
Heavy Equipment Repair	3 per repair bay and 1 per each employee
Heliport Facility	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Home Occupational Business	Combined total for the dwelling type plus the nonresidential use
Hospital	1 per 400 square feet gross floor area
Hotel	1 per room plus 1 space per employee and 1 per 800 square feet of public meeting area
Injection Well	1 per employee plus one per facility vehicle
Kennel	1 per each employee on the maximum shift and 1 per each 200 square feet of area devoted to the kennel area
Laboratory	Determined as per parking needs analysis
Landscape Business	Determined as per parking needs analysis
Laundromat	1 per 300 square feet gross floor area
Library	1 per 300 square feet of gross floor area
Limited Winery	1 per 75 square feet of gross floor area
Live-Work Units	Combined total for the dwelling type plus the nonresidential use
Magistrate Office & Court	1 per 300 square feet gross floor area
Manufacturing Facility, Light	1 per 1000 square feet gross floor area
Manufacturing Facility, Heavy	1 per 1000 square feet gross floor area
Massage Establishment	1 per 200 square feet of gross floor area
Medical Clinic	1 per 200 square feet of gross floor area
Medical Marijuana Dispensary	1 per 200 square feet of gross floor area
Medical Marijuana Grower/Processor	1 per 800 square feet of gross floor area
Medical Offices	1 space per employee, plus (4) spaces per doctor or practitioner on duty at any given time
Methadone Treatment Facility	1 per each 200 square feet of gross floor area
Micro Brewery	1 per 75 square feet of gross floor area
Micro Distillery	1 per 75 square feet of gross floor area
Mineral Development	1 per employee plus one per facility vehicle
Mixed-use	Combined total for the dwelling type plus the nonresidential use
Mobile Home Park	2 per dwelling unit
Mobile Home Sales	1 per 300 square feet gross floor area of sales building

LAND USE/ACTIVITY	PARKING RATIOS
	MINIMUM VEHICLE SPACES
Motel	1 per room plus 1 space per employee and 1 per 800 square feet of public meeting area
Municipal Building	Determined as per parking needs analysis
Nature Preserve	Determined as per parking needs analysis
Night Club	1 per 2 seats
Offices, Business & Professional	1 per each 300 square feet gross floor area
Oil and Gas Compressor Station	1 per employee plus one per facility vehicle
Oil and Gas Processing Plant	1 per employee plus one per facility vehicle
Oil and Gas Well/Pad	1 per employee plus one per facility vehicle
Park	Determined as per parking needs analysis
Park and Ride Facility	Not applicable
Parking Lot, Commercial	Not applicable
Parking Structure, Commercial	Not applicable
Pawn Shop	1 per each 200 square feet gross floor area
Personal Services	1 per each 200 square feet gross floor area
Pharmacy	1 per 200 square feet gross floor area
Place of Worship	1 per 8 seats
Planned Residential Development (PRD)	Determined separately by each proposed individual use
Police Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 square feet usable office space
Post Office	Determined as per parking needs analysis
Power Generation Facility	1 per employee
Railroad Facility	1 per employee
Railroad Freight Transloading and Distribution Terminal	Determined as per parking needs analysis
Recording Studio	1 per 300 square feet gross floor area
Repossession Business	1 per employee plus 5 additional spaces for customers
Recycling Business	1 per employee
Research and Development	1 per 500 square feet gross floor area
Restaurant	1 per 75 square feet gross floor area
Restaurant, Drive In	1 per 75 square feet gross floor area
Restaurant, Neighborhood	1 per 75 square feet gross floor area
Restaurant, Outdoor Dining	1 per 75 square feet gross floor area
Restaurant, Take-out Only	1 per 300 square feet gross floor area
Retail Store	1 per each 200 square feet of gross floor area
Roadside Stand (Accessory or Principal)	1 per employee on peak shift plus 4 reservoir stacking spaces
Salt Storage Facility	1 per employee
Salvage Yard	1 per employee on peak shift, plus 1 per 200 square feet of gross floor area used for office or administrative functions
School	Determined as per parking needs analysis
Self-storage Facility	1 per 100 storage units plus 3 for management staff
Sewage Treatment Plant	1 per employee

PARKING RATIOS	
LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Sexually Oriented Businesses	Determined as per parking needs analysis
Shopping Center	1 per 300 square feet gross floor area
Short-term Rental (Accessory or Principal)	1 per bedroom
Skilled Nursing Facility	1 per 3 rooms
Solar Energy Production Facility, Large	1 per service employee
Solid Waste Combustor or Incinerator	1 per employee
Solid Waste Landfill Facility	1 per employee
Solid Waste Transfer Station	1 per employee
Specialized Industrial Facility	1 per 300 square feet gross floor area
Stable, Commercial	Determined as per parking needs analysis
Storage Yard, Principal	1 per employee
Supply Yard, Principal	1 per employee plus 5 additional spaces for customers
Tank Farms	1 per 1000 square feet gross floor area
Tattoo Parlor	1 per 300 square feet gross floor area
Tavern or Bar	1 per 2 seats
Taxi and Limousine Service	1 per employee
Theater	13.5 per 1000 square feet of gross floor area
Theater, Drive-In	1 per employee
Towing or Other Road Services	1 per employee
Urban Agriculture, Principal	None
Vehicle Sales	1 per each 2,000 square feet of lot area for employee and customer parking (excludes vehicle display area)
Vehicle Rental Facility	1 per employee plus 5 additional spaces for customers
Warehouse & Storage Services	1 per 1000 square feet gross floor area
Water Intake Wells	Determined as per parking needs analysis
Wind Energy Production Facility, Large	1 per service employee
Winery	Determined as per parking needs analysis
Wireless Communications Facilities	1 per service employee
Uses Not Identified	Subject to §606.C

### Section 607: Off-street Loading and Unloading

Intent. All new nonresidential buildings shall provide required off-street loading berths in accordance with this Ordinance. In all zoning districts, whenever a new construction is proposed, off-street loading berths shall be provided in accordance with the requirements of this Section.

#### A. Off-street loading design.

1. Size. Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.

2. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
  3. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.
  4. Screening. Loading berths shall be screened when facing any residential use or residential zoning district.
  5. Surfacing. All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
  6. Lighting. Any lighting used to illuminate loading berths shall be shielded from any adjoining residential use or zoning district and away from any street or highway.
- B. Off-street loading requirements. In all zoning districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:
1. Retail stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses, or any similar uses which receive deliveries shall provide the number of off-street berths as required in Table 20.

**TABLE 20 – BERTHS REQUIRED (RETAIL, INDUSTRIAL, AND MANUFACTURING)**

Gross Floor Area (square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

2. Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings, and similar uses which receive deliveries by tractor-trailer shall provide the number of off-street berths as required in Table 21.

**TABLE 21 – BERTHS REQUIRED (AUDITORIUMS, CONVENTION HALLS, AND OFFICE BUILDINGS)**

Gross Floor Area (square feet)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

3. Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this Section at the discretion of the Borough.
4. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public ROW.



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## **Article VII: Signs**

### **Section 701: Purpose**

- A. Purpose. The intent of this Article is to provide for the use of signs as a means of identification while maintaining and enhancing the physical environment, aesthetic character, and public safety of the community. The purpose of this Article is:
1. To require zoning approval for signs in all zoning districts subject to the standards and requirements of this Article.
  2. To prohibit signs not expressly permitted by this Article.

### **Section 702: Applicability**

- A. The regulations contained in this Section shall apply to all signs in all zoning districts. No sign may be erected, placed, established, painted, created, altered or maintained except in conformance with the standards, procedures, regulations, and requirements contained herein.
- B. Method of sign authorization and approval. For the purposes of this Ordinance, signs shall be authorized for approval pursuant to the following:
1. Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application if the application indicates compliance with this Ordinance.
  2. Exempt uses are signs that are authorized but that are exempt from regulation under this Ordinance and do not require zoning approval.
  3. Prohibited signs are those not authorized by this Ordinance nor exempt from regulation.
- C. Accessory Uses. Signs shall be considered accessory uses (other than Billboards) on the lot or site they are located and subordinate to the principal use of the lot. Signs shall be subject to the General Standards of all Accessory Uses and Structures contained within Article III of this Ordinance in addition to the requirements of this Article.
- D. Principal Uses. Billboards are considered the principal use of a lot or site on which they are located and shall comply with all the requirements of this Article.
- E. Alteration of Sign Face. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require zoning approval and conformity to all the requirements of this Article.
- F. Signs on Public Property. Any sign installed or placed on public property or within a public ROW, except in conformance with the requirements of this Article shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Ordinance.
- G. Enforcement and Remedies. Enforcement and remedies of this Article shall be pursuant to the provisions of this Ordinance and any other enforcement or remedies pursuant to state and federal law.

**Section 703: Types of Signs**

- A. For the purposes of this Section, all signs shall be classified by the definitions provided in §202 of this Ordinance.

**Section 704: Prohibited and Exempt Signs**

- A. The following signs shall be exempt from these regulations:
1. Holiday decorations displayed for recognized state and federal holidays.
  2. Official notices authorized by a court, public body, or public safety official.
  3. Memorial / Historical plaques.
  4. Memorial signs and tablets when cut into any masonry surface or when constructed of bronze or other sculptured materials.
  5. Flags of a governmental organization.
  6. Signs authorized by the Borough such as municipal gateway signs, street signs, safety control signs, and traffic control signs. Municipal gateway signs may contain advertising matter.
  7. Public notice / public warning signs.
  8. Auction, garage sale or yard sale signs.
  9. Address numbering.
  10. Construction sign (temporary, only during active construction).
  11. Signs of any type placed on public or parks property by authorization of the Borough.
  12. A-Frame (sandwich board) signs shall be permitted on sidewalks provided that only one (1) such sign per premises shall be permitted. Such sign shall not obstruct pedestrian travel and shall be removed each evening upon closing. A-Frame Signs shall not exceed six (6) square feet per side.
  13. Signs announcing candidacy for public office. Such signs shall not be installed on utility poles, shall not be installed more than sixty (60) days before the election to which they are relevant and shall be removed within five (5) calendar days immediately following the relevant Election Day.
  14. On-Premises Directional Signs designating parking areas, entrances, and exits, limited to one sign for each entrance and/or exit, not exceeding four square feet in gross surface area and containing no advertising matter. On-site directional signs shall not project higher than eight (8) feet nor be located in the public right-of-way.
  15. Off-Premise Directional Signs for hospitals, Borough Parks, libraries, and churches up to four square feet, with no more than three erected at different locations at any one time throughout the Borough. Off-premises directional signs shall not project higher than eight (8) feet in height nor be located within the public right-of-way. Off-premises directional sign shall receive approval from the Pennsylvania Department of Transportation, when required.

- B. Prohibited Signs: The following signs shall not be permitted in any zoning district:
1. Flashing, blinking, changing, animated, inflatable, or moving signs (except Digital Signs and LED Billboards authorized by this Article).
  2. Pennants (including "swooper flags"), non-governmental flags, or streamers.
  3. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
  4. Signs that resemble traffic signals or any sort of traffic device.
  5. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the Borough Council.
  6. Off-premise sign (other than Billboards).
  7. Roof sign.
  8. Signs on trees, utility poles, and traffic devices.
  9. Signs that are hazardous to public safety and/or are located in the public ROW.

### **Section 705: Determining Sign Area and Height**

- A. The following shall control the computation of sign area and height:
1. Computation of Area of Single-faced Signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. Any digital portions of a proposed sign and/or a sign base that contains a message or logo shall be included in the calculation of the sign area.
  2. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Any digital portions of a proposed sign and/or sign base that contains a message or logo shall be included in the calculation of the sign area.
  3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

**Section 706: Permitted Signs in Residential Districts**

- A. In the RR, SFR, and MFR residential districts, only the following exterior signs shall be permitted. No ground or pole signs shall be permitted, except as provided below.
1. A nameplate not exceeding two (2) square feet in area containing only the name of the resident, the title of the person practicing a profession, name of building and name of agents, or any combination of the foregoing and placed directly against a building wall.
  2. A ground/monument sign erected upon the premises of an educational, philanthropic or religious institution, including a church, hospital, or similar institution for the purpose of displaying the name of the institution and its activities or services, which shall be limited to one (1) such sign. Pole signs are not permitted in any residential district. Ground signs shall be located at least ten (10) feet back from the street ROW.
    - a) The square foot area of an institutional ground/monument sign in a residential district shall not be permitted to exceed an area of fifty (50) square feet for each side.
    - b) The maximum height of an institutional ground/monument sign in a residential district shall be twenty (20) feet.
  3. Residential Development Sign: One (1) residential development sign not exceeding thirty-two (32) square feet in total gross surface area per face, or two (2) signs not exceeding sixteen (16) square feet in surface area per sign shall be permitted which identifies the name of the residential development. In the case of the residential development with more than one (1) entrance, a sign or signs as permitted above may be placed at each entrance to the development. Pole signs are not permitted in any residential district or PRD. Ground signs shall be located at least ten (10) feet back from the street ROW.
  4. In the MFR Multifamily Residential District, only one (1) exterior wall and/or ground sign shall be permitted not exceeding twenty-four (24) square feet in area in connection with a multiple-family dwelling or other authorized use and shall identify only the name of the structure or residential building. Pole signs are not permitted in the MR District. Ground signs shall be located at least ten (10) feet back from the street ROW.
  5. Directional signs as specified elsewhere in this Ordinance.
  6. Temporary real estate signs not exceeding eight (8) square feet in total gross surface area of all faces. Temporary real estate signs are limited to one (1) per property for sale, lease, or rent and only when placed on the property advertised and to be removed within three (3) days of the completion of sale, lease, or rent of said property.
- B. No sign shall be erected upon, or applied to, any roof. The term "sign" here shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower, or spire of a place of worship.
- C. Permitted illumination of a sign, nameplate or bulletin board shall be of a non-flashing, nonmoving, indirect type.

- D. Signs shall be constructed in accordance with the provisions of this Ordinance and shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or cause a public nuisance. The Borough may take all lawful and proper actions necessary to revoke all permits and licenses issued for such sign and may order said sign removed or brought into compliance with the Borough Ordinances and regulations within thirty (30) days of the date of issuance of such notice and order, in writing, by the Zoning Officer.

**Section 707: Permitted Signs in all Nonresidential Districts**

- A. In all nonresidential districts (including the NC, GC, HC LI, HI, S, and M Districts), the following signs shall be permitted:
1. Any sign permitted in any residential districts and subject to any stated condition for said residential district sign.
  2. Wall signs.
    - a) The size of a business or an identification wall signs (or signs) shall not be greater than one (1) square foot multiplied by the width in feet of the principal building frontage along the Public ROW or a maximum of 150 square feet.
      - 1) Where a building has frontage on more than one (1) public road the owner, occupant or agent may erect a sign on each wall facing the frontage. Each sign facing a public road shall meet the total square footage requirements of this Section, provided that all other provisions of this Section are observed.
    - b) Wall signs shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above the roof line of buildings having flat roofs, the deck line of buildings having mansard roofs or the gutter line of buildings having gable, hipped, or gambrel roofs.
    - c) Wall signs shall only identify the owner of or enterprise conducting the business, the business engaged in or upon the premises or products or services sold or any combination thereof.
    - d) Wall signs for multiple occupancy buildings:
      - 1) Where several businesses or uses occupy a building, each business may be permitted to a share of the building's allowable sign area, at the direction of the building owner.
      - 2) If the owner permits the allowable square footage to be shared, the owner shall develop guidelines which require all signs located on the building to be compatible in terms of size, type, style, color, lighting, and design characteristics. A copy of these guidelines shall be filed with the sign permit and shall be a condition of permit approval.
  3. Ground/Pole sign.
    - a) All properties within nonresidential districts are permitted one ground/pole sign.

- b) The square foot area of ground/pole signs shall be limited to one (1) square foot of sign area for every one (1) linear foot of property frontage on a public ROW; but no ground/pole sign shall be permitted to exceed an area of fifty (50) square feet for each side.
    - 1) When property is occupied by a business without a building, an applicant shall be permitted one (1) permanent identification sign not exceeding forty (40) square feet. Such sign shall be located at least ten (10) feet back from the street ROW.
    - 2) The sign face shall be a minimum dimension of two (2) feet in any direction.
  - c) The maximum height of a pole sign shall be twenty (20) feet. The minimum height of the bottom edge of any pole sign shall be ten (10) feet except when it is erected as a monument sign.
  - d) The maximum height of a ground/monument sign shall be eight (8) feet.
  - e) Ground/Pole signs are not permitted in the public ROW.
  - f) The building setback or build-to line shall be the location standard for ground/pole signs. In no case shall a setback of fewer than ten (10) feet from the street ROW line be permitted. Ground/pole signs shall also be located a minimum of five (5) feet from any building and ten (10) feet from any side property line.
  - g) For signs over ten (10) square feet in area, an additional one (1) foot of separation from adjacent side property lines shall be required for every ten (10) square feet of sign area.
4. Wall plaques.
- a) Wall plaques shall be all signs extending no more than one and one half (1.5) inches from the walls to which they are attached. The edges of wall plaques shall be rounded, tapered, or treated in any other manner.
  - b) There shall be no minimum height above ground level for wall plaques.
  - c) Wall plaques shall have a maximum of three (3) square feet.
  - d) Signs mounted perpendicular to the wall surface (including those over the public ROW) are only permitted in the NC District.
    - 1) Signs mounted perpendicular to the wall surface to which they are affixed shall have their bottom edge at sufficient height above the ground or other supporting surface as to assure no interference with pedestrian or vehicular traffic under or around the sign, and in any event at a height not fewer than ten (10) feet.
    - 2) When extending over a vehicular cartway, the minimum height above ground or cartway shall be fifteen (15) feet.

- 3) Signs mounted perpendicular to the wall surfaces shall not protrude more than eight (8) feet beyond the wall surface to which they are attached.
- 4) Signs mounted perpendicular to the wall surface shall be limited to a maximum area of thirty-two (32) square feet.
- 5. Temporary signs.
  - a) Temporary signs shall be a maximum of thirty-two (32) square feet in area.
  - b) Temporary signs shall be located a minimum of ten (10) feet from any property or ROW lines and shall comply with all other height and location requirements of the category of permanent signs which they emulate. Temporary signs must be located on the same lot as the use which they advertise.
  - c) All temporary signs shall be attached to a building or the ground in a manner satisfactory to the Zoning Officer, in protecting the public health, safety and welfare.
  - d) The period of the temporary sign shall not exceed thirty (30) days, unless otherwise authorized herein, and the sign shall be removed immediately upon expiration of the permit. Permits for temporary signs for the same use or lot shall not be issued more than two (2) times in any calendar year.
  - e) The sign permit shall be attached to temporary signs for the duration of the permitted use and easily visible from the street.
- 6. Window Signs.
  - a) Window signs shall be permitted to be installed on the inside of the window of nonresidential structures only.
  - b) Window signs shall not cover more than twenty-five (25%) percent of the glazing of any window.
  - c) The copy of a window sign shall be designed to communicate information about an activity, business, community event, or a sale or service offered.
  - d) Window signs shall not be permanently affixed to a window or windowpanes.
- 7. Advertising on awnings and canopies.
  - a) Advertising on awnings and canopies shall be limited in size to a maximum of fifty (50%) percent of the allowable size of the wall sign permitted on the same structure. Such signage shall only include the name and/or logo of the business, industry, or pursuit conducted therein.
  - b) Canopies shall comply with the height requirements of projecting signs as identified in this Article.
- 8. Marquee signs.



- a) Marquee signs may be attached only to the front and sides of marquees and shall not project beyond the edges or the bottom of the marquee, nor extend more than ten (10) inches horizontally from the surface of the marquee.

9. Directional signs.

- a) Directional signs are permitted in nonresidential districts as specified elsewhere in this Ordinance.

10. Digital signs.

- a) No digital sign face shall be installed except as part of a wall or ground/pole sign and the placement and manner of installation of digital sign faces shall be subject to the placement and installation restrictions for the same.
- b) No digital sign shall be brighter than is necessary for clear and adequate visibility.
  - 1) All digital signs shall have installed ambient light monitors and shall at all times allow such monitor to automatically adjust the brightness level of the digital sign based on ambient light conditions so as to minimize and keep consistent sign brightness.
  - 2) The maximum brightness level for such signs shall not exceed 5,000 NITS when measured at the sign's face between dawn and dusk, as those times are determined by the National Weather Service.
  - 3) The maximum brightness level for such signs shall not exceed 300 NITS when measured at the sign's face between dusk and dawn, as those times are determined by the National Weather Service.
  - 4) No permit shall be issued for the installation of a digital sign unless the applicant has submitted a written certification from the sign manufacturer certifying that the light intensity of the sign has not been preset to exceed the illumination levels established herein and that the intensity level is protected from end-user manipulation by password-protected software or similar security measures.
- c) All digital signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen in instances of malfunction.
- d) Digital signs, exclusive of static alphanumeric displays, shall additionally be subject to the following operational limitations:
  - 1) Each message or image shall remain static and unchanged for a period of no less than fifteen (15) seconds.
  - 2) No message or image shall be permitted to blink, flash, or move.
  - 3) No message shall display any characters with a height of less than nine (9) inches.

- 4) No message shall display more than twelve (12) individual words.
  - 5) Each message or image shall be complete without continuation of content to the next display or to another sign.
  - 6) Each message or image shall be followed by a transition period in which the display reverts to a black screen for a minimum period of three (3) seconds.
  - 7) No digital sign shall emit any sound or audio message.
11. Temporary real estate signs not exceeding eight (8) square feet in total gross surface area of all faces. Temporary real estate signs are limited to one (1) per property for sale, lease, or rent and only when placed on the property advertised and to be removed within three (3) days of the completion of sale, lease, or rent of said property.

### **Section 708: General Regulations**

- A. All applications for permits for construction, installation, maintenance, repair and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the Borough Zoning Officer, prior to commencement of any activity or work by the applicant or the applicant's representative or delegate concerning installation, construction or modification of such sign. The provisions of this Section and all of its Subsections shall apply to, but are not limited to all replacement signs, new signs, changes or alterations to existing signs or signs which must be relocated for any reason.
- B. A site plan or sketch, drawn to scale, shall be submitted to the Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit, a written description of the materials and manner of construction and mounting of the sign, a description of the information and visual material to be included on all surfaces of the sign, a description of the illumination, if any, of the sign and one or more photographs of the proposed sign location from each approach from which the sign will be visible.
- C. Permit required. A permit shall be obtained from the Borough Zoning Officer, subject to filing the permit application and supporting information described above in this Section and subject to payment of the required established fee, prior to the construction, alteration, modification or moving of any exterior sign. No exterior sign established before the effective date of this Ordinance, shall be (except when ordered by an authorized public officer as a safety measure) altered in any respect, or moved, unless it be made to conform with the provisions of this Ordinance.
- D. Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this Ordinance shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Drive-In," "Danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

- E. Material and construction. All signs shall be securely built, constructed, and erected in compliance with all regulations and requirements of the relevant building codes, and in addition:
  - 1. The Zoning Officer may require calculations by an architect or engineer certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over twenty-five (25) square feet in area or in the case of a ground sign whose height is greater than ten (10) feet or a sign which weighs in excess of 100 pounds.
  - 2. Any sign damaged by inclement weather that is proven to be unsafe and may not be restored in kind without engineering data as required above.
- F. Illumination and animation.
  - 1. All illuminated signs shall be inspected by the authorized electrical inspection agency of the Borough during construction to verify compliance with the adopted electrical code of the Borough.
  - 2. Illuminated signs shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
  - 3. All signs shall be nonanimated with no exterior moving parts.
- G. Maintenance.
  - 1. Any sign regulated by this Ordinance shall be maintained in the proper structural and aesthetic condition by the owner or tenant.
  - 2. If a sign no longer advertises a bona fide business or other activity conducted on the premises, it shall be taken down and removed by the owner, tenant, or by the entity having the beneficial use of the sign and the building within thirty (30) days of the termination of such business or other activity.
- H. Permit fees.
  - 1. A permit shall be obtained for the installation of all signs not exempted by this Ordinance.
  - 2. The applicant shall pay a permit fee as specified by the Borough by Resolution.

## **Section 709: Billboards**

- A. Billboards are permitted as a conditional use in Heavy Industrial (HI) District.
- B. Billboards may be authorized by Borough Council as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:
  - 1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in the Article IV - Express Standards and Criteria for Special Exceptions and Conditional Uses.
  - 2. Billboards are considered as the principal use of a lot or site and as such the land area utilized for a billboard shall not be otherwise required to support another use

- upon such lot, including, but not limited to, bufferyard, parking area, or setback necessary to any preexisting use upon such lot.
3. The portion of any lot upon which the billboard is to be located shall contain a minimum of 5,000 square feet in area.
  4. All billboards shall contain only one (1) face for the display of lettered, written, printed, pictorial, or sculpted matter on only one (1) side of its structure, and such face shall be oriented to be viewed from only one (1) direction of travel from the nearest adjacent roadway (cross roadway viewing shall not be permitted).
  5. The display area upon the face of a billboard shall be a maximum of 300 square feet (12 feet by 25 feet), and all portions of any display shall fit within such area with no extensions beyond the edge of the billboard sign's framework.
  6. All utility lines serving the billboard, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the billboard is powered by nontraditional alternative energy sources (for example solar power).
  7. All Billboards shall be set back from the below described items as follows:
    - a) From a roadway intersection: 300 feet.
    - b) From any other billboard (whether such is located in the Borough or otherwise) on the same side of the roadway: 1,200 feet.
    - c) From any other billboard (whether such is located in the Borough or otherwise) on the opposite side of the roadway: 600 feet.
  8. The maximum height of billboards shall not exceed twenty (20) feet, as measured from the grade of the roadway from which the advertising message is principally visible, and the bottom edge of the billboard shall be no more than eight (8) feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the billboard.
  9. A bufferyard shall be required between billboards and any adjacent lot(s). For the purpose of establishing the required bufferyard, billboards shall be considered a commercial use.
  10. All displays on the face of billboards shall be stationary, and no animated, sequential, flashing, moving, or oscillating signs or displays shall be permitted.
  11. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.
  12. Except as otherwise may be specified herein, all development of billboards shall comply with the provisions of the SALDO and this Ordinance.
  13. All billboards shall be constructed to all applicable structural standards for such devices, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.

- C. All billboards (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of the cessation of use.
- D. All billboards shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.
- E. No billboard shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate Resolution of the Council) and received a permit thereof from the Borough.
- F. Prior to erection all proposed applicants for billboards shall be required to obtain any necessary permit from and to conform, in all respects, to any regulation thereof promulgated by an agency of the Commonwealth, including, but not limited to its Department of Transportation.

### **Section 710: Murals**

- A. Murals are permitted as a conditional use in all commercial (NC, GC and HC) districts.
- B. Murals may be authorized by Borough Council as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:
  - 1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in the Article IV - Express Standards and Criteria for Special Exceptions and Conditional Uses.
  - 2. All murals shall not exceed the height of the structure to which it is tiled, painted, or affixed.
  - 3. All murals shall not extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
  - 4. All murals shall not exceed a height of twenty (20) feet above grade.
  - 5. All murals shall not consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every twenty-four (24) hours).
  - 6. All murals shall not be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
  - 7. All murals shall not be placed on a lot that has an exclusively residential structure.
  - 8. All murals shall not be illuminated.

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## **Article VIII: Wireless Communications Facilities**

### **Section 801: Purposes**

- A. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities (WCF) in the Borough of Plum. While the Borough recognizes the importance of WCFs in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting this Ordinance, the Borough intends to:
  - 1. Promote the health, safety, and welfare of Borough residents and businesses with respect to WCFs.
  - 2. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations.
  - 3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based WCFs in the Borough, including facilities both inside and outside the public ROW.
  - 4. Address new wireless technologies, including but not limited to, small cells, distributed antenna systems, data collection units, and other WCFs.
  - 5. Encourage the collocation of WCFs on existing structures rather than the construction of new wireless support structures.
  - 6. Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the Borough's authority.
  - 7. Protect Borough residents from potential adverse impacts of WCFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
  - 8. Update the Borough's wireless facilities regulations to incorporate recent changes in federal and state laws and regulations.

**Section 802: General Requirements for All Wireless Communications Facilities**

- A. The following regulations shall apply to all Wireless Communications Facilities located within the Borough:
1. Standard of care.
    - a) All WCFs shall meet or exceed all applicable standards and provisions of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Wireless Communications Facilities, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI) Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the structure. In case of conflict, the most stringent requirements shall prevail.
    - b) If such standards or regulations are changed, the owner of the WCF shall bring such WCF into compliance with the revised standards within six (6) months of the effective date of such standards or regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such facilities into compliance shall constitute grounds for revocation of the WCF permit and removal of the WCF at the owner's expense.
    - c) The WCF Applicant shall submit proof of compliance with all applicable federal and state standards, including but not limited to those established by the Federal Communications Commission, as part of any complete WCF application.
  2. Eligible Facilities Requests. WCF Applicants proposing a Modification to an existing WCF shall be required only to obtain a building permit from the Borough Zoning Officer. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Borough Zoning Officer in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed Modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR §1.6100. The permit application shall detail all dimensional changes being made to the WCF and Wireless Support Structure.
  3. Noncommercial usage exemption. Borough citizens utilizing satellite dishes and antennas for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the requirements of this Article VIII.
  4. Wind and ice. All WCFs 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.

5. Aviation safety. WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
6. Public safety communications. WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
7. Radio frequency emissions. No WCF may, 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. Proof of compliance with such standards shall be included in any application for a WCF. The Borough may periodically request proof a WCF's continued compliance with such standards.
8. Noise. WCFs 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.
9. 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 WCF, as well as related inspection, monitoring and related costs.
10. Reservation of rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any WCF for numerous factors, which include but are not limited to visual impact, design, and safety standards.
11. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this subsection 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 property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
12. Recertification. The owner of a WCF shall submit documentation certifying that the WCF is in operation and remains in compliance with all applicable requirements every five (5) years after approval of the initial permits for the WCF. If the Borough determines that the WCF remains in compliance with all applicable regulations, the WCF permit shall be renewed. If a WCF permit is not renewed as required, the WCF shall be deemed abandoned and may be removed in accordance with subsection 13 below.
13. Abandonment; Removal. In the event that use of a WCF is to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date on which the use shall be discontinued. A WCF not operated for a

period of twelve (12) months or a WCF for which the applicable permit has expired without recertification shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:

- a) All abandoned or unused WCFs and Accessory Equipment shall be removed within six (6) months of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Borough, unless a time extension is approved by the Borough.
- b) If the WCF or Accessory Equipment is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF regardless of the owner's or operator's intent to operate the WCF in the future.
- c) The Borough reserves the right to pursue all available remedies under the law to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay by the Borough in taking action shall not invalidate the Borough's right to take action.
- d) Where there are two or more users of a single WCF, this provision shall not become effective until all users have terminated use of the WCF for a period of twelve (12) months.

14. Insurance.

- a) Each person that owns or operates a Non-Tower WCF or Small WCF shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the WCF.
- b) Each person that owns or operates a Tower-Based WCF shall provide the Borough 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 WCF.

15. Indemnification. Each person that owns or operates a 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 WCF. Each person that owns or operates a 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 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.

16. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

- a) The 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 the upkeep of the facility in order to promote the safety and security of the Borough's residents.
- c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

17. Engineer signature. All plans and drawings for a WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

18. Timing of Approval. The following table details the applicable timeframe of approval for each type of WCF application:

<b>Type of WCF/Application</b>	<b>Notice of Incompleteness</b>	<b>Final Decision</b>
Eligible Facilities Request	30 calendar days from receipt of initial application; 10 calendar days from receipt of supplemental application for subsequent notices.	60 total calendar days from receipt of initial application.
Non-tower WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	90 total calendar days from receipt of initial application.
Small WCF (Collocated)	10 business days from receipt of initial or supplemental application.	60 total calendar days from receipt of initial application.
Small WCF (New or replacement Wireless Support Structure)	10 business days from receipt of initial or supplemental application.	90 total calendar days from receipt of initial application.
Tower-Based WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	150 total calendar days from receipt of initial application.

**Section 803: Specific Requirements for Tower-Based Wireless Communications Facilities.**

A. The following regulations shall apply to all Tower-Based Wireless Communications that do not meet the definition of a Small WCF.

1. Location Standards.

- a) Tower-Based WCF shall not be located in, or within one hundred (100) feet of an area in which all utilities are located underground.
- 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:
  - 1) LI – Light Industrial District
  - 2) HI – Heavy Industrial District

2. Application Requirements.

- a) Applications for Tower-Based WCFs shall be submitted to the Borough Zoning Officer and reviewed for compliance with this Article VIII by Borough Council.
- b) Conditional Use Authorization Required. Each WCF Applicant proposing the construction of a Tower-Based WCF shall complete and submit a conditional use application as either a principal or accessory use prior to beginning construction of such WCF. Such application shall be evaluated by the Borough and subject to the proceedings of Article IV.
- c) Applications for Tower-Based WCFs shall include the following:
  - 1) The name and contact information, including phone number, for both the WCF Applicant and the owner of the proposed Tower-Based WCF.
  - 2) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Tower-Based WCF, and a certification that the WCF Applicant has included all information required by the Borough Code, signed by a representative of the WCF Applicant.
  - 3) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Tower-Based WCF.
  - 4) A description of the type and manufacturer of all proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF

Applicant transmits, the dimensions of each piece of equipment, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.

- 5) An aerial photograph of the proposed site showing the area within 1,500 feet of the Non-Tower WCF. The aerial photograph shall identify all structures within such radius.
  - 6) Photo simulations depicting the Tower-Based WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Non-Tower WCF.
  - 7) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Tower-Based WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
  - 8) A report by a qualified engineering expert which shows that the Tower-Based WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
  - 9) The WCF Applicant shall include a copy of a written agreement for use of the land if the WCF Applicant is not the owner the parcel on which the Tower-Based WCF will be constructed.
  - 10) A certificate of insurance as required by Section 802A.14.
  - 11) Certification of the application's compliance with all requirements of this Article VIII.
  - 12) All application fees required by the Borough as detailed in the Borough fee schedule.
3. Site Requirements. A Tower-Based WCF may be located as permitted in the district regulations or the general standards for accessory structures, as set forth in Article III of the Borough Zoning Ordinance.
  4. Sole use on a lot. A Tower-Based WCF may be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in Article III of the Borough Zoning Ordinance and the following standards:
    - a) 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.
    - b) Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district. In addition, the minimum setback for the Tower-Based WCF shall be a distance that

is at least equal to one and one half (1.5) times the height of the Tower-Based WCF.

5. 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:

- a) The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
- b) Minimum setbacks. The Tower-Based WCF and any Accessory Equipment shall comply with the requirements for the applicable zoning district. In addition, the minimum setback for the Tower-Based WCF shall be a distance that is at least equal to one and one half (1.5) times the height of the Tower-Based WCF.

6. Design Regulations.

- a) Height. Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF Applicants must submit documentation to the Borough Council justifying the total height of the structure. The maximum total height of any Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. Equipment buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.
- b) Stealth Technology. The WCF shall employ the most current 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.
- c) Any height extensions to an existing Tower-Based WCF shall require the prior approval of Borough Council to the extent permitted by applicable law. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the charter of the Borough.
- d) 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.
- e) Borough Council may require a Tower-Based WCF to be equipped with an anti-climbing device, as approved by the manufacturer.

7. 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. Any plantings shall conform to the standards set forth in Article V of the Borough Zoning Ordinance.

- b) The WCF Applicant shall submit a soil report to the Borough to document and verify the design specifications of the foundation of the Tower-Based WCF and anchors for guy wires, if used.

8. Fence/Screen.

- a) A security fence having a height not to exceed eight (8) 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 evergreen trees planted eight (8) feet on center, and staggered in two (2) rows, shall surround the Tower-Based WCF and security fence. Existing vegetation shall be preserved to the maximum extent possible.

9. Accessory Equipment.

- a) Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF shall be underground or screened from public view using Stealth Technology.
- b) All 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.

10. Engineer Inspection. Prior to the Borough Zoning Officer's issuance of a zoning permit authorizing construction and erection of a Tower-Based WCF, 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 use 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.

11. Collocation and siting. An application for a new Tower-Based WCF 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 if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter (1/4) mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:

- a) The proposed Antenna and Accessory Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

- b) The proposed Antenna and Accessory Equipment 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.
  - c) 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.
  - d) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
12. **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 at least two (2) other service providers to collocate Antennae on the Tower-Based WCF where technically feasible. To the extent permissible under state and federal law, the owner of a Tower-Based WCF shall not install any additional Antennae without obtaining approval pursuant to this Article VIII.
13. **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.
14. **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 Applicant shall present documentation to the Borough that the property owner has granted an easement or other property right for the proposed facility.
15. **Historic Buildings.** No Tower-Based WCF may be located within one hundred (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.
16. **Signs.** All Tower-Based WCFs 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.
17. **Lighting.** No Tower-Based WCF 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.
18. **Retention of experts.** The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF



and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this subsection. The WCF Applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.

19. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Borough financial security in the form of a letter of credit or bond sufficient to guarantee the removal of the Tower-Based WCF. The amount of said financial security shall be determined based upon industry standards for removal and shall remain in place until the Tower-Based WCF is removed.

#### **Section 804: Specific Requirements for Non-Tower Wireless Communications Facilities.**

- A. The following regulations shall apply to all Non-Tower WCF that do not meet the definition of a Small WCF:

1. Location Standards.

- a) Permitted in all zones subject to regulations. Non-Tower WCF are permitted outside the public Rights-of-Way in all zones subject to the restrictions and conditions prescribed below and subject to generally applicable permitting by the Borough.

2. Application Procedures.

- a) Applications for Non-Tower WCFs shall be submitted to the Borough Zoning Officer and reviewed for compliance with this Article VIII.
  - b) Applications for Non-Tower WCFs shall include the following:
    - 1) The name and contact information, including phone number, for both the WCF Applicant and the owner of the proposed Non-Tower WCF.
    - 2) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Non-Tower WCF, and a certification that the WCF Applicant has included all information required by the Borough Code, signed by a representative of the WCF Applicant.
    - 3) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Non-Tower WCF.
      - i) If the Non-Tower WCF is proposed for location on an existing or replacement Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.

- ii) If installation of a new or replacement Wireless Support Structure is being proposed, the depiction shall include the color, dimensions, material and type of Wireless Support Structure proposed.
  - 4) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Non-Tower WCF.
  - 5) An aerial photograph of the proposed site showing the area within 500 feet of the Non-Tower WCF. The aerial photograph shall identify all structures within such radius.
  - 6) Photo simulations depicting the Non-Tower WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Non-Tower WCF.
  - 7) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
  - 8) A report by a qualified engineering expert which shows that the Non-Tower WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
  - 9) A certificate of insurance as required by Section 802A.14.
  - 10) Certification of the application's compliance with all requirements of this Article VIII.
  - 11) All application fees required by the Borough as detailed in the Borough fee schedule.
3. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for use of the land if the WCF Applicant is not the owner the parcel on which the Non-Tower WCF will be constructed.
4. Non-conforming Wireless Support Structures. Non-Tower WCFs shall be permitted to Collocate upon existing non-conforming Tower-Based WCFs 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. Permit required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the Modification of an existing Non-Tower WCF, shall first obtain a building permit from the Borough Zoning Office. New construction and modifications shall be prohibited without such a permit. After receipt of the permit application, the Borough Zoning Officer shall determine whether zoning relief is necessary under the Borough Code.

6. Historic buildings. No Non-Tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Borough.
7. Retention of experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this subsection. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
8. Development regulations. Non-Tower WCFs shall be Collocated on existing structures, such as existing buildings or Tower-Based WCFs, if possible, subject to the following conditions:
  - a) Such WCF does not exceed the maximum height permitted in the underlying zoning district.
  - b) If the WCF Applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
  - c) An eight (8) foot high security fence 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.
9. Design regulations.
  - a) Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
  - b) Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of ten (10) feet above the roof or parapet.
  - c) The total height of any support structure and mounted Non-Tower WCF shall not exceed the maximum height permitted in the underlying zoning district.
  - d) All WCF Applicants must submit documentation to the Borough justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - e) Antennas and their respective accompanying support structures shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

10. Removal; replacement; modification.

- a) The removal or replacement of Non-Tower WCFs and/or Accessory Equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
- b) Any material modification to a Wireless Communications Facility shall require amendment to the original permit or authorization.

**Section 805. Regulations Applicable to all Small Wireless Communications Facilities.**

A. The following regulations shall apply to all Small Wireless Communications Facilities in the Borough:

1. Location Requirements.

- a) Small WCFs inside the public Rights-of-Way shall be a permitted use in all Borough zoning districts, subject to the requirements of this Article VIII and generally applicable permitting as required by the Borough Code.
- b) Small WCFs, located outside the public Rights-of-Way, that are Collocated on existing structures shall be a permitted use in all Borough zoning districts, subject to the requirements of this Article VIII and generally applicable permitting as required by the Borough Code
- c) Small WCFs, located outside the public Rights-of-Way, that require the installation of a new or replacement Wireless Support Structure shall be a permitted use in all Borough zoning districts, subject to the requirements of this Article VIII and generally applicable permitting as required by the Borough Code

2. Application Procedures.

- a) Applications for Small WCFs shall be submitted to the Borough Zoning Officer and reviewed for compliance with this Article VIII.
- b) Applications for Small WCFs shall include the following:
  - 1) The name and contact information, including phone number, for both the WCF Applicant and the owner of the proposed Small WCF.
  - 2) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Small WCF, and a certification that the WCF Applicant has included all information required by the Borough Code, signed by a representative of the WCF Applicant.

- 3) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Small WCF.
    - i) If the Small WCF is proposed for location on an existing or replacement Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.
    - ii) If installation of a new or replacement Wireless Support Structure is being proposed, the depiction shall include the color, dimensions, material and type of Wireless Support Structure proposed.
  - 4) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Small WCF.
  - 5) An aerial photograph of the proposed site showing the area within 500 feet of the Small WCF. The aerial photograph shall identify all structures within such radius.
  - 6) Photo simulations depicting the Small WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Small WCF.
  - 7) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
  - 8) A report by a qualified engineering expert which shows that the Small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
  - 9) A certificate of insurance as required by Section 802A.14.
  - 10) Certification of the application's compliance with all requirements of this Article VIII.
  - 11) All application fees required by the Borough as detailed in the Borough fee schedule.
3. Permit required. Any WCF Applicant proposing the construction of a Small WCF, or the Modification of an existing Small WCF, shall first obtain a building permit from the Borough Zoning Office. New construction and Modifications shall be prohibited without such a permit. After receipt of the permit application, the Borough Zoning Officer shall determine whether zoning relief is necessary under the Borough Code.
  4. Historic Buildings. No Small WCF may be located within one hundred (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.

5. 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.
6. 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.
7. Attachment to municipal structures. Collocation of Small WCFs on structures owned by the Borough shall be permitted in accordance with the hierarchy detailed in this section, unless directed otherwise by the Borough Zoning Officer. If the WCF Applicant is proposing the Collocation of a Small WCF on a lower priority structure, it shall be a condition to the approval of the application that the WCF Applicant provide evidence that Collocation on a higher priority structure or Wireless Support Structure owned by a third-party is not Technically Feasible. In order from most preferable to least preferable, the Borough's Collocation preferences are as follows.
  - a) Power poles;
  - b) Traffic signage poles without traffic signals;
  - c) Decorative light poles.
  - d) Traffic signal poles.
8. Graffiti. Any graffiti on the Wireless Support Structure or on any Accessory Equipment shall be removed at the sole expense of the owner within ten (10) days of notification by the Borough.
9. Design standards. All Small WCF in the Borough shall comply with the requirements of the Borough *Small Wireless Communications Facility Design Manual*, a copy of which is on file at the Borough Department of Community Development.
10. Resubmission Upon Denial.
  - a) If the Borough denies an application for a Small WCF, the Borough shall provide the WCF Applicant with written documentation of the basis for denial, including the specific provisions of the Borough Code on which the denial was based, within five (5) business days of the denial.
  - b) The WCF Applicant may cure the deficiencies identified by the Borough and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Borough shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review.

- c) Consolidated applications. A single WCF Applicant may not submit more than one consolidated or 20 single applications for Collocated Small WCFs in a 30-day period. If the Borough receives more than one consolidated application or 20 single applications within a 45-day period, the applicable timeframe under Section 802A.18 shall be extended by 15 days.
11. Consolidated applications. A single WCF Applicant may not submit more than one consolidated or 20 single applications for Collocated Small WCFs in a 30-day period. If the Borough receives more than one consolidated application or 20 single applications within a 45-day period, the applicable timeframe under Section 802A.18 shall be extended by 15 days.
12. Relocation or Removal of Facilities. Within ninety (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:
- 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
13. 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. Such fees shall comply with the applicable requirements of the Federal Communications Commission.
14. Time limit for completion of construction. The proposed Collocation, the Modification or Replacement of a Wireless Support Structure or the installation of a new Wireless Support Structure with Small WCF attached for which a permit is granted under this section shall be completed within one year of the permit issuance date unless the Borough and the WCF Applicant agree in writing to extend the period.

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## **Article IX: Planned Residential Development**

### **Section 901: Purpose**

- A. 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 PRD in accordance with guidelines set forth in the MPC, 53 P.S. §10701 et seq., as amended. PRD 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, PRD is intended:
1. Provide for a more varied, innovative, and efficient development pattern consistent with traditional patterns and scale of development, a mix of uses, and designs that occurred prior to newer suburban development patterns.
  2. Preserve the existing topography and wooded slopes by encouraging clustered development and limiting hillside development beyond a reasonable gradient.
  3. Promote a mix of diverse but compatible types of neighborhood development.
  4. Encourage a blend housing at a moderate density to serve various age groups and types of housing.
  5. Provide for safe and convenient pedestrian, bicycle, and vehicle circulation.
  6. Provide walkable development patterns and shift the focus from motor vehicles to pedestrians and bicycles.
  7. Encourage persons to work, shop, and recreate in and around the neighborhood within which they live.
  8. Encourage the creation of a sense of place and a community spirit that promotes social interaction.
  9. Conserve open space and encourage a more efficient use of land, resulting in smaller networks of utilities and streets and lower housing and infrastructure maintenance costs.

### **Section 902: Procedure for Approval**

- A. Authority. The Borough shall hear and decide requests for PRD in accordance with the provisions and procedures of this Article.
- B. Compliance. No proposed PRD may be approved or recorded, and no lot of the proposed PRD may be sold, or any structure built, altered, moved or enlarged in any proposed PRD unless and until the proposed PRD plan has been shown to meet all requirements of all applicable codes and Ordinances of the Borough, including but limited to this Article.
- C. Relationship to the Borough SALDO. All provisions of the SALDO, which are not specifically modified by this Article, shall apply to any PRD involving subdivision or land development with the exception of the following:
1. Application procedures.
  2. Review and approval process.

- D. Application Procedure, General. An application for development of a PRD 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.
- E. Pre application Conference (Optional).
1. Purpose. Before submission of an application for tentative approval, the applicant is strongly encouraged to have a meeting with the Borough staff 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.
- F. Tentative Approval.
1. Application Content. An application for tentative approval of a PRD shall include the following:
    - a) One (1) copy of the application form, provided by the Borough, and completed by the applicant.
    - b) Application fee for tentative approval of a PRD.
    - c) Maps and information required by SALDO, Preliminary Application Contents, 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 PRD.
    - d) Plans and information documenting compliance with Subsections (4) and (5) of §707 of the MPC. Such plans and information shall indicate reasons why the PRD 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.
    - e) Total number of lots for each type of residential use.
    - f) 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.
    - g) 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.
    - h) General vehicular and non-vehicular patterns including all points of access to the site for the entire PRD. Including a map designating street types and identifying those proposed for public dedication.

- i) Location and dimensions of streets and ROW 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.
  - j) Boundaries and conceptual depiction of the location and proposed use in each area of the development which includes depictions of residential and nonresidential uses.
  - k) A narrative that describes the proposed covenants, restrictions and development standards and the proposed community association documents or a draft of such documents.
  - l) Location of proposed public utilities including improvements that will be owned, operated, and maintained by a property owners association.
  - m) 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.
  - n) A plan for providing street lighting, street trees, sidewalks, and pedestrian or bicycle trails as proposed and/or required by this Article or the SALDO of the Borough.
  - o) Such other data as is reasonably found necessary by the Planning Commission and/or Council.
2. 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 PRD. The Planning Commission shall set forth the reasons for its recommendation that the proposal be either approved or denied.
  3. The Planning Division of Allegheny County Economic Development (ACED) Review and Comment. At least thirty (30) days before the public hearing, applicant shall submit the application for tentative approval of a PRD to the Allegheny County Planning Department for review and comment as required by the MPC, 53 P.S. §10101 et seq.
  4. Public Hearing. The Borough Council 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.
  5. The Borough Council shall consider whether proposed modifications in any of the requirements of this Article for each zoning district, contained in an application for development of a PRD will make for a more efficient, attractive and harmonious planned development.
  6. Findings. The Borough Council shall make findings in accordance with §709 of the MPC, 53 P.S. §10709.
  7. Official Written Communication. The official written communication of findings shall be certified by the Borough Manager and a certified copy shall be mailed to

the landowner and developer in accordance with §709 of the MPC, 53 P.S. §10709.

G. 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.

H. Final Approval.

1. Submission of Application. The application for final approval of a PRD shall be submitted within six (6) months after tentative approval, unless the Borough grants an extension upon written request of the developer to a date not to exceed eighteen (18) months from the date of tentative approval. However, PRD's 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.
2. Application Content. An application for final approval of a PRD shall include the following:
  - a) Three (3) copies of application form provided by the Borough and completed by the developer.
  - b) Application fee and review fees for final approval of a PRD.
  - c) Maps and information with the same number of copies as required by SALDO, Final Application Content.
  - d) Ten (10) 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.
  - e) The final plat for the PRD shall contain those items approved in the application for tentative approval and the items in the SALDO.
  - f) Seven (7) 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.
  - g) Two (2) copies of deed restriction proposals to preserve the character of the common areas.
  - h) 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.

- i) If the developer elects the condominium method of ownership of common areas, the proposed declaration of condominium bylaws and related documents.
  - j) Instruments dedicating all public and private ROW, easements, and other public lots shown on the final development plan from all persons having any interest in said lots.
  - k) Improvement 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 percent 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.
  - l) Two (2) copies of tax receipts. Paid receipts from the taxing bodies indicating taxes have been paid in full up to and including the current period.
3. 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 Council for final approval, setting forth its findings and reasons.
4. 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.
- I. 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 Council shall be governed by the provisions of the SALDO.
- J. 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 Council, a zoning approval shall be issued by the Zoning Officer.
- K. Procedure for Approval of Amendments to PRD's after Final Approval and/or Recording. Any amendment to a PRD 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 PRD. Upon approval of the amendment, the recorded final development plan shall be amended and rerecorded to conform to the amendment.

- L. Completion and Acceptance of Public Improvements. Upon completion of the public improvements in a final development plan, the provisions of the SALDO shall apply and govern the completion and acceptance of public improvements.
- M. Release of Improvement Security. The release of the improvement security required under this Ordinance shall be governed by the SALDO, and the acceptance of public improvements and the required maintenance security shall be governed by the SALDO.
- N. Remedies to Effect Completion. The remedies available to the Borough to effect completion of public improvements shall be governed by the SALDO.
- O. Uniformity with the SALDO. The provisions of the preceding Sections are intended to make uniform the requirements of this Article and the SALDO, those amendments shall be incorporated into this Article as of the effective date of the amendment.

### **Section 903: General Provisions**

- A. A PRD shall be permitted within the following zoning districts:
  - 1. RR – Rural Residential District
  - 2. SR – Single Family Residential District
  - 3. MR – Multifamily Residential District
  - 4. NC – Neighborhood Mixed Used Commercial District
- B. The PRD shall be served by public water and public sewer.
- C. The provisions of this Article for approval of a PRD plan shall be a modification to and in lieu of procedures for approvals otherwise required in this Ordinance and the SALDO.
- D. In addition to the requirements of this Article, applicants and developers must also apply for and obtain any and all permits required by this Ordinance and any other Borough ordinance.
- E. Failure to comply with the provisions of this Article with respect to a recorded development plan shall be deemed to constitute a violation of this Ordinance.

### **Section 904: Permitted Uses**

- A. 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 Ordinance.
  - 1. Residential Uses – Single-family dwellings, duplex dwellings, townhouses, multifamily dwellings, and quadruplex dwellings.
    - a) A minimum of seventy (70%) percent of all residential uses within a PRD shall be single-family dwellings in the RR and SR Districts.
  - 2. Commercial Uses – Uses allowed in the NC Neighborhood Mixed Use Commercial District shall be permitted in conjunction with a PRD. All provisions of the NC

District, including bulk and area requirements shall apply in establishing commercial uses in a PRD.

a) In no case shall the commercial area of a PRD exceed ten (10%) percent of the gross site area of the PRD.

b) No commercial uses shall be permitted in PRD with a gross site area less than fifty (50) acres in size.

3. Other Permitted Uses – clubhouse, common open space, parks, and playgrounds.

B. Permitted accessory uses. The accessory uses permitted on a lot or parcel within a PRD shall be strictly limited to the following:

1. An accessory use customarily incidental and subordinate to a principal permitted use referenced in §904.A above.

2. No-impact home-based business subject to Article III.

3. Home occupational business subject to Article III.

### **Section 905: Site Design Requirements**

A. The site for any PRD shall meet the following requirements:

1. The entire site for the Development Plan shall be owned or controlled by the Developer.

2. Access. The site must provide for direct access from a collector or arterial road as defined by the Borough's Zoning Ordinance to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

3. 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.

B. Minimum Size. The site shall not be less than ten (10) acres for a PRD.

C. Permitted Density. The maximum number of dwelling units permitted shall be five (5) units/acre of the gross site area dedicated to non-commercial uses. In calculating the residential density, all proposed commercial acreage shall be subtracted from the gross site area. When mixed use structures are proposed that include upper story residential uses in conjunction first floor commercial uses, the acreage for the mixed-use structures shall be included in the gross site area for calculation of residential dwelling units.

D. 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 as required by the Borough Construction Code.

E. Building height. Building height shall comply with the requirements of the underlying zoning district.

F. Off Street Parking. Off-street parking spaces shall be provided in accordance with the specifications of Article VI of this Ordinance.

- G. Streets. Street design and construction shall comply with the street design and construction specifications of the SALDO and Borough Construction Standards.
- H. Storm Drainage. The construction of a storm drainage system shall conform to the regulations of the Stormwater Management Ordinance.
- I. Signs. See Article VII.

**Section 906: Required Elements**

- A. 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.
  - 1. All sidewalks and walkways shall be consistent with the Borough Construction Standards.
  - 2. In lieu of providing a sidewalk along the frontage of a collector or arterial street a minimum six (6) foot wide sidewalk or eight (8) foot wide trail shall be permitted to be constructed elsewhere on the property, at a location mutually agreed to by the Borough and the applicant, and within an easement or other ROW granted by the applicant, provided that such alternative trail or sidewalk is open to the public and creates a continuous pedestrian pathway connecting either end of the property at points along or near such collector street.
- B. Utilities. All utilities located within the PRD shall be located underground.
- C. Lighting. Lighting shall be provided at all street entrances, intersections, and collective gathering areas subject to the approval of the Borough Engineer.
  - 1. Individual post lighting may be required outside the ROW.
- D. Trees. Trees shall be planted along all streets. The location and types must meet the approval of the Planning Commission.
- E. Common Open Space: All PRDs shall preserve twenty-five (25%) percent of the gross site area as common open space.
  - 1. Common Open Space for Active Recreation. At least ten (10%) percent of the required twenty-five (25%) percent common open space shall have a slope of ten (10%) percent or less and shall be designed for active recreation uses. Active recreation spaces should include parks, plazas, greens, and/or squares.
  - 2. Areas devoted to stormwater management facilities shall be permitted to be included within the minimum required common open space area where such facilities are integrally incorporated into the overall open space design and use best management practices, but in no case shall it be counted towards the required active recreation space.
  - 3. Common open spaces shall be used for social, passive recreational and/or natural environment preservation purposes the common open space shall typically include all or part of the following resources:
    - a) Mature woodlands.



- b) Historic, archeological, or cultural features listed, or eligible to be listed, on the National Register of Historic Places.
    - c) Wetlands and/or environmentally sensitive areas.
  - 4. Common open space land shall be accessible from a road within the development plan or shall adjoin and become part of an existing open space area that is accessible from a road within the development plan.
- F. Perimeter Buffer. A minimum site perimeter buffer of fifty (50) feet shall be provided in a PRD, except along streets.
- 1. The perimeter buffer shall be green space with no improvements with the exception of stormwater management facilities.
  - 2. The area of the perimeter buffer shall be included in the open space calculations.
  - 3. Landscape plantings shall be provided within the perimeter buffer when required by §502 of this Ordinance.
  - 4. Where mature existing woody vegetation sufficient to serve as a visual screen occurs along the perimeter and no development is proposed within seventy-five (75) feet of the lot line, a fifty (50) foot preservation strip may be substituted.
- G. Building materials. The exterior finishes of all principal residential and nonresidential buildings and private garages (but excluding the roof, trim around windows and doors, flashing, minor architectural features and ornamentation and the like) shall be constructed out of brick, cultured stone, stucco (when used as an accent to other approved building materials), cementitious siding or combination of the foregoing, or as otherwise approved by the Planning Commission. All principal residential and nonresidential buildings and private garages shall have brick or cultured stone to grade construction, being that no portion of the building between the ground and any bottom of the first floor shall show exposed concrete block. No vinyl or aluminum siding shall be permitted on principal residential and nonresidential buildings and private garages. All buildings shall be constructed in accordance with the Borough's Building Code.

#### **Section 907: Additional Design Standards**

- A. Private Alleys. Alleys, as defined by the Borough's SALDO, shall be permitted in PRD sites.
  - 1. Alleys shall be constructed in accordance with Borough's Construction Standards and shall be approved by the Borough Engineer.
- B. Block pattern. Street ROW shall be permitted with twenty-five (25) foot minimum paved radii.
- C. Visibility. At all proposed driveways and intersections, minimum acceptable sight distance shall be provided for all permitted turning movements.
- D. Emergency access. Suitable access for emergency vehicles shall be provided within all neighborhood design development sites, including adequate clear width and height, and including access to reach all principal buildings.

- E. Townhouse Units per Residential Building. No more than six (6) dwelling units shall be attached in a row; provided that no more than sixty-seven (67%) percent of said units shall have the same front setback.

### **Section 908: Common Open Space Standards of Ownership and Maintenance**

- A. 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.
  - 2. Fee Simple Dedication - the Borough may, but shall not be required to, accept any portion of the common open space, provided (1) such land is accessible to the residents of the Borough; (2) that there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) 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 (1) the organization is acceptable to the Borough and is a bona fide conservation organization with perpetual existence; (2) 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 (3) 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 (1) such land is accessible to the residents of the Borough; (2) that there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) 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.
- B. 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.

C. Common Open Space Maintenance Requirements:

1. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
2. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Borough shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.
3. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Borough Council or its designated agency, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, then the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
4. The decision of the Borough Council or its designated agency shall be subject to appeal to court in the same manner and within the same time limitation as is provided for zoning appeals by this Ordinance.

5. The cost of such maintenance by the Borough shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on said properties.

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## **Article X: Nonconforming Uses, Structures, and Lots**

### **Section 1001: Purpose**

The purpose of this Article is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots, and nonconforming signs. The zoning districts established by this Ordinance 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 Article 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.

### **Section 1002: Nonconforming Use**

- A. 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.
- B. Change of nonconforming use to conforming.
  - 1. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Ordinance or its amendments.
  - 2. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this Ordinance 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 non-compliance.
- C. Expansion or extension of nonconforming use.
  - 1. 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.
  - 2. 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 Ordinance, unless the ZHB 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 Article IV of this Ordinance. The applicant must meet all the applicable requirements and criteria of Article IV in addition to providing evidence that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use.

3. Whenever a use district shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming use of such changed district may be continued, and such use may be extended throughout the structure.
- D. Abandonment or discontinuance of nonconforming uses.
1. The lawful use of the land existing at the time this Ordinance 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 (1) year, any future use of said land shall conform to the provisions of this Ordinance.
  2. Any subsequent use shall conform to the applicable provisions of this Ordinance, or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this Ordinance or its amendments.
- E. Damage or destruction.
1. When a building or structure is damaged or destroyed by any means not within the control of the owner, to the extent of fifty (50%) percent or more of the structure, repairs or reconstruction to the original footprint may be authorized by the Zoning Officer. New construction or alterations, which increases the size of the existing footprint, may be authorized as a use by special exception by the Zoning Hearing Board; provided, however, that no parking, yard, space, or bulk nonconformity is created or increased.
    - a. Approval of the repair or reconstruction of the building or structure shall be conditioned upon the repair or reconstruction being diligently and visibly pursued under a valid building permit within 18 months of such damage or destruction or the date of the decision by the Zoning Hearing Board.
  2. When forty-nine (49%) percent or less of a building or structure is damaged or destroyed by any means not within the control of the owner, repairs or reconstruction may be undertaken, provided that such restoration is diligently and visibly pursued under a valid building permit within 18 months of the date of such damage or destruction and no parking, yard, space, or bulk nonconformity is created or increased.
- F. 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.

### **Section 1003: Nonconforming Buildings or Structures**

- A. Continuation of nonconforming buildings or structures. Any nonconforming building or structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this Section.

- B. Structural alteration of nonconforming buildings or structures. A lawful nonconforming use of a building or structure existing at the time of the adoption of this Ordinance or an amendment hereto may be structurally altered. Such alteration shall not expand its nonconformity in areas not previously occupied by the nonconforming use unless meeting the requirements of expansion and extension of nonconforming uses as required in this Ordinance. No parking, yard, space or bulk nonconformity may be created or increased.
- C. Changes to nonconforming buildings or structures to conforming.
  - 1. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Ordinance shall make such building or structure conforming with the provisions of this Ordinance or its amendments, then such building or structure shall remain in conformance with the applicable provisions of this Ordinance or its amendments.
  - 2. If a later amendment to this Ordinance should make the building or structure as changed or altered nonconforming with its provisions, then the building or structure as changed or altered will become a non-conforming building or structure to the extent of such nonconformance or noncompliance.
- D. Damage or destruction of nonconforming buildings or structures.
  - 1. When a building or structure is damaged or destroyed by any means not within the control of the owner, to the extent of fifty (50%) percent or more of the structure, the structure shall not be restored unless it thereafter conforms to the regulations of the zoning district in which it is located. No parking, yard, space or bulk nonconformity may be created or increased.
  - 2. When forty-nine (49%) or less of a building or structure is damaged or destroyed by any means not within the control of the owner, the building or structure may be repaired or restored; provided, however, that no parking, yard, space or bulk nonconformity is created or increased.
  - 3. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this Section.
- E. Expansion or extension of nonconforming buildings or structures.
  - 1. No nonconforming building or structure may be extended on the lot on which it is located, nor may any nonconforming building or structure be moved to a different position upon the lot on which it is located, except to a position in conformity with the current codes.
  - 2. Legal non-conforming residential structures may be expanded up to 100 square feet to allow for necessary accessibility improvements.
  - 3. Whenever a use district shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming structure of such changed district may be continued, and such use may be extended throughout the structure.
  - 4. Structures that are nonconforming on the effective date of this Ordinance that already encroach on a required set back can extend that encroachment and not



be considered an expansion of the nonconforming structure subject to the following:

- a. The structure is only extended on a parallel plane of the existing nonconforming encroachment and does not extend any closer to a property line.
- b. The extension is no more than twenty-five (25%) percent of the length of the side of the existing nonconforming structure on the side of the encroachment.
- c. A determination is made by the Zoning Officer that there is no impact to immediately adjacent property. If any uncertainty exists regarding impacts to immediately adjacent properties the Zoning Officer may refer the request to the ZHB for an interpretation.

**F. Repairs, renovation and modernization of nonconforming buildings or structures.**

1. Repairs, renovations and modernization of nonconforming buildings or structures, such as renewal or replacement of outer surfaces, windows, addition of soundproofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure shall be permitted notwithstanding other provisions of this Ordinance.
2. Such repairs, renovations, or modernizations are allowed provided they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.
3. No increase in the size of or area covered by the nonconforming use or area of the use within the building or structure is allowed except as provided for in this Ordinance. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.

**Section 1004: Nonconforming Lots of Record**

- A. In any district in which single-family dwellings are a use by right, notwithstanding the regulations imposed by any other provisions of this Ordinance, 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 Ordinance 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 Ordinance, 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.
- B. A nonconforming lot of record may be used for any "permitted use by right" in the district in which it is located if land development approval can be granted in accordance with the provisions of the Borough's SALDO.

**Section 1005: 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 Ordinance:

- 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 fifty (50%) percent of the sign area at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this Ordinance. Damage only to the face of a sign shall not be construed to constitute fifty (50%) percent of the sign area, 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 fourteen (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 Ordinance.
- D. Health, Safety, Welfare. If any sign or supporting structure subject to the regulation of the provisions of this Ordinance 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 Ordinance, 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 Article within twenty (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 Ordinance up to and including removal of the sign to comply with this Ordinance.

**Section 1006: Registration of Non-Conformity**

In the course of administering and enforcing this Ordinance 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.

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## **Article XI: Administration and Enforcement**

### **Section 1101: Applicability**

- A. 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 Ordinance and the Borough's SALDO, 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 Ordinance shall be null and void.
- B. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this Ordinance. Any change in use shall require zoning approval as set forth Article I of this Ordinance.

### **Section 1102: Repairs and Maintenance**

- A. 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 Ordinance.

### **Section 1103: Authorization of Types of Uses**

- A. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is permitted by right if it meets all of the requirements of this Ordinance.
- B. Special Exception use or application requiring a variance. A permit under this Ordinance 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 ZHB following a hearing.
- C. Conditional Use. A permit under this Ordinance for a use requiring conditional use approval shall be issued by the Zoning Officer only after the Borough Council grants conditional use approval.

### **Section 1104: Required Approvals and Permits**

- A. Zoning Approval. Approval indicating that a proposed use, building, or structure is in accordance with the provisions of the Zoning Ordinance or with an order of the Zoning Hearing Board. Zoning Approval is needed to:
  - 1. Erect, reconstruct, move, structurally alter, or enlarge any structure or building.
  - 2. Use or occupy any vacant land.
  - 3. Change the use of a structure or land to a different use.
  - 4. Change a nonconforming use.
  - 5. Establish or operate a temporary use of land or building.

- B. Grading permit. A permit issued by the Borough to authorize work to be performed in compliance with, and as required by, the Borough's Grading Ordinance.
- C. Building permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the provisions of the Borough's Building Code.
- D. Certificate of Occupancy. A certificate issued upon completion of the construction of a structure or changes in use of a structure or parcel of land, indicating that the premises comply with the provisions of this Ordinance and the Borough's Building Code.

### **Section 1105: Procedure for Obtaining Zoning Approval**

- A. Application submission. Applications for zoning approval shall be submitted to the Zoning Officer on the forms prescribed by Borough and with the information required by this Ordinance.
  - 1. All fees shall be paid at the time a permit is issued.
  - 2. No application shall be accepted for formal review until all required items have been submitted.
  - 3. Upon submission, the Zoning Officer shall check the contents of the applications and notify the applicant of any deficiencies.
- B. Application review/approval by Zoning Officer.
  - 1. The Zoning Officer shall approve or disapprove an application requiring zoning approval in accordance with the literal terms of this Ordinance, and no permit shall be issued for any structure or use in violation of any provision of this Ordinance except where a variance has been properly granted by the Zoning Hearing Board.
  - 2. If the application requires conditional use approval from the Borough Council or special exception approval from the Zoning Hearing Board, said approvals shall be granted prior to issuance of zoning approval by the Zoning Officer.
  - 3. If the application involves a subdivision or land development, as defined by the Subdivision and Land Development Ordinance, the plan shall be reviewed, and the preliminary plans shall be approved in accordance with the procedures specified in the Subdivision and Land Development Ordinance prior to issuance of zoning approval by the Zoning Officer.
  - 4. If the application involves a planned residential development, as defined herein, the plan shall be reviewed, and the tentative plans shall be approved in accordance with the procedures specified in this Ordinance prior to issuance of a zoning approval by the Zoning Officer.
- C. Other governmental approvals. The Zoning Officer shall not issue zoning approval until the applicant submits copies of any approvals and/or permits required from other governmental agencies. Such approvals or permits may include, but are not limited to, one (1) or more of the following:
  - 1. Confirmation from the sewer and water authority of sewer and water service or a permit from the Allegheny County Health Department for an on-lot system.
  - 2. PennDOT highway access permits
  - 3. County or Borough driveway access/curb cut permits.

4. Pennsylvania Department of Environmental Protection erosion/sedimentation and/or obstruction permits.
5. Reviews by Allegheny County Conservation District.
6. Reviews by Allegheny County Economic Development, Planning Division.

**Section 1106: Content of an Application Requiring Zoning Approval**

- A. When applying for zoning approval, the applicant shall submit the following items to the Zoning Officer:
  1. A scaled site plan which is stamped by a Professional Land Surveyor and includes the following:
    - a. Name and address of the applicant and landowner (if other than applicant).
    - b. Address of the property and identification of zoning district in which it is located.
    - c. Subdivision name and lot number (if applicable).
    - d. County lot and block number.
    - e. Scale of the drawing (typical engineering units), north arrow, and a key to all symbols.
    - f. The location, dimensions and height of all existing and proposed structures or uses (including fences, walls, screens, lighting fixtures, signs, or other site improvements) and the type and location (distance in feet) of existing structures or uses on all abutting properties.
    - g. Distances (in feet) between all existing and proposed structures or uses on the property and from all structures or uses to all property lines.
    - h. All existing and proposed easements and/or ROW, showing locations, widths, and purposes.
    - i. The location, number, size, and method of calculation of any required off-street parking spaces (if applicable).
    - j. All points of ingress and egress to and from the property (e.g., driveways) along with proposed grades and sight distances.
    - k. Identification of any floodplain districts, areas of steep slopes, prior mining activity, landslide prone soils, fill areas, or airport impact zones which would be impacted by the proposed use.
  2. Stormwater management and erosion/sedimentation plans for the property if required by Borough's Stormwater Management Ordinance (if applicable).
  3. A landscaping plan showing required plantings (if applicable).
  4. Any other information required by the Zoning Officer in order to determine compliance with the provisions of this Ordinance.

**Section 1107: Procedure for Obtaining a Grading Permit**

- A. Application submission. Application for a grading permit shall be submitted to the Zoning Officer on forms prescribed by the Borough and with the information required by the Borough's Grading Ordinance. All fees shall be paid at the time of application.

**Section 1108: Procedure for Obtaining a Building Permit**

- B. Application submission. Application for a building permit shall be submitted to the Building Code Official (BCO) on forms prescribed by the Borough and with the information required by the Borough Building Code. All fees shall be paid at the time the permit is issued.

**Section 1109: Liability Disclaimer**

- A. The granting of zoning approval or a permit shall not constitute a representation, guarantee or warranty of any kind by Plum Borough, or by an official or employee thereof, of the structural integrity of a building or structure, the suitability or safety of subsurface soil conditions over which a building/structure is located, or the practicability or safety of any stormwater management structure or control technique or other environmental protection control, nor shall it create any liability upon or cause of action against Plum Borough, any official or employee for any damage that may result from a structure or use for which zoning approval or a permit has been issued.
- B. Approvals and permits issued pursuant to this Ordinance attest only to the conformance of a structure or use to the zoning requirements contained herein.

**Section 1110: Enforcement Penalties**

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. If it appears to the Borough that a violation of this Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- C. 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.
- D. 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 Ordinance.
  - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Borough ZHB within thirty (30) days of the mailing date of the notice in accordance with procedures set forth in this Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to ZHB, 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 or 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 ninety (90) days.

### **Section 1111: Causes of Action**

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. 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 Ordinance, 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 thirty (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.
- C. Jurisdiction. Magisterial district judges shall have initial jurisdiction over proceedings brought under §1007 of this Article.

### **Section 1112: Enforcement Remedies; Violations and Penalties**

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. 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. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that



there 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 District Justice; and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Borough.

- C. 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.
- D. 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.

### **Section 1113: Fees**

- A. The Borough Council shall establish and revise, from time to time, a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Borough Manager.

### **Section 1114: Amendments**

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. The regulations and provisions of this Ordinance may be amended from time to time, upon recommendation of the Planning Commission or the Borough Council, or by application of an effected party.
- C. Enactment of Amendments. Zoning amendments procedures shall adhere to the requirements of §609 of the MPC, 53 P.S. §10609.
- D. Public Hearing. The Borough Council shall hold a public hearing on a proposed amendment pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within a municipality or an owner of the mineral rights in a tract or parcel of land within the municipality who has made a timely request in accordance with §109 of the MPC before voting on enactment of an amendment. 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 (1) week prior to the date of the hearing.
  - 1. In addition to the requirement that the notice be pasted, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within

the possession of the municipality. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

- E. 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 thirty (30) days prior to the hearing on the proposed amendment for recommendations.
- F. County Planning Review. The recommendation of the County planning agency shall be made to the Borough Council within forty-five (45) days and the proposed action shall not be taken until such recommendation is made. If, however, the County fails to act within forty-five (45) days, the Borough Council shall proceed without its recommendation.

### **Section 1115: Zoning Officer**

- A. 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.
- B. Duties and powers. The Zoning Officer's duties and powers shall include the following:
  - 1. Administer this Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance.
  - 2. Conduct inspections to determine compliance and receive complaints of violation of this Ordinance.
  - 3. Keep records of applications, permits, certificates, written decisions, and variances granted by the ZHB and of enforcement orders, with all such records being the property of the Borough and being available for public inspection.
  - 4. Review proposed subdivisions and land developments for compliance with this Ordinance.
  - 5. Take enforcement actions as provided by the Pennsylvania MPC.
  - 6. Maintain available records concerning nonconformities, provided that the Borough is not required to document every nonconformity.
  - 7. Serve such other functions as are provided in this Ordinance.

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## **Article XII: Zoning Hearing Board**

### **Section 1201: MPC Provisions**

- A. Users should be aware that the following Sections are a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

### **Section 1202: Membership**

- A. Appointment. The membership of the ZHB shall consist of five (5) residents of the Borough appointed by motion of the Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the terms of office of one member shall expire each year. The ZHB 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 ZHB shall hold no other elected or appointed office in the municipality nor shall any member be an employee of the municipality.
- B. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the board. The term of office of an alternate member shall be three (3) 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:
  - 1. 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.
  - 2. 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.
  - 3. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. Vacancies. Appointments to fill vacancies on the Board shall be for the duration of the unexpired portion of the term only.
- D. 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 fifteen (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.
- E. Compensation. Members of the board shall not receive compensation for the performance of their duties.

**Section 1203: Organization**

- A. Conduct of the Board. The ZHB 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 §908 of the MPC.
- B. Establishment of procedure. The ZHB 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.

**Section 1204: Expenditures; Fees**

- A. Expenditures. Within the limits of funds appropriated by the Council, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- B. Fees. An applicant before the ZHB shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of the Council.

**Section 1205: Powers and Functions**

The ZHB shall function in strict accordance with and pursuant to the MPC and shall have the following powers:

- A. 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.
- B. Special Exceptions. The Board shall hear and decide requests for special exceptions authorized by this Ordinance in accordance with the standards and criteria set forth in this Section and Article IV of this Ordinance. The Board may attach such reasonable conditions and safeguards as it may deem necessary.
- C. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance 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.
- D. Validity of the Zoning Ordinance. The Board shall hear and make findings on challenges to the validity of any provision of this Ordinance with respect to substantive questions.
- E. Jurisdiction in the matters as granted by §909.1 of the MPC. 53 P.S. §10909.1.

**Section 1206: Hearing Procedures**

The ZHB shall conduct hearings and make decisions in accordance with the following requirements.

Filing appeals and requests to the ZHB - Requests for hearings before the ZHB shall be made as follows:

- A. An appeal to the ZHB 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 Ordinance 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 (1) week prior to the hearing.
- C. Timing – A hearing shall be held within sixty (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 Chairman – The Chairman, Acting Chairman, 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.

### **Section 1207: Decisions**

- A. 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 forty-five (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.

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 forty-five (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 thirty (30) days after the report of the hearing officer. Except for challenges filed under §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 as provided in §1105.C., 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 (10) days from the last day it could have met to render a decision. 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.

**Section 1208: Standards for Review of Variance Requests**

- A. Required Findings – The ZHB may grant a variance to the provisions of this Ordinance, provided that the findings prescribed in §910.2 of the MPC 53 P.S. §10910.2. are made where relevant in a given case.
- B. Conditions – In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
- C. If the variance involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the variance, the approval shall lapse.
  - a. The variance approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
  - b. A variance approval shall not lapse if, the variance is associated with a current land development approval.

**Section 1209: Standards for Review of Special Exception Requests**

- A. The ZHB shall hear and decide all requests for special exceptions, as identified within this Section and Article IV of this Ordinance.

**Section 1210: Appeals to Court**

- A. The provisions for appeals to court that are stated in Article X-A of the MPC, as amended, shall apply.



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## Article XIII: Airport Overlay District

### Section 1301: Purpose

- A. The purpose of this Ordinance is to create an Airport District Overlay that considers safety issues around the Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

### Section 1302: Relation to Other Zone Districts

- A. The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

### Section 1303: Establishment of Airport Zones

- A. There are hereby created and established certain zones within the Airport District Overlay Ordinance, depicted on Figure 3 and illustrated on Airport Hazard Area Map, hereby adopted as part of this Ordinance, which include:
  - 1. Approach Surface Zone.
  - 2. Conical Surface Zone.
  - 3. Horizontal Surface Zone.
  - 4. Primary Surface Zone.
  - 5. Transitional Surface Zone.

### Section 1304: Permit Applications

- A. As regulated by Act 164 and defined by *14 Code of Federal Regulations Part 77.13(a)* (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's Bureau of Aviation's response must be included with this permit application for it to be considered complete. If the Department's Bureau of Aviation returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's Bureau of Aviation returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in §1305.
- B. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

**Section 1305: Variance**

- A. Any request for a variance shall include documentation in compliance with *14 Code of Federal Regulations Part 77 Subpart B* (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's Bureau of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
1. No Objection – The subject construction is determined not to exceed the obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
  2. Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in §1308 – Obstruction Marking and Lighting.
  3. Objectionable – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
- B. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Ordinance.

**Section 1306: Use Restrictions**

- A. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.

**Section 1307: Pre-Existing Non-Conforming Uses**

- A. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.

**Section 1308: Obstruction Marking and Lighting**

- A. Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in §1305 to require the owner of the

structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

**Section 1309: Violations and Penalties**

- A. Subject to Article XI of this Ordinance.

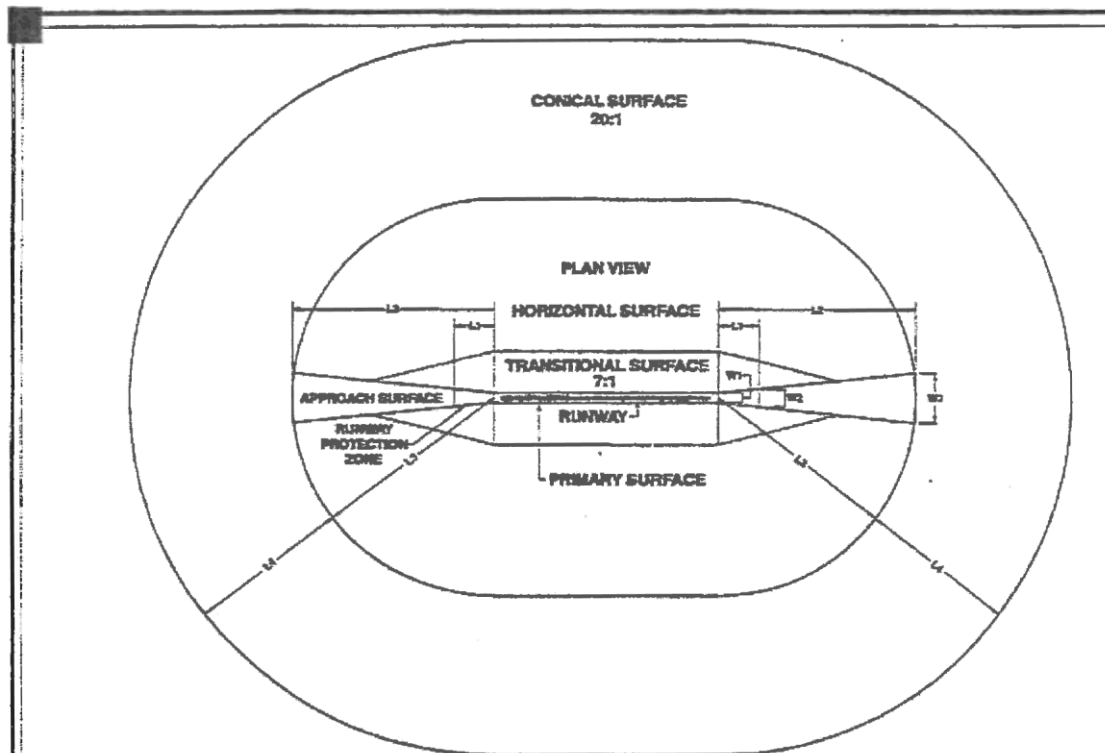
**Section 1310: Appeals**

- A. Subject to Article XII of this Ordinance.

**Section 1311: Conflicting Regulations**

- A. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

FIGURE 3 – PART 77 SURFACE AREA



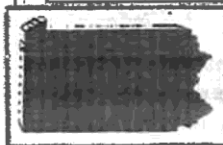
PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS										
Runway Type	Runway End		Conical Surface (L1)	Horizontal Surface (L2)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L3)	Inner Width (W1)	Other Width (W2)			
Small Airplanes <sup>2</sup>	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes <sup>3</sup>	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		P	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet  
2 - Less than 12,500 lbs maximum certified takeoff weight  
3 - Greater than 12,500 lbs maximum certified takeoff weight

V = Visual approach 20:1  
NP = Nonprecision approach 34:1  
NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1  
P = Precision approach 80:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration



Pennsylvania Land Use  
Compatibility  
Guidelines

Exhibit  
3