

BOROUGH OF SEVEN FIELDS

ORDINANCE NUMBER 86

AN ORDINANCE OF THE BOROUGH OF SEVEN FIELDS, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, ADOPTING AND ENACTING THE BOROUGH OF SEVEN FIELDS, BUTLER COUNTY, PENNSYLVANIA ZONING ORDINANCE OF 2015.

Recitals

WHEREAS, the Council of the Borough of Seven Fields, Butler County, Commonwealth of Pennsylvania, deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to adopt a new zoning ordinance entitled "Borough of Seven Fields, Butler County, Pennsylvania Zoning Ordinance of 2015," which amends, supplements and consolidates the Borough of Seven Fields, Butler County, Pennsylvania Zoning Ordinance - No. 32, enacted December 9, 1991, as amended.

WHEREAS, the Borough has complied with all of the applicable requirements of the law and particularly the Municipalities Planning Code, 53 P.S. 10101, et seq. prior to the enactment of the Borough of Seven Fields, Butler County, Pennsylvania Zoning Ordinance of 2015.

WHEREAS, a summary of the provisions contained in the Borough of Seven Fields, Butler County, Pennsylvania Zoning Ordinance of 2015 are as follows:

ARTICLE I Preliminary Provisions - Title, Effective Date, Community Development Objectives, Zoning Map, Zoning District, Interpretation of Zoning District Boundaries, Compliance, General Provisions, Severability, Repealer, Filing; ARTICLE II Rules and Definitions - Rules of Interpretation, Definitions; ARTICLE III District Purposes - Purpose Statements, Land Uses, Dimensional Standards, Accessory Uses, Development Standards; ARTICLE IV Overlay Districts - Flood Plain and Floodway District; ARTICLE V Planned Residential Development (PRD) - General Provisions, Eligibility Requirements, Permitted Uses, Design Standards, Standards for Location and Maintenance of Common Open Space, Application Procedures, Guarantee of Completion of Improvements; ARTICLE VI Sign Regulations - Purpose, Definitions, General Provisions, Signs in Residential and Conservation and Planned Residential Districts. (R-1, R-2, R-3, R-4, C-1), Signs in Other Districts, Prohibited Signs, Permits, Inspections, Maintenance, Proceedings and Penalties; ARTICLE VII Parking Regulations - General Standards, Design and Maintenance, Access Control, Location of Parking, Off-Street Loading Requirements; ARTICLE VIII Supplementary Regulations - Temporary Structures, Lot Access, Traffic Impact Analysis, Lighting Standards, Landscaping, Height

Exclusions, Swimming Pools, Fences and Screening, Patios, Porches and Chimneys, Infill of Buildings, Sight Distances, Fuel/Energy Recharge Station Canopies, Storm Water Management, Construction in Utility Easements, Exterior Attachments, Incomplete Structures, Garage Space, Storage and Parking of Vehicles, Communication Towers, Communications Antenna, Solar Collectors and Related Equipment, Outdoor Storage, Performance Standards; ARTICLE IX Nonconformities - Continuance, Discontinuance of Use, Alterations, Reconstruction, Signs; ARTICLE X Administration - Administration, Site Plan Review Procedures, Building Permits, Certificates for Occupancy, Fees, Request for Reasonable Accommodation; ARTICLE XI Enforcement, Violations and Penalties - Enforcement, Enforcement Remedies; ARTICLE XII Amendments - Initiation of Amendments, Petition Procedures, Public Hearing Requirements, Compliance With the Municipalities Planning Code; ARTICLE XIII Conditional Uses - General Requirements, Adult Oriented Business, All Other Uses, Automobile Repair, Automobile Sales and Service, Bed and Breakfast, Beverage Distribution, Biomedical Operation, Building Materials Sales or Storage Yard, Bulk Materials or Machinery Storage, Business Services, Catering, Collection and Recycling Facility, Commercial School, Convenience Store, Day Care Center, Dry Cleaning Plant, Financial Institution, Food Processing and Packing Plant, Fuel/Energy Recharge Station, Grocery Store, Health and Fitness Related Establishment, High Tech Industry, Home Based Business, Low Impact, Hotel/Motel, Kennel, Lifecare Facility, Manufacturing/Fabrication (Heavy/Light), Mechanical Repair, Medical or Dental Clinic, Mini-Warehouse, Mixed Use, Mobile Home Park, Nightclub, Offices (Business/Professional), Offices (Medical), Place of Assembly/Place of Worship, Planned Residential Development - See Article V, Recreation Facilities (Public/Private), Research and Development, Restaurant (Sit Down/Takeout), Restaurant (Drive Thru), Retail Business Establishment (Major/Minor), Tavern, Veterinary Clinic, Warehouse.

Witnesseth

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Seven Fields, Butler County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the Borough that the Borough of Seven Fields, Butler County, Pennsylvania Zoning Ordinance of 2015 attached hereto is hereby adopted and enacted.

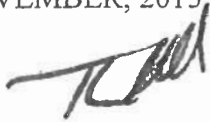
- **REPEALER.** All provisions of previous Zoning Ordinances of the Borough of Seven Fields, Butler County, Pennsylvania, which are contrary to this Ordinance are expressly repealed.

- **SEVERABILITY.** The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of

any remaining sections, subsections, sentences, clauses or part of this Ordinance.

• **EFFECTIVE DATE.** This Ordinance shall be effective immediately and in accordance with law.

ORDAINED AND ENACTED AT A MEETING OF COUNCIL OF THE BOROUGH OF SEVEN FIELDS, BUTLER COUNTY, COMMONWEALTH OF PENNSYLVANIA, THIS 9TH DAY OF NOVEMBER, 2015

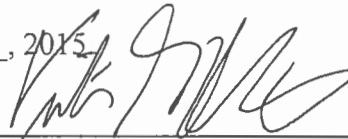


Thomas B. Smith, Secretary



Jennifer Sikora, President of Council

Approved this 9th day of November, 2015



Victor Giannotta, Mayor

BOROUGH OF SEVEN FIELDS
BUTLER COUNTY, PENNSYLVANIA

ZONING ORDINANCE

of

2015

(Ordinance No. 86 of 2015, adopted November 9, 2015)

TABLE OF CONTENTS

ZONING ORDINANCE SIGNATURE PAGE	vii
ARTICLE I.....	1
PRELIMINARY PROVISIONS.....	1
101 TITLE.....	1
102 EFFECTIVE DATE	1
103 COMMUNITY DEVELOPMENT OBJECTIVES.....	1
104 ZONING MAP	1
105 ZONING DISTRICT	2
106 INTERPRETATION OF ZONING DISTRICT BOUNDARIES	2
107 COMPLIANCE.....	3
108 GENERAL PROVISIONS	3
109 SEVERABILITY	3
110 REPEALER	3
111 FILING.....	4
ARTICLE II.....	5
RULES AND DEFINITIONS.....	5
201 RULES OF INTERPRETATION.....	5
202 DEFINITIONS.....	5
ARTICLE III.....	25
DISTRICT PURPOSES	25
301 PURPOSE STATEMENTS	25
302 LAND USES	26
303 DIMENSIONAL STANDARDS	29
304 ACCESSORY USES	31
305 DEVELOPMENT STANDARDS.....	32
ARTICLE IV	35
OVERLAY DISTRICTS	35
401 FLOOD PLAIN AND FLOODWAY DISTRICT.....	35
ARTICLE V	37
PLANNED RESIDENTIAL DEVELOPMENT (PRD).....	37
501 GENERAL PROVISIONS	37
502 ELIGIBILITY REQUIREMENTS	38
503 PERMITTED USES	38

TABLE OF CONTENTS

504	DESIGN STANDARDS	38
505	STANDARDS FOR LOCATION & MAINTENANCE OF COMMON OPEN SPACE ..	43
506	APPLICATION PROCEDURES	44
507	GUARANTEE OF COMPLETION OF IMPROVEMENTS	51
ARTICLE VI		53
SIGN REGULATIONS.....		53
601	PURPOSE	53
602	DEFINITIONS.....	53
603	GENERAL PROVISIONS	54
604	SIGNS IN RESIDENTIAL, AND CONSERVATION AND PLANNED RESIDENTIAL DISTRICTS. (R-1, R-2, R-3, R-4, C-1).....	57
605	SIGNS IN OTHER DISTRICTS.....	58
606	PROHIBITED SIGNS.....	61
607	PERMITS, INSPECTIONS, MAINTENANCE, PROCEEDINGS AND PENALTIES ..	62
ARTICLE VII		65
PARKING REGULATIONS.....		65
701	GENERAL STANDARDS	65
702	DESIGN AND MAINTENANCE.....	66
703	ACCESS CONTROL.....	70
704	LOCATION OF PARKING	70
705	OFF-STREET LOADING REQUIREMENTS.....	70
ARTICLE VIII		71
SUPPLEMENTARY REGULATIONS.....		71
801	TEMPORARY STRUCTURES.....	71
802	LOT ACCESS.....	71
803	TRAFFIC IMPACT ANALYSIS.....	71
804	LIGHTING STANDARDS.....	71
805	LANDSCAPING	72
806	HEIGHT EXCLUSIONS	74
807	SWIMMING POOLS	74
808	FENCES AND SCREENING	75
809	PATIOS, PORCHES AND CHIMNEYS.....	76
810	INFILL OF BUILDINGS.....	76
811	SIGHT DISTANCES	76
812	FUEL/ENERGY RECHARGE STATION CANOPIES.....	76
813	STORM WATER MANAGEMENT	76

814	CONSTRUCTION IN UTILITY EASEMENTS	77
815	EXTERIOR ATTACHMENTS.....	77
816	INCOMPLETE STRUCTURES	77
817	GARAGE SPACE	77
818	STORAGE AND PARKING OF VEHICLES	77
819	COMMUNICATION TOWERS	78
820	COMMUNICATIONS ANTENNA	79
821	SOLAR COLLECTORS AND RELATED EQUIPMENT.....	80
822	OUTDOOR STORAGE.....	90
823	PERFORMANCE STANDARDS	92
ARTICLE IX		95
NONCONFORMITIES		95
901	CONTINUANCE	95
902	DISCONTINUANCE OF USE	95
903	ALTERATIONS.....	95
904	RECONSTRUCTION.....	95
905	SIGNS	96
ARTICLE X		97
ADMINISTRATION		97
1001	ADMINISTRATION.....	97
1002	SITE PLAN REVIEW PROCEDURES	98
1003	BUILDING PERMITS.....	100
1004	CERTIFICATES FOR OCCUPANCY	102
1005	FEEES	103
1006	REQUEST FOR REASONABLE ACCOMMODATION.....	103
ARTICLE XI		105
ENFORCEMENT, VIOLATIONS AND PENALTIES		105
1101	ENFORCEMENT	105
1102	ENFORCEMENT REMEDIES.....	105
ARTICLE XII		107
AMENDMENTS.....		107
1201	INITIATION OF AMENDMENTS.....	107
1202	PETITION PROCEDURES	107
1203	PUBLIC HEARING REQUIREMENTS	107
1204	COMPLIANCE WITH THE MUNICIPALITIES PLANNING CODE.....	107

TABLE OF CONTENTS

ARTICLE XIII	109
CONDITIONAL USES	109
1301 GENERAL REQUIREMENTS	109
1302 ADULT ORIENTED BUSINESS.....	111
1303 ALL OTHER USES	113
1304 AUTOMOBILE REPAIR	114
1305 AUTOMOBILE SALES AND SERVICE.....	114
1306 BED AND BREAKFAST.....	115
1307 BEVERAGE DISTRIBUTION.....	116
1308 BIOMEDICAL OPERATION.....	116
1309 BUILDING MATERIALS SALES OR STORAGE YARD	116
1310 BULK MATERIALS OR MACHINERY STORAGE	116
1311 BUSINESS SERVICES	116
1312 CATERING	117
1313 COLLECTION AND RECYCLING FACILITY	117
1314 COMMERCIAL SCHOOL	117
1315 CONVENIENCE STORE	118
1316 DAY CARE CENTER.....	118
1317 DRY CLEANING PLANT	119
1318 FINANCIAL INSTITUTION.....	119
1319 FOOD PROCESSING AND PACKING PLANT	119
1320 FUEL/ENERGY RECHARGE STATION	119
1321 GROCERY STORE	120
1322 HEALTH AND FITNESS RELATED ESTABLISHMENT	120
1323 HIGH TECH INDUSTRY	120
1324 HOME BASED BUSINESS, LOW IMPACT.....	120
1325 HOTEL/MOTEL	121
1326 KENNEL	122
1327 LIFECARE FACILITY	122
1328 MANUFACTURING/FABRICATION (HEAVY/LIGHT).....	123
1329 MECHANICAL REPAIR	123
1330 MEDICAL OR DENTAL CLINIC.....	123
1331 MINI-WAREHOUSE	123
1332 MIXED USE.....	124
1333 MOBILE HOME PARK.....	125
1334 NIGHTCLUB.....	126

TABLE OF CONTENTS

1335 OFFICES (BUSINESS/PROFESSIONAL)	127
1336 OFFICES (MEDICAL).....	127
1337 PLACE OF ASSEMBLY/PLACE OF WORSHIP	127
1338 PLANNED RESIDENTIAL DEVELOPMENT – See Article V.	127
1339 RECREATION FACILITIES (PUBLIC/PRIVATE)	128
1340 RESEARCH AND DEVELOPMENT	129
1341 RESTAURANT (SIT DOWN/TAKEOUT).....	129
1342 RESTAURANT (DRIVE THRU)	130
1343 RETAIL BUSINESS ESTABLISHMENT (MAJOR/MINOR)	130
1344 TAVERN.....	130
1345 VETERINARY CLINIC	131
1346 WAREHOUSE	131
APPENDIX A.....	133
CRITERIA FOR EARNING DENSITY BONUS.....	135

TABLE OF CONTENTS

ZONING ORDINANCE SIGNATURE PAGE

BOROUGH OF SEVEN FIELDS
BUTLER COUNTY, PENNSYLVANIA
ZONING ORDINANCE

Signature page space reserved for adoption process.

ARTICLE I
PRELIMINARY PROVISIONS

101 TITLE

This Ordinance shall be cited as the "Borough of Seven Fields Zoning Ordinance."

102 EFFECTIVE DATE

This Ordinance shall take effect immediately upon enactment.

103 COMMUNITY DEVELOPMENT OBJECTIVES

The community development objectives which are the basis for the provisions of this Ordinance are:

- A. To create a pattern of land uses which are compatible and harmonious, where a suitable environment may be created for residential, commercial, and light industrial growth compatible with the Borough's Comprehensive Plan.
- B. To maintain a density of population which can feasibly be served by the streets and other public facilities which presently exist or can reasonably be provided by the Borough.
- C. To direct the types of development and the intensity of development in such a manner as will not place an unreasonable burden on the capacity of local streets and other public facilities.
- D. To preserve the character, appearance and integrity of the Borough in keeping with the present pattern and character of development.
- E. To encourage the growth and development of the Borough including the expansion of commercial and light industrial activities.
- F. To conserve open space for light and air, and for the enjoyment of future generations.
- G. To preserve and stabilize property values.

104 ZONING MAP

The Borough is hereby divided into zones or districts, as shown on the Zoning Map, which, together with all existing and future notations, references, and amendments thereon, is hereby adopted by reference and declared to be a part of this Ordinance as if the same were fully described and set forth herein. No changes of any nature shall be made on the Zoning Map or explanatory matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a nullity and a violation of this Ordinance.

ARTICLE I
PRELIMINARY PROVISIONS

105 ZONING DISTRICT

The Borough is divided into zoning districts set forth in this Ordinance as shown by the district boundaries on the Zoning Map. The districts are:

R-1	Residential 1 District
R-2	Residential 2 District
R-3	Residential 3 District
R-4	Residential 4 District
PEDD	Planned Economic Development District
Business	Business District
Industrial	Industrial District
C-1	Conservation District

106 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as appearing to follow the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as appearing to follow Borough limits shall be construed as following Borough limits.
- D. Boundaries indicated as appearing to parallel a street, or lot line, or Borough boundary shall be construed as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on the Zoning Map.
- E. Boundaries indicated as approximately following the centerlines of streams, or bodies of water, or submerged areas shall be construed to follow such centerlines, and in the event of change in the location of streams, bodies of water, or submerged areas shall be construed as moving with the actual body of water and following the centerline.
- F. When rezoning requests approved by Council result in changes on the Zoning Map, the adopted Ordinance to enact the Zoning Amendment shall dictate the location of the district boundaries.
- G. Initial determination of zoning district boundaries shall be rendered by the Zoning Officer, except where it is not possible or practical for the Zoning Officer to determine the location of the zoning district boundary line, or if a petitioner contests the Zoning Officer's determination of the boundary, the Zoning Hearing Board, upon appeal, shall determine and establish the location of said boundary.

107 COMPLIANCE

No structure shall hereafter be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance and all other applicable Commonwealth of Pennsylvania and Federal laws, rules and regulations, and after the lawful issuance of all permits and certificates required by this Ordinance.

108 GENERAL PROVISIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly, except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located, unless a variance has been properly granted.
- B. No building or other structure shall hereafter be erected or altered to exceed height restrictions, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces than are herein required, or in any other way contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- E. All territory which may hereafter be annexed to the Borough shall be placed in the Residential-1, Residential District until Borough Council has made a thorough study of the newly annexed area to determine a final zoning district classification.

109 SEVERABILITY

If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

110 REPEALER

Should any Section or provision of any Ordinance or Ordinances conflict with the provisions of this Ordinance, the earlier Ordinances are hereby repealed insofar as they affect this Ordinance.

ARTICLE I
PRELIMINARY PROVISIONS

111 FILING

This Ordinance, including the Zoning Map, together with any succeeding amendments thereto, shall be on file and may be viewed by any interested party in the Borough Offices.

ARTICLE II
RULES AND DEFINITIONS

201 RULES OF INTERPRETATION

The following rules shall apply to this Ordinance.

- A. The particular shall govern the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; the singular shall include the plural; the plural shall include the singular; unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and/or "occupied for".
- F. The word "person" shall include individuals, corporations, or partnerships or any other legal entities which would be responsible for compliance with the provisions of this Ordinance.
- G. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough, in favor of the property owner and against any implied extension of the restriction. Where provisions of this Ordinance conflict, the most restrictive provisions shall govern unless such an interpretation would cause this Ordinance, or portions thereof, to be invalid.
- H. Where any provision of this Ordinance could be interpreted in such a manner to be invalid, then the interpreter should utilize an interpretation which would maintain the validity of the provision rather than discard the provision on the basis that it may be invalid given certain interpretations.
- I. This Ordinance shall be interpreted in accordance with the rules of construction set forth in Title 1 of the Pennsylvania Consolidated Statutes, Chapter 19 (1 PA. C.S.A. Section 1901 *et seq.*, 19 ed.), which is hereby adopted by reference, except where inconsistent with the provisions of this Ordinance.

202 DEFINITIONS

All definitions in the Municipalities Planning Code, (53 P.S. Section 10101 *et. Seq.*) as amended, are hereby adopted and made a part hereof by reference.

ACCESSORY BUILDING or ACCESSORY USE - A building or use customarily

ARTICLE II

RULES AND DEFINITIONS

incidental and subordinate to the principal building or use and located on the same lot with such principal building or use.

ADULT ORIENTED BUSINESS

The following definitions apply to adult oriented businesses.

1. **ADULT ARCADE** means 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, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
2. **ADULT BOOK STORE OR ADULT NOVELTY STORE** means an establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale or rental, any of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM discs or other computer software, and other visual representations, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith may have viewing booths or other facilities for the presentation of adult entertainment for observation by patrons; or
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
3. **ADULT BUSINESS** means an adult arcade, adult bookstore, adult novelty store, adult cabaret, adult theater, escort agency, nude model studio or sexual encounter or mediation center.
4. **ADULT ENTERTAINMENT** means:
 - a. An exhibition of any adult oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or
 - b. A live performance, display or dance of any type, which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas or persons in a state of nudity; or
 - c. Films, motion pictures, video cassettes, 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".

5. ADULT THEATER means a theater, tavern, banquet hall, party room, conference center, restaurant, nightclub, hall, auditorium, club, recreation center, indoor amusement center or similar commercial establishment which, as one of its principal business purposes, offers adult entertainment.
6. EMPLOYEE means a person who performs any service on the premises of an adult business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
7. ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. ESTABLISH means and includes any of the following:
 - a. The opening or commencement of any adult business as a new business;
 - b. The conversion of an existing business, whether or not an adult business, to any adult business;
 - c. The addition or change of any adult business to any other existing adult business or to a non-adult business; or
 - d. The relocation of any adult business.
10. LICENSEE means a person in whose name a license to operate an adult business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult business.
11. NUDE MODEL STUDIO means any place where a person(s) who appears 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 proprietary school licensed by the State 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:
 - a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

ARTICLE II
RULES AND DEFINITIONS

- b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.
12. **NUDITY OR A STATE OF NUDITY** means the showing of any part of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.
13. **SEXUAL ENCOUNTER OR MEDIATION CENTER** means a business, agency or person which, for consideration, provides for commercial purposes a place where persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas as defined herein:
14. **SPECIFIED ANATOMICAL AREAS** means human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely covered.
15. **SPECIFIED CRIMINAL ACTIVITY** means any of the following offenses:
- a. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
 - b. For which:
 - i. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - ii. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - iii. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four month period.
 - c. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

16. **SPECIFIED SEXUAL ACTIVITIES** means any of the following;

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- c. Human genitals in a state of sexual stimulation or arousal.

17. **TRANSFER OF OWNERSHIP OR CONTROL** of an adult business means and includes any of the following:

- a. The sale, lease or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal advice which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

18. **VIEWING BOOTHS** means booths, stalls, partitioned portions of a room, cubicles, stalls, compartments, rooms or other enclosures which are available to members of the public, patrons or members for viewing (1) films, movies, videos, or visual reproductions of any kind depicting or describing "specified sexual activities" or "specified anatomical areas," or (2) persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

ALL OTHER USES - any land use not specified in the Land Use Table.

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 location to another.

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

APPROVED - Approved by a designated authority or person in strict conformance with the terms of this Ordinance and all other applicable Ordinances.

ARCHITECT - A professional architect licensed to practice in the Commonwealth of Pennsylvania.

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AREA, FLOOR - The sum of the gross horizontal areas of all floors of a building or buildings excluding basements or cellars used only for storage, measured from the

ARTICLE II

RULES AND DEFINITIONS

exterior faces of exterior walls, or from the center line of common walls separating buildings.

ARTERIAL STREET – State Route 228.

ASSEMBLY HALL - A room, hall or building used for lectures, meetings, sermons and gatherings of over fifty (50) people.

AUTOMOBILE REPAIR - A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a Completely Enclosed Building.

AUTOMOBILE SALES AND SERVICE - A business establishment used for the display or sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles and/or or boats under twenty-six thousand (26,000) pounds gross vehicle weight (GVW), but not including any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code. Such use may also include the servicing or repair of vehicles of the brand of vehicles sold at the establishment.

BAKERY – A retail business for the sale of confections and/or baked goods.

BED AND BREAKFAST - A business establishment that occupies a single-family dwelling and, if applicable, associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events such as weddings, parties, seminars and conferences.

BEVERAGE DISTRIBUTION - A use engaged in the distribution of manufactured beverages to the public. Beverages are stored at the establishment in quantities as provided by the manufacturer and are opened and/or consumed off site

BIOMEDICAL OPERATION - A facility which carries on investigation in the natural or physical sciences or in engineering and development as an extension of such investigation with the objective of creating end products and which may include the initial manufacturing of developed product but not include animal research.

BILLBOARD - A structure, building wall or other outdoor surface used to display lettered, pictorial, sculptured or other matter which directs attention to any product announcement, commodity or service offered only elsewhere than on the premises or as a minor and incidental service on the premises. See also Off-premise Sign.

BOARD - The Zoning Hearing Board of the Borough.

BOROUGH - The Borough of Seven Fields, Butler County, Pennsylvania.

BUFFER AREA - A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, shrubs, bushes, grass, ground cover or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a

compact, year-round visual screen at least six (6) feet in height, or an approved natural physical barrier, such as existing vegetation or topography, which duplicates the effect of the required buffer area. Unless otherwise stated within this Ordinance, said buffer area shall be located entirely within the required yard, unless the width of the buffer area exceeds the width of the required yard.

BUILDING - Any structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or any other property. Separation by party and fire walls shall not constitute separate buildings.

BUILDING HEIGHT - Unless otherwise specified under a specific section of the zoning ordinance, building height shall be the vertical distance measured from the average elevation of the proposed finished grade (at the front) adjacent to the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eave and ridge for gable and hip roofs.

BUILDING LINE - An established line within a property defining the minimum required distance between the face of any structure to be erected and an adjacent street line.

BUILDING MATERIALS SALES OR STORAGE YARD - A business establishment specializing in the sale and/or short- or long-term storage of wholesale and/or retail construction supplies and materials for home improvement.

BULK MATERIALS OR MACHINERY STORAGE - A place for short- or long-term storage, collection and/or distribution of heavy equipment, machinery or materials used in construction, farming or industrial operations.

BUSINESS SERVICES - Establishments engaged in rendering services to businesses and offices on a fee or contract basis, including but not limited to advertising and mailing; data processing; secretarial; financial; photocopying; quick printing and fax; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; management and consulting services; and other similar business services.

CABARET - A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers which characterize an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

CANOPY - Any lightweight structure attached to a wall and to the ground and extended over areas intended for pedestrian traffic when such structure is primarily for shelter rather than advertising.

CATERING - An establishment that serves and supplies food to be consumed off premises.

COLLECTION AND RECYCLING FACILITY - A location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled from the public. Collection facilities may include reverse vending machines and small collection facility.

ARTICLE II

RULES AND DEFINITIONS

COMMERCIAL - Any principal use other than residential, governmental, public and private schools and essential services.

COMMERCIAL BUILDING - Any building primarily used for commercial uses.

COMMERCIAL SCHOOL (EDUCATIONAL STUDIO) - A business establishment operated by a private or non-profit entity as a commercial enterprise where persons are instructed, taught or trained a specific trade, vocation, avocation or business discipline. The term commercial school shall include, but not be limited to, activities such as dancing, music, sports/recreation, business and technical training.

COMMUNICATIONS ANTENNA - Any device used for the transmission or receptions of radio, television, wireless telephone, wireless internet, pager, commercial radio service or any other wireless communication signals including without limitation omnidirectional or whip antenna and directional or panel antenna, owned or operated by any person or entity licensed by the Federal Communications Commission ("FCC") to operate such device. This definition includes free standing antenna, antenna mounted on communication towers and antenna mounted on buildings. This definition does not include private residence mounted satellite dishes or television antenna or amateur radio equipment, including without limitation ham or citizen band radio antenna.

COUNCIL - The Borough Council of the Borough.

CONVENIENCE STORE - A business establishment, not exceeding five thousand (5,000) square feet of selling area that offers convenience goods for sale, such as pre-packaged or pre-prepared food items, tobacco, periodicals, and other household goods and may or may not offer the sale of fuel/energy for vehicles.

COVERAGE - That percentage of the lot covered by the building area.

DAY-CARE CENTER

1. **DAY-CARE CENTER, ADULT** - A facility licensed by the Commonwealth of Pennsylvania, located within a building, which building is not used as a dwelling, for the care, during part of a twenty-four (24) hour day, of adults who are handicapped, elderly or otherwise require such supervision and care.
2. **DAY-CARE CENTER, CHILD** - A facility licensed by the Commonwealth of Pennsylvania and located within a building which is not used as a dwelling and which is used for the care, during part of a twenty-four (24) hour day, of children under the age of sixteen (16), which may be accessory to a business or professional office.

DAY CARE HOME - Any premises other than the child's own home, operated for profit, in which child day care is provided at any one (1) time to four (4), five (5), or six (6) children, who are not relatives of the caregiver.

DBH – Diameter at Breast Height. Method for sizing a tree.

DEVELOPMENT AGREEMENT - A written agreement between the developer or applicant and the Borough which guarantees the completion of site improvements and

specifies the requirements for the posting of security.

DISTRICT, ZONING - A section of the Borough for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

DRY CLEANING AND LAUNDRY ESTABLISHMENT - An establishment for the pick-up of cleaned/laundered clothing that may or may not include the secondary activity of cleaning of clothing and fabric with chemical solvents rather than water.

DRY CLEANING PLANT - A building intended for the use of cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or my immersions only, in volatile solvents including, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

DWELLING - A building designed or used exclusively as the living quarters for one (1) or more families.

1. **GROUP** - A group of two (2) or more one-family, two-family or townhouse dwellings, multiple-family dwellings of multistory multiple-family dwellings occupying a lot in one (1) ownership and having common yards.
2. **LOW RISE OR GARDEN APARTMENT** - A building containing two (2) or more floors with each floor containing a series of individual dwelling units served by a common stairwell(s) or elevator. Access to the individual units is provided by a common interior corridor or hallway on each floor and access to the building is provided by one (1) or more common entrances. They are limited to three (3) stories in height by this Ordinance.
3. **MULTI-FAMILY** - A building containing three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each unit having its own exterior door or entrance door from an interior hall, but which may have joint services or facilities, or both.
4. **SINGLE-FAMILY DETACHED** - A detached building designed for or occupied exclusively by one (1) family.
5. **TOWNHOUSE** - A building developed for or occupied by not less than three (3) families living independently of each other in dwelling units that are attached side by side by an unpierced party wall, each with a separate and distinct entrance, and separate services or facilities, or both; and which may have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories in height, but may be either one (1) story or three (3) stories in height.
6. **TWO-FAMILY** - A building designed for or occupied exclusively by two (2) families living independently of each other, each with its own exterior entrance; also known as a duplex. The dwelling units may be attached by a common party wall or stacked with one (1) family living over the other.
7. **UNIT** - A building, or portion thereof, providing complete housekeeping facilities for one (1) family.

ARTICLE II RULES AND DEFINITIONS

DWELLING UNIT DENSITY - The total number of dwelling units per acre of land on the gross development area.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal departments, authorities, or commissions underground or overhead utility distribution systems, emergency systems, traffic circulation systems, or any other service system necessary for furnishing adequate service to the residents of the Borough, and similar equipment and accessories in connection therewith; including buildings necessary for the furnishing of adequate services for the public health, safety and general welfare, but excluding office buildings, the outside storage of equipment or maintenance depots.

FAMILY- an individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:

1. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to *persons* who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;
2. It provides for the joint occupancy of a *dwelling unit* where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;
3. Does not involve the housing of persons on a non-permanent basis;
4. Does not involve the housing or treatment of *persons* accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
5. Family shall not include *persons* living together in a *Group Care Home, Boarding House, Personal Care Home*, as defined herein or any other supervised group living arrangement for *persons* not protected by the Fair Housing Act or the Americans with Disabilities Act or any *persons* who constitute a direct threat to others or their physical lot.

FARMING – Activity related to agriculture, stock raising, dairy produce or allied industry.

FINANCIAL INSTITUTION - A business establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies such as banks, savings, loans, credit unions or check cashing establishments. Establishment may or may not offer a drive thru window.

FLOOD - A temporary inundation of normally dry areas.

FLOOR AREA RATIO – The total floor area (gross floor area) of all buildings or structures on a lot divided by the area of said lot.

FOOD PROCESSING AND PACKING PLANT - A business establishment producing, processing, and/or packing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products.

FUEL/ENERGY RECHARGE STATION - A business establishment that offers the sale of fuel / energy recharge for vehicles with or without convenience goods for sale, such as pre-packaged or limited prepared food items, tobacco, periodicals, and other household goods.

FUNERAL HOME - A building, including mortuaries, licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities equipment and rooms for the display of burial ceremonies for the deceased, but excludes crematories.

GARAGE, PRIVATE - An accessory building housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GROCERY STORE - A business establishment generally where most of the floor area is devoted to the full-service sale of pre-package food products, fresh produce, fresh meats and dairy for home preparation and consumption, other home care and personal care products and where on-site eating facilities are accessory to the established principal use.

GROSS FLOOR AREA - The total area of all floors of a structure computed by using the outside walls of the unit, excluding any space where the floor-to-ceiling height is less than seven (7) feet and excluding all areas used for underground parking.

HEALTH AND FITNESS RELATED ESTABLISHMENT - Any establishment having a source of income or compensation derived from offering a service to the public involving health, healing or fitness-related activities and providing or offering to provide physiological or psychological healing or therapy. This includes but is not limited to a health club, and public spa or public hot tub. This term shall not include any business or establishment operated for the practice of a profession which is licensed by the Commonwealth of Pennsylvania, such as physicians, dentists, nurses, podiatrists, chiropractors, physical therapists and similar occupations. Massage facilities shall constitute no more than five (5) percent of the floor area of the building.

HIGH TECHNOLOGY INDUSTRIES - A building or group of buildings devoted to the production or repair of electronic equipment.

ARTICLE II

RULES AND DEFINITIONS

HOME BASED BUSINESS, LOW IMPACT - a business or commercial activity carried on entirely within a building whose principal use is a single family dwelling whose impacts exceed those of a no-impact home-based business.

HOME BASED BUSINESS, NO IMPACT - A business administered or conducted 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 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 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. No on-site parking of commercially identified vehicles shall be permitted.
6. 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.
7. The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.
8. 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.
9. The business may not involve any illegal activity.

HOTEL/MOTEL

1. **HOTEL** - A business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. No cooking facilities, other than a microwave or toaster oven, may be permitted in any sleeping room. Accessory shops, restaurants, swimming pool, fitness center, spa, services and conference centers catering to the general public can be provided where conference rooms and banquet halls are also be available for rent. Supervision is provided in shifts twenty-four (24) hours a day by an on-site manager.
2. **MOTEL** - A business establishment inclusive of a building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances, open year-round and designed for temporary occupancy, primarily for transient automobile travelers. Structures shall provide for

accessory off-street parking areas. Supervision is provided in shifts by twenty-four (24) hour on-site management.

IMPERVIOUS SURFACE COVERAGE - The percentage of the total lot area which is covered by buildings, parking lots and driveways.

KENNEL - A structure and/or premises where four (4) or more dogs or cats or any combination of dogs and cats totaling four (4) animals which are six (6) months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

LANDFILL, CONSTRUCTION/DEMOLITION WASTE - A facility using land exclusively for the disposal of construction/demolition waste. The term includes land affected during the lifetime of the operations, including, but not limited to, areas where disposal activities actually occur, support facilities, borrow pits, offices, equipment sheds, air and water pollution control and treatment systems, access roads/streets, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to the operation of the facility.

LANDFILL, MUNICIPAL WASTE - A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads/streets, associated on site and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. This term does not include a construction/ demolition waste landfill.

LIFE CARE FACILITY - A health care facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family, assisted living, personal care, nursing home to hospice care units to congregate living where residents may or may not share common meals and culminating in a full health and continuing care nursing home facility.

LOADING SPACE - A space within the main building or on the same lot therewith providing for the standing, loading or unloading of vehicles.

LOT AREA - That area measured on a horizontal plane and bounded by the front, rear and side lot lines, exclusive of any area within a street right of way.

LOT, CORNER - A lot at the junction of two (2) or more intersecting streets and having frontage on two (2) or more such streets.

LOT COVERAGE - That percentage of the lot covered by the principal and accessory buildings.

LOT, DEPTH OF - The horizontal distance between the front lot line and the rear lot line, measured midway between the side lot lines.

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

ARTICLE II

RULES AND DEFINITIONS

LOT LINE, FRONT - That line which bounds the lot contiguous with the public or private street right-of-way line.

LOT LINE, REAR - The lot line which is most distant from and is most parallel to the front lot line.

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

LOT, THROUGH - A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

LOT WIDTH - The dimensions of a lot measured between the side lot lines on the building line.

MANUFACTURING/FABRICATION - The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

1. **MANUFACTURING/FABRICATION, HEAVY** - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products not otherwise defined as light manufacturing.
2. **MANUFACTURING/FABRICATION, LIGHT** - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

MASSAGE - Any process consisting of kneading, rubbing or otherwise manipulating the skin of the body of a human being either with the hand or by means of electrical instruments or apparatus or other special apparatus, but shall not include massages by duly licensed physicians, osteopaths, chiropractors, psychotherapist, psychologist, registered nurses and practicing nurses operating under a physician's directions, registered speech pathologists and physical or occupational therapists who treat only patients recommended by a licensed physician and who operate only such physician's direction; nor shall this definition include any massage of the face or neck practiced by beauticians, cosmetologists and barbers duly licensed.

MECHANICAL REPAIR, LARGE - A business establishment designed or used for the maintenance of large mechanical items such as tractors, washers, dryers, etc.

MECHANICAL REPAIR, SMALL - A business establishment designed or used for the maintenance of small mechanical items such as hedge trimmers, musical instruments, etc.

MEDICAL OR DENTAL CLINIC - A building or structure where two (2) or more licensed medical professionals provide diagnostic health, medical, dental, surgical and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses shall have access only from the interior of the building or structure, and provided further that any facility for methadone treatment or other equivalent treatment programs approved by the Pennsylvania Department of Health shall be considered a medical clinic use.

MINI-WAREHOUSE - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property. No sales, service or repair activities other than the rental of dead storage units are permitted on the premises.

MIXED USE (RESIDENTIAL/NON-RESIDENTIAL) - A lot(s) or building(s) on or in which various land uses are combined as an integrated development. If the development includes non-residential uses, no less than twenty five (25) percent of the total development shall be a residential use(s).

MOBILE HOME PARK – Any parcel of land or portion thereof which is used or offered for use as a location for one or more mobile homes.

MODULAR HOME - A dwelling unit constructed in accordance with local building code standards, composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a required permanent foundation. A modular home constructed for use as a single family dwelling unit shall be considered a single family dwelling for the purposes of this Ordinance.

MUNICIPAL BUILDING - An administrative building of the municipality.

MUNICIPAL USE – Any purpose of a lot, building, or structure that whose purpose pertains to the function of the municipality.

NIGHTCLUB - A business establishment which may or may not dispense food and/or beverages for consumption on the premises and where a dance floor or entertainment (excluding adult entertainment) is provided.

OFFICE – offices shall be limited to the following:

1. **OFFICE, BUSINESS** - a business establishment that generally operates on a first-come, first-serve basis and has relatively high pedestrian or customer traffic throughout the year including utility payment centers, advertising agencies, manufacturing representatives, personnel agencies, travel and ticket agencies and the like; a business establishment that serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of recognized professionals 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 institution.; or an office of a governmental agency, social

ARTICLE II

RULES AND DEFINITIONS

service organization, notary, public or private utility, political organization or the like not including a municipal facility.

2. **OFFICE, MEDICAL** - a building or a series of buildings or rooms where the full time equivalent of up to four (4) principal health care providers and the full time equivalent of up to three other health care providers practicing on the premises at any given time, exclusive of administrative or clerical staff, provide diagnosis and treatment to the general public without overnight observation or outpatient surgical services. A medical office may include such uses as reception areas, offices, examination rooms and x-ray rooms, provided that all such uses have access only from the interior of the building. The term may include but is not limited to the practice of a licensed physician, dentist, podiatrist or chiropractor.
3. **OFFICE, PROFESSIONAL** - Any office of recognized professions, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others who, through training, are qualified to perform services of a professional nature.

OFFICIAL MAP - A map adopted by the Borough pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

ONE HUNDRED YEAR FLOOD - A flood that, on the average, is likely to occur every hundred (100) years and has a one percent (1%) chance of occurring each year, although the flood may occur in any year.

OVERLAY ZONE - A special zoning district with a set of requirements that are described in the Ordinance text, is mapped, and is imposed in addition to those of the underlying district.

PARK/PLAYGROUND - A publicly owned area designed to principally offer recreation, either active or passive.

PARKING SPACE - An off-street parking area available for the parking of one (1) motor vehicle and having passageways and driveways appurtenant thereto and giving access thereto and having a direct access to a street or alley.

PAVING - Concrete or bituminous wearing surfaces with appropriate base consistent with sound engineering practices. "Paving" shall not include tar and chip and other similar practices.

PERSONAL SERVICES - A business enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barbershop, beauty parlors and related activities.

PLACE OF ASSEMBLY - A building and/or lot that is designed for the assembly or collection of persons, for civic, political, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. See also **ASSEMBLY HALL**. A place of assembly does not include a private club or adult oriented business.

PLACE OF WORSHIP - a building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

PLANNED RESIDENTIAL DEVELOPMENT - A residential development whose essential features are a definable boundary, a consistent, but not necessarily uniform, character, and with overall control during the development process by a single development entity.

PLANNING COMMISSION-The Planning Commission of the Borough.

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

PRIVATE RECREATION DEVELOPMENT - A facility which provides for active recreation for an established fee to the public or private membership. Included are tennis courts, playgrounds, swimming pools, golf driving ranges and similar facilities.

PUBLIC - Owned, operated or controlled by a government agency, federal, state or local.

PUBLIC PARKING LOT - An off-street parking area on the surface of a lot which is the principal use on the lot, which may be operated either by a public agency or private entity, whether for profit or not, and which is available for use by the general public.

PUBLIC UTILITY BUILDING - A building, or portion thereof, which is a part of the distribution system of a utility company.

RECREATIONAL CENTER - A site where the principal use is a private recreation development as defined in this Ordinance or a public park or public facility.

RECREATIONAL FACILITIES, PRIVATE - A business establishment, owned by a private-sector entity(ies), generally intended for use by all ages that provides recreation or entertainment including but not limited to swimming pools, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

RECREATIONAL FACILITIES, PUBLIC - Swimming pools, skating rinks, recreational centers and other recreational areas and facilities (excluding golf courses) owned and/or operated by the Borough or other public-sector entity.

REGULATORY FLOOD ELEVATION - The hundred-year-flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

RESEARCH AND DEVELOPMENT - A building or group of buildings, including incubator facilities, but not medical laboratories, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured solely when necessary for testing, evaluation, and test marketing. This usage excludes the use of toxic, biological, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids.

RESTAURANT

ARTICLE II

RULES AND DEFINITIONS

1. **RESTAURANT, DRIVE-THRU** – A business establishment that delivers prepared food and/or beverages to customers in motor vehicles regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles for consumption either on or off the premises.
2. **RESTAURANT, TAKEOUT** - A business establishment that offers quick food service for consumption on or off the premises which is accomplished through a limited menu of items already prepared and held for service or prepared, fired or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
3. **RESTAURANT, SIT DOWN** - A business establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

RETAIL BUSINESS ESTABLISHMENT – Any business establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products.

1. **MAJOR** – A Retail Business Establishment having greater than or equal to ten thousand (10,000) square feet.
2. **MINOR** – A Retail Business Establishment having less than ten thousand (10,000) square feet.

SCHOOL, COMMERCIAL - Any educational facility offering the majority of its instruction to adults in subjects that normally would be offered to provide for training in a trade or vocation.

SEAT - Space provided for one (1) individual to sit as provided for by the latest edition of the Building Code adopted by the Borough.

SECONDARY STREET - A public street or alley located at the rear of a Through Lot which provides a second means of access to the lot and which is used primarily for access to off-street loading and off-street parking facilities for the lot.

SEMIPUBLIC USES - Places of worship, parochial schools, private schools, parsonages, colleges and other similar institutions of an educational, religious, charitable or philanthropic nature.

SIGN - Any structure or device used to attract attention by word or graphic display.

SIGN AREA - The entire area upon which graphic or written material or information is placed for viewing from a single direction.

SIGN, BANNER - Any sign hung either with or without frames, having characters, letters, illustrations, or ornamentation applied to paper, plastic or fabric of any kind.

National flags, flags of political subdivisions, and symbolic flags on any institution or business are not considered banners. Signs attached to vehicles are considered banner signs.

SIGN, BUSINESS IDENTIFICATION - A sign whose purpose is to attract attention to a business establishment or its wares including decorative and ornamental signs or those bearing script except for informational signs.

SIGN, DIRECTIONAL - A sign, located on premises, providing information of traffic circulation pattern within a parking facility.

SIGN, FREESTANDING - Any sign supported permanently on the ground, by varied means, and not attached to any building or structure whose purpose is not to support such sign. Freestanding signs shall include, but are not limited to "ground" signs, Monument" signs.

MARQUEE - Any permanent sign structure attached only to the wall of a building and extended over areas intended for public pedestrian and/or vehicular traffic when such structure is primarily for shelter rather than advertising.

SIGN, OFF-PREMISE - A sign that draws attention to, or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the location of the sign.

SIGN, PERMANENT - A sign affixed to a building or to the ground with a permanent foundation.

SIGN, PRICING AND INFORMATIONAL - A sign permanently fixed and located on premises providing a description of prices and services at that location. Included are menu boards, price listings and similar signs.

SIGN, PROJECTING - Any sign supported by a building wall and attached along one (1) edge or by a bracket perpendicular to the wall surface, projecting more than six (6) inches from the wall.

SIGN, TEMPORARY - Any sign used for a circumstance, situation, or event designed, intended or expected to take place or finish within thirty (30) consecutive days. Real estate signs are temporary signs, but are exempt from the thirty (30) day requirement.

SIGN, WALL - Any sign attached flat against a building wall surface, projecting no more than six (6) inches from the wall.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

SUITABLE GROUND COVER - A vegetative or decorative stone groundcover that is commonly accepted for use in this region by the American Association of Nurserymen for landscaping strips and similar uses as specified in Ground Covers for North America (American Association of Nurserymen).

ARTICLE II

RULES AND DEFINITIONS

TAVERN - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served only as accessory use, where live entertainment (not including adult entertainment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

USE - The specified purpose for which land or a building is designed, arranged, intended or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VETERINARY CLINIC – Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats and other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the treatment of the animal.

WAREHOUSE - A building or structure used for the storage and handling of goods, materials, freight, or merchandise awaiting sale on another lot or location, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty (30) percent of the total floor area of the retail establishment shall be excluded from this definition. Incidental sales may occur on the lot.

WHOLESALE - Any building or lot, or portion thereof, which the principal use is for the selling of large volumes of goods to customers in specialized trades or professions.

YARD - A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Ordinance.

YARD, FRONT - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the front lot line and the building line.

YARD, REAR - A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings, uses or structures, the depth of which is the least distance between the rear lot line and the rear of such building. In the case of through lots, the rear lot abutting the street shall provide a yard equal to the front yard of the applicable zoning district.

YARD, SIDE - A yard between the principal building and the side lot line, extending between the rear yard line and the front yard line unoccupied other than by accessory buildings, uses or structures. In the case of corner lots, the side abutting a street shall provide a yard equal to the front yard of the applicable zoning district or equal to an established building line.

ZONING CERTIFICATES - A document certifying the zoning classification of a particular piece of property.

ZONING DISTRICT - See "DISTRICT, ZONING".

ZONING MAP – The official Zoning Map of the Borough.

ARTICLE III
DISTRICT PURPOSES

301 PURPOSE STATEMENTS

- A. The purpose of the Residential-1 Residential District is to provide for agricultural uses and large lot, low density residential development and use.
- B. The purpose of the Residential-2 Residential District is to provide for low to medium density residential development and use.
- C. The purpose of the Residential-3 Residential District is to provide for medium density residential development and use through the provisions of a variety of housing types including single- family and two-family dwellings as well as townhouses, and garden apartments within the framework of a planned residential development.
- D. The purpose of the Residential-4 Residential District is to provide for high density residential development and use.
- E. Purpose: The purpose of the Planned Economic Development District (PEDD) District is to provide for the development of larger tracts of land with mixed uses including: high technology industry, research and development facilities, office complexes, high density residential uses and hotels/motels in order to promote and maintain desirable economic development in a park-like setting. The provisions of this District are intended to:
 - 1. Promote development that will aid in the economic development of the Borough and create employment opportunities for the residents of the Borough and the surrounding community.
 - 2. Establish and maintain high development standards to provide for an aesthetically attractive working environment.
 - 3. Encourage originality, flexibility and innovation in the development of mixed use facilities.
 - 4. Encourage development that is compatible with and complementary to nearby commercial and residential areas.
- F. The purpose of the Business District is to provide convenience shopping and services within a reasonable distance of all residents on properties which are located on arterial streets near residential development and which are of sufficient size to provide an integrated, coordinated and attractive non-residential development.
- G. The purpose of the Industrial District is to encourage the development of manufacturing or similar industrial-oriented activities and use.
- H. The purpose of the C-1 District is to accommodate open space and recreation activities and use.

ARTICLE III **DISTRICT PURPOSES**

302 LAND USES

The uses permitted in each Zoning District are set forth as follows:

P= Land Use Approval is Permitted by Right

C= Land Use Approval is with Conditional Use

	Residential-1	Residential-2	Residential-3	Residential-4	PEDD	Business	Industrial
Dwelling, Multi-family				P			
Dwelling, Single-family detached	P	P	P	P			
Dwelling, Townhouse				P			
Dwelling, Two-family		P	P	P			
Mobile Home Park				C			
Planned Residential Development (which may include uses identified for the respective district)	C	C	C	C			
Adult Oriented Business							C
All Other Uses						C	C
Automobile Repair							C
Automobile Sales and Service							C
Bakery						P	
Bed and Breakfast					C	C	
Beverage Distribution							C
Biomedical Operation							C
Building Materials Sales and Storage Yard							C
Bulk Materials or Machinery Storage							C
Business Services					C	C	
Catering					C	C	
Collection and Recycling Facility							C
Commercial School					C	C	
Convenience Store					C	C	
Day Care Center (Adult/Child)					C	C	
Day Care Home	C	C	C	C			
Dry Cleaning and Laundry Establishment						P	
Dry Cleaning Plant							C
Essential Services	P	P	P	P	P	P	P
Financial Institution					C	C	
Food Processing and Packaging Plant							C
Fuel/Energy Recharge Station						C	C
Funeral Home						P	
Grocery Store						C	
Health and Fitness Related Establishment						C	
High Tech Industry					C		

**ARTICLE III
DISTRICT PURPOSES**

Land Use (con't).

	Residential-1	Residential-2	Residential-3	Residential-4	PEDD	Business	Industrial
Home Based Business, Low Impact	C	C	C	C	C		
Home Based Business, No Impact	P	P	P	P	P		
Hotel/Motel					C	C	
Kennel							C
Lifecare Facility						C	
Manufacturing/Fabrication (Heavy/Light)							C
Mechanical Repair							C
Medical or Dental Clinic							C
Mini-Warehouse							C
Mixed Use (Residential/Non-Residential)					P	C	
Municipal Building/Use						P	
Nightclub						C	
Office, Business					C	C	
Office, Medical					C	C	
Office, Professional					C	C	
Park/Playground	P	P	P	P	P	P	P
Personal Services						P	
Place of Assembly						C	
Place of Worship						C	
Recreation Facilities (Public)	P	P	P	P	P	P	P
Recreation Facilities (Private)			C	C	C		
Research and Development					C		
Restaurant (Sit Down/Drive Thru/Takeout)					C	C	
Retail Business Establishment, Major					C	C	
Retail Business Establishment, Minor					C	P	
Tavern						C	
Veterinary Clinic					C	C	
Warehouse							C

* C-1 (Conservation) District permits open space and public recreation, essential services, and agriculture.

ARTICLE III
DISTRICT PURPOSES

This page left intentionally blank.

303 DIMENSIONAL STANDARDS

The dimensional standards applicable in each zoning district are set forth as follows on the following page.

	R-1	R-2	R-3	R-4	PEDD	BUSINESS	INDUSTRIAL
LOT AREA							
Minimum Lot Area	1/2 Acre	1/4 Acre	1/5 acre	PRD Uses as specified for such use	1/2 acre	20,000 sq ft	40,000 sq ft
Floor Area Ratio	N/A				0.35	0.35	0.18
LOT WIDTH							
Minimum Lot Width	100 ft	75 ft	65 ft	PRD Uses as specified for such use	100 ft	100	100 ft
HEIGHT							
Maximum Height	Single Family Dwelling: 35 ft	Single-family Dwelling: 35 ft	Single-Family Dwelling: 65ft	Single Family Dwelling: 35 ft	50 ft	50 ft	50 ft
		Two-family Dwelling: 35 ft	Two-Family Dwelling: 65 ft	Townhouse: 35 ft			
	PRD Uses: 35 ft	PRD Uses: 35 ft		Garden Apartment: 3 stories or 35 ft			
Accessory Structures - Residentially oriented: 10 ft; non-residentially oriented = 20 ft							
YARD							
Minimum Front Yard Setback	Principal Structure: 30 ft	Principal Structure: 25 ft	Principal Structure: 20 ft	Principal Structure: 20 ft	50 ft	50 ft	50 ft
	Accessory Structure: 30 ft	Accessory Structure: 30 ft	Accessory Structure: 30 ft				
Minimum Side Yard Setback	Principal Structure, Interior Lot: 15 ft	Principal Structure, Interior Lot, Single Family: 25 ft aggregate per lot, 10 ft minimum	Principal Structure, Interior Lot, Single Family/Two Family: 20 ft aggregate per lot, 5 ft minimum	Single Family Dwelling, Interior Lot: 20 ft aggregate per lot, 5 ft minimum	Interior Lot: 15 ft	25 ft	20 ft
	Accessory Structure, Interior Lot: 10 ft	Principal Structure, Interior Lot, Two Family: 20 ft aggregate per lot, 10 ft minimum	Multi-Family Dwelling: 35 ft between townhouse buildings, 35 ft between townhouse and garden apartment buildings, 40 ft between garden apartment buildings	Multi-Family Building, Interior Lot: 35 ft between townhouse buildings, 35 ft between townhouse and garden apartment buildings, 40 ft between garden apartmentsTwo-family Dwelling, Interior Lot: 20 feet aggregate per lot, 5 ft minimum			
		Accessory Structure, Interior Lot: 15 ft		Townhouse Dwelling: 0 ft			
	Principal Structure, Abutting Street: 30 ft	Principal Structure, Abutting Street: 25 ft	Accessory Structure, Interior Lot: 15 ft	Two-family Dwelling, Interior Lot: 20 feet aggregate per lot, 5 ft minimum	Abutting Street: 50 ft		
	Accessory Structure, Abutting Street: 30 ft	Accessory Structure, Abutting Street: 30 ft	Accessory Structure, Abutting Street: 30 ft	Principal Structure abutting street: 20 ft			
Minimum Rear Yard Setback	Principal Structure: 35 ft	Principal Structure: 35 ft	Principal Structure: 35 ft	35 ft	25 ft or the building height, whichever is greater	20 ft	20 ft
	Accessory Structure: 10 ft	Accessory Structure: 10 ft	Accessory Structure: 10 ft				
Yard Adjoining Residential Use or Classification	N/A				20 ft	10 ft	20 ft
IMPERVIOUS SURFACE COVERAGE							
Maximum Area Coverage	Subdivision Lot: 35%	Subdivision Lot: 35%	Subdivision Lot: 35%	Subdivision Lot: 35 %	60% for mixed-use without residential dwellings 80% for mixed-use with residential dwellings	60%	60%
BUFFER							
Buffer Adjoining Residential Use or Classification	N/A				20 ft	10 ft	20 ft

304 ACCESSORY USES

An accessory building or use includes the following which are subordinate to the principal buildings or uses on the same lot:

- A. The following accessory uses are permitted in all residential zoning districts:
 - 1. Children's playhouse, garden house or private greenhouse.
 - 2. Civil defense shelter serving not more than two (2) families.
 - 3. Nonpaying guest house or rooms for nonpaying guests within an accessory building, provided such facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units.
 - 4. Caretaker's house.
 - 5. Home occupation.
 - 6. Off-street motor vehicle parking area; loading/unloading facility.
 - 7. Fence.
 - 8. Swimming pool, ornamental pool, tennis court, basketball court or similar private recreational facility.
 - 9. Borough maintenance.
- B. The following accessory uses are permitted in non-residential zoning districts as identified:
 - 1. The following accessory uses are permitted in the PEDD and Business Districts:
 - a. Uses and structures customarily accessory and incidental to a principal use unless prohibited or restricted elsewhere in this Section.
 - b. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of the construction work.
 - c. Retail uses and restaurants within a nonresidential building where the total floor area designated for retail and restaurant usage does not exceed twenty-five percent (25%) of the total gross floor area of the building.
 - d. Day Care facilities when part of a nonresidential building.
 - e. Recreational facilities such as swimming pools, saunas, game rooms, walkways, bicycle paths and similar uses when provided in association with a principal use within the same development.

ARTICLE III

DISTRICT PURPOSES

- f. Off-street motor vehicle parking area; loading/unloading facility.
 - g. Fence.
 - h. Storage of merchandise normally carried in stock on the same lot or parcel of ground with any commercial or industrial use unless such storage is specifically prohibited by the other provisions of this Ordinance.
 - i. Air conditioners and heat exchangers.
 - j. Dumpsters.
 - k. Borough maintenance.
2. The following accessory uses are permitted in the Industrial District:
- a. Uses and structures customarily accessory and incidental to a principal use unless prohibited or restricted elsewhere in the Borough.
 - b. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of the construction work.
 - c. Off-street motor vehicle parking area; loading/unloading facility.
 - d. Fence.
 - e. Storage of merchandise normally carried in stock on the same lot or parcel of ground with any non-adult-oriented, non-residential use unless such storage is specifically prohibited by the other provisions of this Ordinance.
 - f. Air conditioners and heat exchangers.
 - g. Dumpsters.
 - h. Borough maintenance.

305 DEVELOPMENT STANDARDS

- A. PEDD - All development must meet the following standards in addition to other applicable standards found elsewhere in this Ordinance.
- 1. All principal uses are required to occur within a completely enclosed building.
 - 2. Landscaping:
 - a. Front Yard: A minimum of fifty percent (50%) of the front yard area is to be landscaped with grass, trees, shrubs or other appropriate live planting, and maintained as a green area.
 - b. Side Yard: A minimum of ten percent (10%) of the side lot area areas in combination are to be landscaped with grass, trees, shrubs or other appropriate live planting, and maintained as a grass area.

- c. Rear Yard: All unpaved areas shall be landscaped with a minimum of an appropriate ground cover.

3. Construction Materials:

No building shall be erected in any commercial district whether main or access or which has any part of its exposed exterior wall surface composed on concrete block or cinder block except as herein set forth. Exposed exterior surfaces on any such building shall be composed of the following materials only, unless additional materials are reviewed and approved by the Borough's Planning Commission to be of equal or superior quality and aesthetic character when used under the circumstances proposed. Brick, stone, glass, marble, wood (only as approved by the Planning Commission), metal (only as approved by the Planning Commission) and architecturally aced concrete block (only as approved by the Planning Commission).

4. Waste Areas:

All trash areas and dumpsters must be screened from view of any public street. Screening plans must be approved by Council.

5. Other Requirements:

All other general development requirements including, but not limited to, parking, signage and storm water detention, specified elsewhere in this Ordinance must be met.

B. Business Development Standards. All development must meet the following standards in addition to other applicable standards found elsewhere in this Ordinance.

1. Soil Suitability:

All applicants of proposed developments must demonstrate that the soils are suitable for the proposed use. Suitability shall be based upon standards established by the Soil and Conservation Service and the Borough's Consulting Municipal Engineer. The Planning Commission may require the applicant to submit a soils suitability report prepared by a registered engineer.

2. Use as Open Areas:

- a. When a subdivision lot includes portions of land zoned Business, the Business portion may be used to meet the requirements for open space, yard areas or buffer areas for the other district use, subject to all applicable provisions.

3. Other Requirements:

All other general development requirements including, but not limited to, parking, signage and storm water detention, specified elsewhere in this Ordinance must be met.

ARTICLE III
DISTRICT PURPOSES

This page left intentionally blank.

ARTICLE IV
OVERLAY DISTRICTS

401 FLOOD PLAIN AND FLOODWAY DISTRICT

A. Establishment of Districts:

The Zoning Map of the Borough includes the following overlay districts and context of any applicable 100-year floodplain designations:

1. Floodway (FW)
2. Floodway Fringe (FW)
3. General Floodplain Plain Area (FF).

The boundaries of these districts shall coincide with the flood boundary and floodway shown on the Flood Insurance Rate Map (FIRM) effective April 1, 1982, as prepared by the Federal Emergency Management Agency. No change in the boundaries of these districts shall be made unless approved by the properly designated federal agency which administers floodplain regulations. Furthermore, these zones shall be the same as those used under the administration of any Borough Floodplain Ordinance.

B. Regulations:

1. All regulations established by any Borough Floodplain Ordinance are hereby adopted as the regulations for this District. All other zoning regulations in effect for the underlying District shall also be applicable. In the case the overlay and underlying regulations conflict, the most restrictive of the regulations shall apply.
2. Any definitions specified in any Borough Floodplain Ordinance shall apply in the administration of the flood plain district regulations and shall govern in the case of a conflict with any other definitions in this Ordinance.

**ARTICLE IV
OVERLAY DISTRICTS**

This page left intentionally blank.

ARTICLE V

PLANNED RESIDENTIAL DEVELOPMENT (PRD)

501 GENERAL PROVISIONS

A. Purposes:

This Article is enacted to:

1. Promote utilization of land not conducive to development on a lot by lot basis;
2. Encourage innovation in residential development in accordance with the changing technology of land development;
3. Promote flexibility in design and permit planned diversification in the location of structures;
4. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities;
5. Preserve, to the greatest extent possible, the existing landscape features and amenities and to utilize such features in a harmonious fashion;
6. Provide for more usable and suitable located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
7. Combine and coordinate architectural styles, building forms and building relationships within the Planned Residential Development; and
8. Insure a quality of construction commensurate with other development in the Borough.

B. Coordination:

1. The Planned Residential Development (PRD) provisions of this Ordinance shall be administered by the Borough Council which shall review all applications on the basis of the specified standards, conditions, regulations and procedures. The Borough Council shall conduct public hearings and have final authority to approve, modify, or disapprove development plans.
2. The developer shall obtain required approvals for Planned Residential Development projects by a two-step process which shall consist of the following:
 - a. Application for tentative approval; and
 - b. Application for final approval, where tentative approval has been granted.
3. The application for tentative and final approval of a development plan for a Planned Residential Development described in this Article shall be in lieu of all other procedures or approvals otherwise required pursuant to Section 1002, Site Plan Review Procedures.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

C. Interpretation:

It is the intention in those instances where this Article may be directly conflicting with other provisions of this Zoning Ordinance, the provisions of this Article shall control. The provisions of this Article shall be construed as the minimum requirements governing the evaluation and approval of proposals for Planned Residential Developments.

502 ELIGIBILITY REQUIREMENTS

No application for approval of a PRD shall be considered or approved unless the following conditions are met:

A. Tract Size:

The tract proposed for a PRD shall consist of an aggregate land area of at least ten (10) acres, except in the Residential-4 District.

B. Ownership Requirements:

Application for tentative approval of a PRD shall be filed by or on behalf of the landowner (as defined by the PA Municipalities Planning Code). The applicant shall provide evidence of such ownership in a form satisfactory to the Borough Solicitor and Borough Council at the time of application.

C. Comprehensive Plan Consistency:

All proposals for a PRD shall be accompanied by a statement submitted by the applicant. Such statement shall outline the social, economic and environmental impact of the PRD on the surrounding area and the Borough as a whole.

503 PERMITTED USES

The uses permitted within a PRD are limited to those specified for the given Zoning District within this Ordinance.

504 DESIGN STANDARDS

A. Density:

1. Residential:

- a. The maximum allowable gross residential density shall conform to the density permitted in the underlying zoning district in which the PRD site is located. These densities are repeated in the following table.

<u>Zoning District</u>	<u>Density</u>
Residential-1	2 units/acre*
Residential-2	4.0 units/acre *
Residential-3	7.0 units/acre *
Residential-4	15.0 units/acre*

*Density may be increased in accordance with the density bonus provisions stated in Section 504(B) of this Ordinance.

2. Commercial :

- a. No commercial development shall be permitted except when a PRD site exceeds fifty (50) acres and until over fifty percent (50%) of the site is occupied or more than one-hundred (100) units are occupied, whichever occurs first.
- b. The maximum amount of commercial development shall not exceed one thousand (1,000) square feet of gross floor area for every fifty (50) residential dwelling units proposed.

3. Common Open Space:

- a. Common open space shall comprise at least twenty-five percent (25%) of the gross site area of the total site of the PRD.
- b. Of the required open space area, not more than thirty percent (30%) may be designed to be covered by water.
- c. All common areas shall be reserved as permanent open space, except where structures are required to fulfill the educational, cultural, recreational or civil pursuits of the residents of the PRD.
- d. Recreational facilities or structures and their accessory uses located in common open space areas shall be considered improved open space as long as the facilities are appropriate to the natural setting and the total impervious surface area constitutes no more than five percent (5%) of the total common open space.

B. Density Bonus Provisions:

For a PRD located in the Residential-1, Residential-2, Residential-3 and Residential-4 Districts, the character, identity, architectural features, design details and siting variations incorporated into a PRD shall be considered cause for a density increase not to exceed forty percent (40%) of the gross residential density allowed in the underlying district. The amount of density increase which the Borough Council may approve shall be determined according to the procedures outlines in the "Planned Residential Development Density Bonus Worksheet" incorporated into this Ordinance as Appendix A.

C. Lot Size:

1. Residential uses permitted in a PRD shall have no minimum lot area or dimensional requirements other than those sufficient to accommodate the use relative to other uses.
2. Nonresidential uses permitted in a PRD shall have no minimum lot area or dimensional requirements other than those sufficient to accommodate the use relative to other uses.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

D. Environmental Considerations:

1. The developer shall take every precaution to preserve the natural site amenities and to minimize the disturbance to the natural environment.
2. The development will be designed and programmed so as to minimize earthmoving activity, erosion, tree clearance and the destruction of natural amenities
3. Existing trees shall be preserved wherever possible. The location of trees must be considered when planning the common open space, location of buildings, underground service, walks, paved areas, playgrounds, parking areas and finished grade levels.
4. Seeding, sodding and other planting shall be applied to stabilize topsoil.
5. Erosion control measures such as minimizing the area of exposed soil, mulching, building silt catchment basins and planting temporary ground cover shall be instituted as necessary.
6. To insure the preservation of topography, trees and ground cover, natural bodies of water and other significant natural features, a detailed landscaping plan and an erosion control and sedimentation plan will be required at the time of initial plan submission.

E. Site Considerations:

1. All dwelling units shall be designed with regard to topography and the natural features of the site. Orientation to the prevailing winds and the sun in the physical layout and form of the proposed dwelling units shall be taken into account.
2. All dwelling units shall be sited so as to enhance privacy and to insured natural light for all principal rooms.
3. Variations in setbacks shall be provided where necessary to create a more pleasing site design. A minimum variation of five (5) feet in setback from a line drawn parallel to the cartway from the front of the building is required when more than two (2) buildings are the same distance from any street or off-street area used for parking of vehicles of occupants or visitors of more than one (1) dwelling.
4. The minimum distance between buildings shall be as prescribed in the following table:

	<u>Townhouse</u>	<u>Low Rise/Garden Apt.</u>
Townhouse	30	35
Low Rise/Garden Apt.	35	40

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

5. Dwelling units and other facilities near the periphery of the PRD shall be designed so as to be harmonious with contiguous neighboring areas.
6. No structure shall be within twenty-five (25) feet of the cartway of a private street or within ten (10) feet of any off-street area used for parking of vehicles of occupants or visitors of more than one (1) dwelling.
7. No structure, except single family detached houses, shall be closer than fifty (50) feet from the property lines at the perimeter of the PRD (including the front property line). A planting strip of at least twenty (20) feet shall be provided along all property lines at the perimeter of the development where necessary to protect the privacy of neighboring areas. Single family detached houses shall be at least thirty-five (35) feet from the perimeter boundary of the PRD site.

F. Traffic Circulation:

1. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Local streets within the PRD shall not connect to streets outside the development in such a way to encourage their use by through traffic.
2. Planned Residential Developments will be so located with regard to major thoroughfares and use outside the PRD so that traffic congestion will not be created by the proposed development or will be obviated by presently projected improvements off-site, and that uses adjacent to such thoroughfares will not be adversely affected. The developer of a PRD may be required to pay for all or a portion of the cost of off-site traffic improvements which are required in part to the development of the PRD.
3. Pedestrian circulation systems and related walkways shall be isolated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, commercial areas and other uses which generate a considerable amount of pedestrian traffic.
4. All access control standards specified in Article VII of this Ordinance shall apply to all public and private streets within a PRD.

- G. When potable water is to be supplied by other than private wells owned and maintained by individual owner of lots within a PRD, evidence must be submitted to Borough Council to demonstrate that the PRD will be supplied by a certified public utility, a bonafide cooperative association of lot owners or by a municipal corporation, authority or utility. Acceptable evidence includes the following, as appropriate: a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for said Certificate; a Cooperative Agreement; or a written commitment or agreement to serve the area(s).

H. Parking and Storm Water Detention Facilities:

1. All parking facilities shall meet the standards specified in Article VII of this Ordinance.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

2. All storm water detention requirements specified in Article VIII of this Ordinance shall apply to development of a PRD.

I. Signs:

1. All sign regulations specified in Article VI of this Ordinance shall apply to a PRD development: Residential portions of a PRD shall be limited to signs specified in Section 604, Signs in Residential and Conservation Districts. Any commercial portions of a PRD shall be limited to signs specified in Section 605, Signs in Other Districts except that no free standing signs are permitted.

J. Design and Construction Improvements:

1. Design and construction standards for streets, curbs, drainage, sewage, water and other facilities shall be governed by the Borough Subdivision Ordinance.

K. Building Sizes:

1. The number of units per building shall not exceed the following:
 - a. Townhouses, Residential-1 District: Four (4) units per building.
 - b. Townhouses, Residential-2, Residential-3 and Residential-4 Districts: Varied in such proportion that no more than twenty percent (20%) of the buildings have eight (8) units per building; nor more than forty percent (40%) of the buildings have six (6) units per building; and the remainder (40% or more) have four (4) units per building.
 - c. Low Rise or Garden Apartments: Twenty-four (24) units per building in any District.
2. The maximum length of residential buildings shall not exceed one-hundred- fifty (150) feet for townhouse buildings or two-hundred (200) feet for garden apartment buildings.
3. The maximum height for single family detached dwellings and townhouses shall be thirty-five (35) feet. The maximum height of garden apartments shall be forty-five (45) feet. Accessory structures to residential buildings shall not exceed twenty (20) feet in height.

L. Staged Development:

A developer may construct a PRD in stages if the following criteria are met:

1. The application for tentative approval covers the entire PRD and shows the location and approximate time of construction for each stage.
2. At least twenty percent (20%) of the dwelling units in the PRD given tentative approval are included in the first stage.
3. At least fifty percent (50%) of the dwelling units in any stage are occupied before any commercial development shown in that stage can be occupied.

4. The second and subsequent stages shall be consistent with the tentatively approved plan. In no event shall the second or any subsequent stages contain less than twenty percent (20%) of the dwelling units receiving tentative approval.
5. Gross residential density may be varied from stage to stage. However, final approval shall not be given to any stage if the net density of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds, by more than ten percent (10%), the gross density allowed for the entire PRD in the tentatively approved plan. Where it is necessary to allocate open space to early stages to avoid exceeding the maximum gross residential density, the developer will be required to establish said open space in the manner prescribed in the tentative approval.

505 STANDARDS FOR LOCATION & MAINTENANCE OF COMMON OPEN SPACE

A. Location of Common Open Space:

The location of common open space is delineated south of State Route 228 by the land area designated on the Zoning Map as C-1 –Conservation District.

Common open space shall be distributed more or less equitably throughout the PRD in relation to the dwelling units of the people they are intended to serve and consistent with good design principles. Common open spaces shall not be isolated in one corner of the PRD, but shall be highly accessible to all residents.

B. Ownership of the Common Open Space:

There shall be provisions which insure that the common open space land shall continue as such and be properly maintained. The developer shall undertake one of the following:

1. Dedicate such land to public use if the Borough or another public agency indicated it will accept such dedication;
2. Retain ownership and responsibility for maintenance of such open space land; or
3. Provide for and establish one or more organizations for the ownership and maintenance of all common open space.

In the case of (3) above, each organization shall be a nonprofit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

In cases where the Borough will not be accepting ownership of recreation and open space areas, the landowner shall provide for an organization or trust for ownership, and maintenance. If the open space is deeded to a homeowner's association or a nonprofit corporation established on a membership basis, the developer shall file a declaration of covenants and restrictions that will govern the association.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

C. Home Owner's Association:

If a home owner's association or open space trust is formed, it shall be governed according to the following regulations:

1. The organization must be set up by the developer before the sale of any lots or the rental of any dwelling units within the development, and, if necessary, it must operate with financial subsidy by the developer.
2. All land not to be sold or developed shall be shown on the final recorded plan as "common open space" and shall be conveyed to the organization at the time of formation.
3. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
4. The organizations shall be responsible for administration, maintenance, insurance and 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 procedures established by them.
6. The organization shall have or hire adequate staff to administer common facilities and maintain common open space.
7. The organization shall not be dissolved nor shall it dispose of the common open space by sale or otherwise, except to another organization conceived and established to own and maintain the common open space, without first offering to dedicate the same to the public.
8. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the homeowner's association fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice and may take the necessary actions to correct the deficiencies and assess the cost incurred in accordance with Article VII of the Municipalities Planning Code.
9. Requirements of the Uniform Planned Community Act shall apply.

506 APPLICATION PROCEDURES

A. Application for Tentative Approval:

1. The application for tentative approval shall be filed by or on behalf of the landowner with the Zoning Officer. The application for tentative approval shall be filed by the landowner in such form upon the payment of such fee as specified by resolution of the Borough Council. A completed application shall be deemed to be accepted when all required documentation has been filed with the Borough and all fees required herein are paid. The applicant shall be responsible for the

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

cost of review by the Borough Engineer, Borough Solicitor, Borough staff and any outside consultant whose expertise may be required.

2. The application for tentative approval shall include documentation illustrating compliance with all of the standards for PRD as set forth in this Article, and, where necessary, the Borough Council shall order such additional documentation as they may deem necessary to aid them in their review. Ten (10) copies of all information required for tentative approval, including the application, shall be submitted to the Zoning Officer fourteen (14) days prior to the next scheduled Borough Council meeting. A completed application shall be deemed to be accepted when all required documentation has been filed with the Borough and all fees required herein are paid.
3. Required documentation shall include, but is not limited to the following:
 - a. A legal description of the total site proposed for development including the names and addresses of present owners and the names and addresses of all owners of adjacent property;
 - b. A written statement by the landowner setting forth the reasons why, in his opinion, a Planned Residential Development would be in the public interest and would be consistent with the comprehensive development plan of the Borough;
 - c. A statement of the owner's intentions with regard to the future selling or leasing of all or portions of the Planned Residential Development, such as land areas, dwelling units, or buildings;
 - d. A statement regarding the density of land use to be allocated to parts of the site to be developed;
 - e. The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
 - f. The location, function and size of the common open space and a statement of ownership and maintenance of common open space;
 - g. The use and the approximate height, bulk and location of buildings and other structures;
 - h. The substances of covenants, grants of easements, or restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed grants and/or easements for public utilities;
 - i. Statement regarding the feasibility of proposals for the disposal of sanitary sewage and storm water;
 - j. In cases where the development plans call for development over a period of years, a schedule and site plan showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed; and this schedule must be updated annually, on the anniversary of its approval, until all development is completed and accepted;

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

- k. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources;
 - l. All items required on site plans as specified in Article X of this Ordinance; and
 - m. Any other information required by Borough Council necessary to evaluate the character and impact of the proposed Planned Residential Development on the Borough and to indicate compliance with all provisions of this Article.
4. One (1) copy of the application and related information shall be submitted to the Butler County Planning Commission for review fourteen (14) days prior to the first Borough Council meeting when the Plan is to be considered. Proof of submittal to the Butler County Planning Commission must be submitted to the Borough prior to this meeting. The County Planning Commission is required to review and report to the Borough within thirty (30) days, or else forfeit the right to review.
- B. Public Hearing:
- 1. Within sixty (60) days after the filing of an application for tentative approval of a PRD pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Borough Council.
 - a. Written notice shall be given to the applicant, the Zoning Officer and such other persons as the governing body shall designate and any person who has made timely request for the same: Written notice stating the time and place of the hearing and the particular nature of the matter to be considered at the hearing shall be distributed to the above parties not less than thirty (30) days nor less than seven (7) days from the date of the hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
 - b. 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 Council. Council may require all persons who wish to be considered parties enter appearances in writing on forms provided by Council for that purpose.
 - c. The President of Council, or, in his absence, the acting Vice President of Council or its designated agency may conduct the hearing, administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents required by the parties.
 - d. All parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues. All testimony by witnesses at any hearing shall be given under oath.

e. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

2. A stenographic record of the hearing shall be made by the Borough Council. The appearance fee for the stenographer shall be shared equally by the applicant and the Council. The cost of the original transcript shall be paid by the person requesting it and the cost of additional copies shall be borne by the party (ies) requesting such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.
3. The Borough Council may continue the hearing from time to time provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
4. Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

C. Report of Findings on Application for Tentative Approval:

1. The Borough Council, within sixty (60) days following the conclusion of the public hearing provided for in this Article, shall, by official written communications to the landowner, either:
 - a. Grant tentative approval of the development plan as submitted;
 - b. Grant tentative approval subject to specified conditions not included in the development as submitted;
 - c. Deny tentative approval of the development plan.

Failure to so act within the said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication from Borough Council, notify said Borough Council of his refusal to accept all said conditions, in which case, the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

2. The grant or denial of tentative approval by the Borough Council shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for approval, with or without conditions, or for the denial,

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

and said communication shall be set forth with particularity in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:

- a. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Borough;
 - b. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest
 - c. The purpose, location and amount of the common open space in the PRD, the reliability of the proposal for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - d. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - e. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established; and
 - f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the PRD in the integrity of the development plan.
3. In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for the development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months, and in case of developments over a period of years, the time between applications for final approval of each part of a plans shall be not less than twelve (12) months.

D. Status of Plan After Tentative Approval:

1. The official written communication provided for in this Article shall be certified by the Borough Secretary and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Zoning Map.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

2. Tentative approval of a development plan shall not qualify a plat of the PRD for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the written official communication granting tentative approval.
3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan, the landowner shall so notify the Borough Council in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning and in the records of the Borough Secretary.

E. Application for Final Approval:

1. An application for final approval may be for all the land involved in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be filed with the Zoning Officer and within the time or items specified by the official written communication granting tentative approval. A second fee in an amount specified by resolution of the Borough Council shall be paid upon the filing of the application for final approval. Ten (10) copies of all materials related to the application for final approval shall be submitted for review by the Borough Council. If the application for final approval is in compliance with the tentatively approved development plan and with any specified conditions attached thereto, a public hearing need not be held.
2. The application for final approval shall include, but is not limited to, the following documentation:
 - a. All required drawings necessary for final approval of a subdivision as specified in the Borough Subdivision Ordinance and in a format including the required indentures specified by the Butler County Planning Commission for recording of a PRD.
 - b. Protective covenants in a form suitable for recording.
 - c. Drawings of any variations in plans as submitted for tentative approval.
 - d. Any other documentation determined necessary for review and approval of the final application.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

3. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Ordinance and the official written communication of tentative approval, the Borough shall, within forty-five (45) days of filing, grant such plan final approval.
4. In the event the development plan, as submitted, contains variations from the development plan given tentative approval, the Borough Council may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 - a. Re-file his application for final approval without the variations objected, or
 - b. File a written request with the Borough Council that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan.

Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Borough Council shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval.

5. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be filed of record forthwith in the Office of the Butler County Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion of said PRD or part of that thereof, within the time provisions stated in Section 508 of the Municipalities Planning Code, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Municipalities Planning Code and shall post financial security in accordance with Section 509 of the Municipalities Planning Code.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

6. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or section thereof that has been finally approved, and shall so notify the Borough Council in writing; or, in the event that the landowner shall fail to commence and carry out the PRD in accordance with the time provisions stated in Section 508 of the Municipalities Planning Code after date of final approval, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the Borough's Zoning Ordinance in the manner prescribed for amendments in Article XII.
7. The applicant shall provide one (1) mylar copy and one (1) paper copy of all plans upon recording before any building permits are issued by the Borough.

507 GUARANTEE OF COMPLETION OF IMPROVEMENTS

- A. Before any building permit may be issued in the Planned Residential Development, all agreements, contracts, deed restrictions and sureties shall be in a form acceptable to the Borough; all sureties and improvement bonds required shall be provided; and all payments due to the Borough shall be made.
- B. After general construction begins, the Borough Zoning Officer shall review, at least once every six (6) months, all building permits issued and compare them with the overall development phasing program. If he determines that the rate of construction of residential units or non-residential structures substantially differs from the phasing program, he shall so notify the developer and the Borough Council in writing; thereafter, the Borough Council may issue such orders to the developer as it sees fit and, upon continued violation of this Subsection, may suspend the developer from further construction of residential units or non-residential structures until compliance is achieved.

ARTICLE V
PLANNED RESIDENTIAL DEVELOPMENT (PRD)

This page left intentionally blank.

**ARTICLE VI
SIGN REGULATIONS**

601 PURPOSE

This Sign Ordinance creates a uniform legal framework to control signs in the Borough to facilitate a convenient, pleasant and efficient means of communication while avoiding visual clutter that is potentially detrimental to traffic and pedestrian safety, property values, business opportunities, and community appearance. The Ordinance permits such signs that will not, by their reason, size, location, construction, or manner of display obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals. This Ordinance permits and regulates signs that support and complement land use goals set forth by the Borough and its ordinances specifically:

- A. To encourage the effective use of signs for identification and communication.
- B. To maintain and enhance the aesthetic environment of the Borough.
- C. To enhance the ability to attract sources of economic development and growth.
- D. To enhance pedestrian and vehicular safety.
- E. To minimize adverse effect of signs on nearby public and private property.
- F. To facilitate the fair and consistent enforcement of these sign regulations.
- G. To promote and protect the public health, safety, morals and general welfare of the Borough.
- H. To preserve the wholesome and attractive character of the Borough.
- I. To promote the tasteful progressive design of signs that are complementary to the buildings they serve.
- J. To prohibit the erection of signs in such number, sizes, designs and locations that shall create a hazard to pedestrians and vehicular traffic.
- K. To avoid excessive competition for large and multiple signs so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.
- L. To promote signs that use clear, crisp lettering and uncomplicated symbols that convey the intended message efficiently.
- M. To avoid the uncontrolled proliferation of signs.

602 DEFINITIONS

- A. See Article II Definitions

ARTICLE VI SIGN REGULATIONS

603 GENERAL PROVISIONS

The following general provisions apply to signs in all districts on Seven Fields Borough:

- A. A sign permit, approved by the Planning Commission and issued by the Zoning Officer, is required prior to erection or alteration of any sign of any size, except for temporary real estate "For Sale" signs, political campaign signs, signs promoting community events sponsored by the Borough and any other sign specified as exempt in this Ordinance.
- B. The Borough of Seven Fields reserves the right to remove at the owner's expense, any sign placed or located in any public right-of-way, any sign that does not conform to this ordinance, or any sign erected or altered in any way without a sign permit approved by the Planning Commission and issued by the Zoning Officer.
- C. All sign dimensions stated in this ordinance refer to the dimensions of one side of any sign. Any sign permitted by this ordinance shall be construed to permit a two (2) sided sign. Each face of a two (2) sided sign shall not exceed the maximum size permitted for that particular sign.
- D. Freestanding signs shall be designed and anchored to withstand a steady horizontal wind pressure of at least eighty (80) miles per hour regardless of the direction of air movement. No loads except those of the sign itself plus normal snow and ice loads shall be placed on the supports of the sign. The height of monument signs shall be measured from the average grade at the sign to the top of the sign. Monument signs shall not overhang sidewalks. Electric service to freestanding signs shall be underground.
- E. Wall signs shall not extend beyond the edge or top of any wall or other building surface to which they are mounted and shall project no more than six (6) inches from the wall, shall be at least eight (8) feet from the bottom of the sign to the grade level immediately below and shall not interfere with pedestrian and vehicular traffic in any way.
- F. Marquee signs are permitted on theaters, playhouses, cineplexes, and public or private clubs.
- G. Canopies and awnings may be permanently or temporarily attached to a wall. The bottom of the canopy or awning may not be less than eight (8) feet from grade or sidewalk and may extend to the farthest edge of the sidewalk.
- H. Signs shall not be painted on the foundation exterior walls or roof of any building.
- I. No signs shall be located on the roof of the building, nor shall the supports for any sign extend above the cornice of the building.
- J. Signs shall not emit any noise, flash, oscillate, revolve or have movement in any manner.
- K. Signs shall not obstruct the sight distance of a motorist at a street intersection by placement and location within twenty-five (25) feet of the intersection radii.

- L. A sign's design color, location or illumination shall not impair, cause glare, distraction, confusion or nuisance to traffic or other properties.
- M. Lighted signs that identify public or semi-public institutions are permitted in a conservation zoning district provided such lighting is from an indirect, hidden source.
- N. Residential subdivision or neighborhood signs may be lit by low voltage lights.
- O. Signs shall not be erected or displayed upon public property or within rights-of-way, including on utility poles and trees within such areas, except those erected by a governmental or utility agency and election and political signs on Route 228 as indicated in Section V.
- P. All signs shall conform to the Building Code adopted by the Borough of Seven Fields.
- Q. All signs shall comply with all County, State and Federal ordinances and regulations.
- R. Signs for public safety or welfare by the State, County or Borough are exempt from all sign regulations.
- S. Only signs specified in this Ordinance are permitted.
- T. Clocks, if part of a sign's area, are included in the calculation of the maximum permitted sign size.
- U. Height:
 - 1. Measure height from the lowest point of anchorage to the ground to the uppermost point of the sign and/or the supporting structure. Portions of any sign structure permanently buried below grade shall be creasoted or pressure treated if wood, or painted if steel, prior to installation.
 - 2. Freestanding signs shall not exceed eight (8) feet in height as measured from the elevation of the first floor of the building which occupies the business for which the sign identifies.
- V. Area:
 - 1. Wall mounted signs shall not exceed one (1) square foot per linear foot of the wall surface to which they are attached. Window and door areas shall be included in computing area.
 - 2. Marquees shall extend no more than five (5) feet to either side of a building entrance door or doors along the wall to which the marquee is attached. Marquees shall extend perpendicular no more than eight (8) feet from the wall surface to which attached.
 - 3. The Zoning Officer shall permit variations to achieve continuity of height and location across the facade of the building.

ARTICLE VI

SIGN REGULATIONS

W. The computation of Area shall be as follows:

1. Compute the surface area by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with a material or color forming an integral pan 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 a supporting framework or bracing that is clearly incidental to the display itself.
2. If the sign consists of more than one (1) section or module, incorporate all the area including that between sections or modules in the computation of the sign area.
3. For multi-sided or three dimensional signs, compute the sign surface area by including the total of all sides designed to attract attention or communicate information visible at any one time from one vantage point.
4. Calculate the surface area of a double-faced sign constructed in the form of a "V" by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

X. Contractor's Signs:

1. One (1) contractor's sign per site is allowed during the period of construction. A maximum of eight (8) square feet is allowed. Such sign shall be removed within seven (7) days of the completion of construction.

Y. Hunting Signs:

1. Hunting signs may be posted as permitted by state law.

Z. Election and Political Campaign Signs:

1. Election and political campaign signs are permitted on private property with the owner's permission. A maximum of four (4) political signs are permitted on a residential lot and a maximum of two (2) are permitted on a non-residential lot.
2. Two (2) signs per candidate are permitted on public property on SR 228. Said signs must be separated by at least two thousand (2,000) linear feet. These signs require a permit issued by the Planning Commission accompanied by a One Hundred Dollar (\$100) security deposit. Failure to remove the signs according to this Ordinance will result in forfeiture of the security deposit.
3. Election or political campaign signs shall have a maximum area of twelve (12) square feet. Such signs shall be erected no sooner than thirty (30) days prior to the election or political campaign and shall be removed within seven (7) days following the election or conclusion of the political campaign.
4. Election and Political Campaign Signs that do not comply with this Ordinance

shall be removed by the Borough at the candidate's expense.

AA. Signs for Borough-Sponsored Events and Meetings

1. Signs erected by the Borough to publicize community events, public meetings, etc. shall be permitted and shall be exempt from the permit process.

BB. Holiday decorations are permitted and do not require a permit. However, they must be removed within thirty (30) days after the holiday.

CC. Directional Signs for traffic control and parking shall not exceed five (5) square feet in area and shall be located at least five (5) feet from any public right-of-way.

604 SIGNS IN RESIDENTIAL, AND CONSERVATION AND PLANNED RESIDENTIAL DISTRICTS. (R-1, R-2, R-3, R-4, C-1)

Unless otherwise noted, signs in Residential, Conservation and Planned Residential Districts shall not be lighted, shall be located at least fifteen (15) feet from the road right-of-way, not within ten (10) feet from any adjacent lot line, and shall not exceed six (6) feet in height, or be located in any required side or rear yard. Only the following types of signs shall be permitted in Residential, Conservation and Planned Residential Districts (PRD's):

A. Identification Signs:

1. One (1) identification sign is allowed for a single family home occupation, a maximum of two (2) square feet to announce the name and address of the occupant of the premises. The home occupation identification sign shall be freestanding within any required yard or attached to and parallel with the wall of the dwelling, but projecting outward no more than six (6) inches.

One non-illuminated identification sign not to exceed one and one-half (1 1/2) square feet which displays the name, address and home occupation of the resident of the dwelling is permitted for home occupation businesses. The home occupation identification sign must be attached to the residence within which the home occupation is conducted.

2. One (1) identification sign per multi-family building, a maximum of twelve (12) square feet.
3. One (1) subdivision plan name sign per entrance, a maximum of forty (40) square feet, or by special application to and approval from the Planning Commission, two (2) signs with a maximum of eighty (80) square feet.
4. One (1) freestanding flag pole per lot.
5. One (1) identification sign with a maximum of thirty-two (32) square feet is permitted for other permitted and conditional use businesses, excluding home-based businesses/home occupation.

ARTICLE VI SIGN REGULATIONS

B. Temporary Signs:

1. One (1) real estate sign is permitted per lot, except where a lot abuts two (2) or more non-intersecting streets. An additional sign oriented to each abutting street shall be permitted, a maximum of eight (8) square feet per sign to advertise a lot or building being sold, leased or developed. Such sign(s) shall be removed within seven (7) days of completion of the advertised event.
2. One (1) garage sale or auction sign per lot, a maximum of twelve (12) square feet. Signs may be erected within one (1) week prior to the event and must be removed promptly after the event is completed.
3. Holiday and religious decorations are permitted and do not require a permit.
4. One (1) roadside stand sign per lot, a maximum of eight (8) square feet for selling agricultural produce or other foodstuffs grown or made on the premises.
5. Residential Development Signs: Any residential development of six (6) or more lots is allowed one (1) temporary real estate sign, a maximum of thirty-two (32) square feet in surface area in accordance with the following provisions:
 - a. Common real estate development signs shall be located in the development a minimum of ten (10) feet from any existing or proposed Public street right-of-way.
 - b. Such signs shall advertise only the lots in the development where the sign is located and shall not include the Realtor's, developer's or landowner's business in general.
 - c. The common real estate development signs shall be removed when seventy-five percent (75%) of the lots therein are sold.

C. Directional Signs:

One of each of the following is permitted.

1. Directional signs in an approved parking facility for directing traffic and parking with a maximum of five (5) square feet each.
2. Warning, private drive posted or no trespassing signs may not exceed two (2) square feet.

605 SIGNS IN OTHER DISTRICTS

Unless otherwise noted, the following signs in Business and PEDD shall be located at least fifteen (15) feet from the road right-of-way, at least ten (10) feet from any adjacent lot line and shall be allowed with the following regulations:

A. Identification Signs:

1. Commercial Lots. Where there are three (3) or fewer businesses on one lot, one (1) freestanding sign per lot, a maximum of forty (40) square feet is permitted. Where there are four (4) or more businesses on one (1) lot, one (1) freestanding a maximum of sixty (60) square feet, is permitted.
2. Commercial Buildings. Building that provide a common entrance for multiple businesses shall be permitted one (1) wall mounted sign with a maximum area equal to one (1) square foot for each linear foot of the building's front elevation. Buildings with independent entrances for each business shall be permitted one (1) wall mounted sign for each storefront equal to one (1) square foot of signage for each linear foot of storefront.
 - a. Wall signs shall be located between the heads of windows and doors on the ground floor of the structure and the sills of windows on the second floor or the top of the parapet on a one (1) story building. Where a wall contains no windows, use the heads of windows and doors in an adjacent wall to determine location. The Building Inspector shall permit variations to achieve continuity of height and location across the facade of a building.
 - b. Marquees shall extend no more than five (5) feet to either side of a building entrance door or doors along the wall to which the marquee is attached. Marquees shall extend perpendicular no more than eight (8) feet from the wall surface to which attached.
 - c. Canopies. Canopies and awnings may have an additional business identification sign which does not project above or below the canopy or awning and is a maximum of eight (8) inches in height on the front vertical flap of the awning.
 - d. Menu Boards. One (1) one-sided menu board per business on one (1) lot, either freestanding or mounted, related to drive-thru services only, a maximum of twenty (20) square feet and six (6) feet high measured from grade level, located between the building and the drive-thru lane.
 - e. Gasoline Service Stations. One (1) gasoline pricing sign per gasoline service station is permitted, with a maximum of twenty (20) square feet, if affixed to a permitted freestanding sign. Additional pricing signs are permitted if they are an integral pan of gasoline pumps. No flags, pennants, pinwheels or other temporary signs are permitted.
 - f. Billboards may only be located in the PEDD District along SR 228. Billboards may not exceed twenty-five (25) square feet in area. Billboards are not permitted within one hundred (100) feet of a residentially zoned district and not within five hundred (500) feet of another billboard.
 - g. Bulletin Boards. One (1) bulletin board or identification sign per place of worship, school or institutional building publicly owned, with a maximum of thirty-two (32) square feet.
 - h. Directory. A building with four (4) or more businesses may be permitted one (1) directory sign listing the occupants and their locations not to exceed eight (8) square feet.

ARTICLE VI

SIGN REGULATIONS

B. Temporary Signs:

1. Individual Lot or Building:

- a. One (1) unlighted real estate sign to advertise a tract lot or building for sale, lease or development at least fifteen (15) feet from the road right-of-way, not in any required side or rear yard and a maximum of thirty-two (32) square feet. Such signs shall be promptly removed within seven (7) days after the sale, lease or development.
- b. One (1) promotional sign, other than a real estate sign, is permitted per lot. Such a sign may not exceed thirty-two (32) square feet in area, and may not exceed a display period of thirty (30) consecutive days for any one (1) sign. A promotional sign may not be erected or displayed within fourteen (14) days following the display period of a previous temporary sign. No lot shall have more than six (6) temporary signs per calendar year.

2. Commercial Subdivision:

In addition to these requirements, any non-residential development such as a business or shopping center, shall be permitted temporary real estate signs in accordance with the following provisions:

- a. For lots on which more than one (1) business exists, each business shall be permitted a maximum of four (4) temporary signs per year. Said signage shall not exceed thirty-two (32) square feet. No more than three (3) signs may be erected at any one time on one (1) lot and no less than fifty (50) feet between each temporary sign.
 - b. The common real estate development signs shall be removed when seventy-five percent (75%) of the lots therein are sold or developed.
3. Holiday decorations are permitted and do not require a permit. However, they must be removed within thirty (30) days after the holiday.
- a. One (1) garage sale, auction sign or sandwich board a maximum of eight (8) square feet is permitted. Such signs may be erected within one (1) week prior to the date of the sale and removed promptly after the sale is completed. Each business shall not be permitted more than six (6) such signs per calendar year.

C. Directional Signs for traffic control and parking shall not exceed five (5) square feet in area and shall be located at least five (5) feet from any public right-of-way.

D. Civic Organization Signs

1. Each civic organization organized within the Borough or Civic organizations with an active membership in the Borough, shall be permitted one (1) community organization sign. Only those groups qualifying as charities as recognized by the Federal Internal Revenue Service, the State of Pennsylvania, or their affiliated

organizations, or non-political public service organizations may erect an organizational sign. The sign shall be a maximum of eighteen (18) inches x eighteen (18) inches and shall be placed in the Town Park at a location specified and approved by the Borough's Parks and Recreation Committee. The material of the sign must also be approved by the Seven Fields Parks and Recreation Committee. The sign shall be properly maintained by the organization or the Borough at its discretion, may have the sign removed.

- E. Three (3) freestanding flag pole per lot. Only one (1) of the flag poles may display a corporate/business flag.

606 PROHIBITED SIGNS

All signs not expressly authorized in this Ordinance or exempt from regulation under previous sections are prohibited in the Borough. Prohibited signs include, but are not limited to:

- A. Beacons:
- B. Animated signs:
- C. Flashing signs:
- D. Portable signs:
- E. Off-premises signs:
- F. Roof signs:
- G. Changeable copy signs except for pricing signs for automotive service stations bulletin boards for religious establishments and educational institutions, which conform to the overall size, area and bulk requirements of this Ordinance, and where the changeable copy portion of the sign shall not exceed fifty percent (50%) of the allowable sign area: with the exception of menu board signs as identified in Section 605.B.
- H. Pennant strands:
- I. Strings of lights, except those exempt under previous sections;
- J. Inflatable signs and tethered balloons;
- K. Any sign or sign structure which is a hazard to public safety or health;
- L. Signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets:
- M. Signs which make use of words such as "Stop," "Look," "One", "Way", "Danger", "Yield", or similar words, phrases, symbols, lights or characters in such a manner as

ARTICLE VI SIGN REGULATIONS

to interfere with mislead or confuse traffic:

- N. Any obsolete sign which no longer identifies a bonafide business conducted or product sold;
- O. Signs painted on, attached to, or supported by a tree, stone, cliff or other natural object or a utility pole;
- P. Banners, except as provided for by exemption;
- Q. Band lighting, fascia lighting, strip lighting that outlines a sign;
- R. Pole signs;
- S. Pylon signs.

607 PERMITS, INSPECTIONS, MAINTENANCE, PROCEEDINGS AND PENALTIES

A permit shall NOT be issued for any sign without the review and approval of the Planning Commission with the exception of temporary window signs. Each sign requires a separate permit issued by the Zoning Officer.

- A. Applications for permits shall include the following data:
 - 1. Names, addresses and telephone numbers of the applicant, the contractor to erect the sign and the owner of the property upon which the sign is to be located, as well as address of property if different from the owner.
 - 2. Location of the sign relative to other buildings on the property, property boundary lines and height above ground to bottom and top of sign.
 - 3. Written consent of the owner of the property on which the sign is to be located permitting the sign to be erected.
 - 4. Construction drawings and specifications for the erection of the signs, showing materials, construction details, finishes, electrical system, support structure, treatment of support below grade, guying of a sign or method of attachment to building, and such other structural information as the Zoning Officer shall require.
 - 5. Statement of a registered professional engineer that the sign meets dead load and wind pressure requirements of this Ordinance.
 - 6. Such other information as the Zoning Officer shall require to show full compliance with this and all other Borough ordinances.
- B. Provided the application is in order, the Zoning Officer shall issue a sign permit for the erection of the sign, construction of which shall be completed within six (6) months.
- C. Replacement, enlargement, remodeling or moving of any sign existing prior to adoption of this Ordinance shall require a permit.

- D. If any sign regulated by this Ordinance is unsafe or otherwise is a public menace or has been erected or maintained in violation of this Ordinance the owner of such sign shall be given a written notice by the Zoning Officer citing the irregularities and the actions needed to gain compliance. If after thirty (30) days from the date of the notice the corrections have not been made, the owner shall be subject to summary proceedings. The Borough shall have the offending sign brought into compliance or removed with all costs assessed to the owner. Further sign permits shall be denied until such assessed costs have been paid in full.
- E. Signs found to be causing an immediate hazard to the public shall be ordered removed immediately by the Zoning Officer without notice and the costs assessed the owner.
- F. Signs advertising places of business or activities which have terminated operations shall be removed upon the date of such termination.
- G. Exposed areas of any sign shall be properly maintained or otherwise replaced or repaired at least once every two (2) years or within three (3) months of damage to the sign.

ARTICLE VI
SIGN REGULATIONS

Page left intentionally blank.

**ARTICLE VII
PARKING REGULATIONS**

701 GENERAL STANDARDS

A. Procedure:

An applicant for a building permit for a new or an enlarged building, structure or use shall include a plot plan, certified by a surveyor, engineer, or landscape architect, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

B. Extent of Control:

The off-street parking and loading requirements of this Ordinance apply as follows:

1. All buildings and structures erected or added to and all land uses initiated after the effective date of this Ordinance shall provide accessory off-street parking or loading facilities as required for the use herein.
2. When a building or structure erected or enlarged prior to or after the effective date of this Ordinance shall undergo a decrease in the number of dwelling units, gross floor area, seating capacity, number of employees or other units of measurement specifically set forth hereafter for the required off-street parking or loading facilities, off-street parking and loading facilities may be so decreased only when the facilities remaining would at least equal or exceed all off-street parking or loading requirements resulting from application of the provisions of this Article. This includes surfacing requirements.
3. All parking areas established prior to the effective date of this Ordinance, but not in conformance with all provisions of this Article, are allowed to continue as previously laid out. Any change or alteration to existing parking areas shall require that portion to be altered to be in accordance with all provisions of this Article. Accessory off-street parking and loading spaces in existence on the effective date of this Ordinance may not be reduced in number unless the remaining off-street parking equals or exceeds all provisions of this Article for equivalent new construction of the current use and building size.
4. Any change in use or in size of an existing building that would require a greater number of off-street parking spaces than the previous use or size shall provide additional off-street parking in accordance with this Article. If the number of additional required parking spaces results in more than a twenty-five percent (25%) increase in the total number of parking spaces currently provided on the lot, or requires the addition of at least three (3) more spaces, whichever is greater, then all existing parking is also required to equal or exceed all provisions of this Article, including surfacing.
5. Parking number requirements for expansion of existing buildings or uses or for an additional structure on a developed lot shall be determined by combining the requirements for all existing uses and all new development using requirements of this Ordinance.

ARTICLE VII PARKING REGULATIONS

C. No parcel shall have direct vehicular access on or off State Route 228.

702 DESIGN AND MAINTENANCE

A. Parking Space Description:

An off-street parking space is an area to be used for the storage or parking of passenger automobiles or commercial vehicles, which is accessible from private driveways or aisles laid out in accordance with the standards in this Section.

B. Design:

Off-street parking spaces shall be designed in accordance with the following minimum standards:

Parking Angle (Degrees)	Aisle Width (Feet)	Parking Space Size (Width & Length in Feet)
45	12	9 X 18
60	18	9 X 18
90	22 (two-way)	9 X 18

* Includes allowance for a one (1) foot car overhang on curb lines.

C. Measurement of Space:

When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) may be disregarded. Fractions over one-half (1/2) shall be interpreted as one (1) parking space.

D. Access:

Parking facilities shall be designed according to the following requirements for vehicular access to a street or alley:

Width of Street Opening	Requirements (Feet)
Minimum (two-way)	24
Minimum (one-way)	12
Maximum	35

E. Signs:

No signs shall be displayed in any parking area within any residential district, except for directional signs which are limited to two (2) for each point of approved ingress and egress. All signs in other parking areas shall conform to Article VIII of this Ordinance.

F. Striping:

All parking spaces in paved areas shall be properly marked by durable white or yellow paint in stripes a minimum of four (4) inches wide and extending the length of the parking space. Striping must be maintained to keep parking lot designations identifiable.

G. Required Setbacks:

Every parking space shall be designed so that vehicles cannot extend beyond the perimeter of the parking space onto adjacent properties or public right-of-ways. All parking spaces shall be designed so that vehicles do not extend over sidewalks or damage any wall, vegetation or other obstruction.

H. Surfacing:

All outdoor off-street parking areas, except those accessory to single-family dwellings, shall be paved with asphalt, concrete or similar material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it.

I. Storm Water:

Adequate storm water drainage facilities shall be installed to ensure that storm water does not flow onto other property or walkways in such a way or quantity that would be detrimental to the other properties or walkways. The Borough Engineer shall approve all storm water drainage facilities.

J. Planting Strip:

Wherever a parking lot abuts onto a public street, walkway or alley, a grass or landscaped planting strip shall be installed from the improved cartway to the front property line. Retaining walls and any other walls to be built abutting property may be constructed subject to the approval of the Borough Engineer.

K. Curbs:

All outdoor hard surfaced off-street parking areas shall be curbed unless sheet drainage of surface water can be achieved in a fashion satisfactory to the Borough Engineer.

L. Landscaping:

All off-street parking areas with more than ten (10) required parking spaces shall be landscaped with a minimum of one (1) tree two and one-half (2-1/2) inches DBH (Diameter at Breast Height) for each five (5) parking spaces. These trees shall be placed in such a fashion to provide shade and screening of the parking area. If landscaping is required by other provisions of this Ordinance in the yard area containing the parking area, then the trees required herein may be counted as part of the required landscaping for that yard.

ARTICLE VII PARKING REGULATIONS

M. Wheelstops:

Wheelstops shall be provided along boundaries of adjoining properties, public rights-of-way or landscaped areas unless curbs are provided in that portion of the parking lot.

N. Dead-end Aisles:

Dead-end aisles in off-street parking areas shall be designed according to the following minimum standards:

<u>Dimension</u>	<u>Requirements (Feet)</u>
Depth of turnaround area	13
Width of turnaround area	25

O. Shopping Cart Returns:

One shopping cart return is required for every ten-thousand (10,000) square feet of floor area in retail stores regularly using shopping carts. Shopping cart returns shall measure 9 x 18 feet, provide fencing or similar containment on three (3) sides and be identified by an above-grade sign.

P. Handicapped Parking Stalls:

Handicapped accessible parking stalls marked in accordance with Commonwealth of Pennsylvania regulations and measuring 12 x 18 feet must be provided for in all retail business in accordance with the following table:

Total Parking Spaces in Lot	Required Number of Handicapped Parking Spaces
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

Q. Fire Lanes:

All commercial buildings over ten-thousand (10,000) square feet in office and retail use are required to have a thirty (30) foot fire lane aisle inclusive of the required driveway aisle width, as prescribed by the Fire Official.

R. Dumpsters:

All dumpster bins must be screened from view as seen from any public street or highway.

S. Shared Parking Requirements:

In order to accommodate the usage of the same parking spaces for two (2) or more different land uses on the same lot under the same ownership, but having different principal hours of use, the required number of parking spaces may be reduced subject to the requirements of this Section. Subsequent changes in land uses within the mixed use development shall require a new occupancy permit and proof that sufficient parking will be available.

1. The number of required parking spaces for mixed uses shall be computed as follows:
 - a. Determine the minimum amount of parking required for each land use as though it were a separate use.
 - b. Using the table below, determine the number of spaces required by each use according to the various time periods by multiplying each use by the corresponding percentage of use for that time period.
 - c. Calculate the total number of spaces needed for each time period.
 - d. The time period with the highest number of parking spaces required for the sum of the uses is the number of parking spaces required.

PARKING REQUIREMENTS FOR MIXED-USE DEVELOPMENTS

TYPE OF USE	WEEKDAY		WEEKEND	
	Daytime	Evening	Daytime	Evening
Office/Industrial	100%	10%	10%	5%
Retail	60%	90%	100%	70%
Hotel	75%	100%	75%	100%
Restaurant	75%	100%	100%	100%
Entertainment/Recreation	40%	100%	80%	100%

2. To apply for shared parking, a table must be submitted for approval showing usage and gross floor area according to the above five use categories. The amount of required parking must then be tabulated by use and time period. The time period requiring the highest number of parking must then be indicated.
3. Uses that do not fit into any of the categories shown in the above table cannot utilize shared parking.

**ARTICLE VII
PARKING REGULATIONS**

703 ACCESS CONTROL

A. State and County Roads:

All development accessing onto State or County roads must obtain the required permits before a building may be issued. The Developer shall submit evidence of the receipt of such permits to secure a building permit.

B. Borough Roads:

All uses accessing a Borough road shall meet the provisions of the Pennsylvania Code, Title 67, Chapter 441, "Access to and Occupancy of Highways by Ways and Local Road," before any permit allowing its construction or use is issued.

C. No parcel shall have direct vehicle access on or off State Route 228.

704 LOCATION OF PARKING

A. All required off-street parking areas shall be located on parcels under the same ownership or lease as the lot which contains the principal use the parking areas will serve.

B. No parking space contained in whole or in part within a building shall be counted in determining the number of off-street parking spaces provided to meet the requirements of this Ordinance except when any of the following conditions are met:

1. The indoor parking spaces are for residential use;
2. The building is used exclusively for off-street parking; or
3. The portion of the building used for off-street parking is separate and distinct from any other uses occurring in that building.

705 OFF-STREET LOADING REQUIREMENTS

A. An off-street loading space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A loading space shall be of adequate size to suit the specific use, exclusive of access aisles and maneuvering space.

B. No permitted or required loading space shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls or an ornamental fence or wall or by combination thereof not less than six (6) feet in height. No permitted or required loading space shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. Loading space open to the sky may be located in any required yards.

C. All open off-street loading berths shall be paved with adequate thickness to support the weight of a fully loaded vehicle.

**ARTICLE VIII
SUPPLEMENTARY REGULATIONS**

801 TEMPORARY STRUCTURES

Temporary structures and trailers used in conjunction with construction work shall be permitted only while construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period. A permit fee shall be charged in accordance with a fee fixed by Resolution of the Borough Council.

Storage trailers may only be used in commercial and industrial areas and may be parked in these areas for a period not in excess of fourteen (14) days each month, and only to allow for unloading and loading.

No structure of a temporary character, fence dog run, animal pen, trailer, tent, shack, garage, barn or any other out-building or similar structure or installation, shall be used on any lot at any time, either temporarily or permanently, except by the developer in completing the development, or by a contractor hired by the developer. Said temporary structures must immediately be removed upon completion of a contract or construction phase.

802 LOT ACCESS

All proposed uses of any lot shall provide direct access to an open public street. Driveways or private streets servicing developments must access to an open public street and are not permitted to cross property not under ownership or control of the current or future owner of the development.

803 TRAFFIC IMPACT ANALYSIS

The Borough Council may require the developer to pay the cost of a traffic analysis to be completed by a qualified traffic consultant for any proposed development exceeding ten-thousand (10,000) square feet of total gross floor area, any proposed conditional use or any proposed PRD. Said analysis shall address the anticipated traffic impact on all streets in the vicinity of the site including those not directly abutting the site. All other applicable State, County and local requirements relative to traffic control shall be considered in the traffic analysis. In addition, internal traffic circulation shall be analyzed for compliance with this Ordinance. The developer of a proposed development can be required to pay for all or a portion of, the cost of off-site traffic improvements which are required in part due to the development of the site.

804 LIGHTING STANDARDS

- A. In any district, any operation or activity producing glare shall be conducted that direct and indirect illumination from the source shall not be in excess of one-half (1/2) of one (1) foot-candles above the ground, when measured at the height of three (3) feet above the ground, at any lot line, except, lighting at entrances and driveways to non-residential properties shall not exceed two (2) foot candles when measured at the pavement at any lot line.

ARTICLE VIII SUPPLEMENTARY REGULATIONS

- B. Flickering or intense luminaries, or sign lighting shall be so controlled as to not cause a nuisance across any lot line. A nuisance is any illumination exceeding that which is necessary to accomplish the reasonable purpose for which the lighting is intended. Purposes are to provide for safety and minimum illumination of signs or structures for visibility by the owner or the public.
- C. Nuisances shall be abated by controlling illumination or by shielding on the fixture.
- D. Outdoor lighting illumination shall be limited within useable areas of the site to an average intensity, measured at the ground, of twenty-five (25) foot-candles with a maximum intensity at any given point on the ground of eighty (80) foot-candles unless otherwise approved by the Borough Council.
- E. The Borough reserves the right to test lighting levels to verify conformance with the lighting plans accepted and approved by the Borough as part of the site plan review. If it is determined that the lighting levels exceed those which were approved by the Borough, the property owner will bear the cost of the lighting study. If it is determined that the lighting levels conform to the approved plan, the Borough will bear the cost of the study.
- F. The height of the luminary measured from the base, shall be limited as follows:
 - 1. In any residential district, the maximum front pole luminary height permitted shall be ten (10) feet.
 - 2. In any district, the maximum parking lot luminary height permitted shall be fifteen (15) feet.
 - 3. In any district, the maximum street luminary height permitted shall be fifteen (15) feet.
 - 4. In any district, the maximum height permitted shall be twenty (20) feet.
 - 5. Ball diamonds, playing fields, basketball, tennis courts and parks having unique requirements for nighttime visibility may be exempt, if in the judgment of the Borough, their limited hours of operation and the location of the luminaries will adequately protect neighboring uses.
- G. To ensure Borough resident and visitor safety, all residential lots on which a dwelling is erected shall be required to have an exterior light pole emitting a minimum equivalent of sixty (60) watts of light from dawn to dusk.

805 LANDSCAPING

A. General Provisions

- 1. All plans must be stamped by a registered landscape architect
- 2. The locations of the plantings can be varied pursuant to the development plan approved by the Council (after review by the Planning Commission) provide that the total number of plantings required is not reduced.
- 3. When building height exceeds twenty (20) feet, landscaping strip must be increased an additional five (5) feet for each ten (10) feet of additional building height, or proportion thereof.

4. The minimum requirements for landscaping must be completed within six (6) months after completion of the building. When building is completed in phases, as each completed phase is occupied and/or utilized, landscaping must be completed in phases commensurate to building schedule.
 5. Landscape shall (will) be maintained by property owner. All such areas shall (will) be kept free of debris and litter at all times. Damage to ten percent (10%) or more of the planting material for any reason, including disease, shall require replacement of all such damaged materials.
 6. Landscaping and/or ground cover is required on all pervious surfaces.
 7. This landscaping ordinance applies to all non-residential and multi-dwelling zoning districts.
- B. The following minimum landscaping shall be provided in Commercial and Multi-family zoning districts:
1. Landscaping Along Streets. A minimum ten (10') foot wide applied landscaping strip abutting all rights-of-way broken only by points of vehicular or pedestrian access shall (will) be provided with a minimum of one deciduous tree having a caliper of not less than 2 1/2 inches and five (5) shrubs per twenty-five (25) lineal feet of frontage. An elevated earth berm a minimum of three (3') feet higher than the finished elevation of the street with one deciduous tree having a caliper of not less than 2 1/2 inches and three (3) shrubs per thirty-five (35) lineal feet of frontage may be provided as an alternative.
 2. Landscaping around Site Perimeter. A minimum ten (10) foot wide perimeter landscaping strip shall be provided around the perimeter of the site, except along streets where the following are required:
 - a. Three (3) shrubs per thirty-five (35) lineal feet of perimeter or less and one of the following:
 1. One (1) deciduous tree having a caliper of not less than 2 1/2 inches measured five (5) feet from grade or
 2. Two (2) evergreen trees having a height not less than six (6) feet.
 - b. Where existing vegetation occurs along the perimeter and no development is proposed within fifty (50) feet of the lot line, a fifteen (15) foot wide preservation strip may be substituted.
 3. Interior Parking Lot Landscaping. A planting island of at least one hundred sixty (160) square feet in total pervious surface area shall (will) be provided for each twelve (12) parking spaces on the interior of a parking lot that accommodates twelve (12) cars or more. The islands shall (will) be placed at intervals of no more than 135 lineal feet on center. A minimum of one (1) deciduous tree having a caliper of not less than 2 1/2 inches shall (will) be planted per island. Where the island occurs parallel to parking spaces on each side, the planting island shall (will) be a minimum nine (9) feet wide. Any island occurring perpendicular to parking spaces shall (will) have a minimum width of nine (9) feet walkway cut through provided with concrete walk six (6) feet in width. Concrete curbs are required on internal parking lot islands. All parking lots shall (will) be screened from the public

ARTICLE VIII SUPPLEMENTARY REGULATIONS

roadways by mounding (three feet height minimum) and/or evergreen shrubs (three feet height minimum).

4. Screening of Loading Areas, Outside Storage Areas and Other Service Areas.
Screening and landscaping shall (will be used to) prevent direct views of the loading areas, storage areas outside an enclosed building, service areas, and associated service driveways from adjacent properties or from the public or private right-of-way when viewed from ground level. Screens shall (will) consist of opaque ornamental fencing and walls that are architecturally compatible with the principal building on the lot, or evergreen planting.

C. Landscaping-Commercial and Multi-Family Property Abutting Residential Property (Residential-1, Residential-2, Residential-3).

Plant material shall (will) consist of a mix of types that within three (3) years of planting meet the standard of providing a compact, year-round visual screen at least fifteen (15') feet in height, or an approved natural barrier, such as existing vegetation or topography, which duplicates the effect of the required screening.

D. Landscaping Around Residential Multi-family Buildings.

At least one (1) deciduous tree having a minimum caliper of not less than 2 1/2 inches measured five (5) feet from grade shall (will) be planted for each dwelling unit in conjunction with any development containing multi-dwelling buildings.

E. Landscape Buffers for Building Rears Facing a Public Street

A minimum ten (10') foot wide applied landscaping strip elevated three (3') feet higher than the finished elevation abutting all residential property broken only by points of vehicular or pedestrian access shall be provided.

Plant material shall (will) consist of a mix of types that within three (3) years of planting meet the standard of providing a compact, year-round visual screen at least fifteen (15) feet in height, or an approved natural barrier, such as existing vegetation or topography, which duplicates the effect of the required screening.

806 HEIGHT EXCLUSIONS

Chimneys, elevator bulkheads, fire towers, monuments, church and ornamental spires, belfries, cooling towers, flagpoles, or necessary mechanical appurtenances may be erected to a height above the limitations set forth for the Business and PEDD District, but may not exceed fifteen (15) feet over such limitations. None of the structures set forth in this District may be erected at a height greater than the maximum height allowed in any other zoning districts as set forth in this Ordinance.

807 SWIMMING POOLS

All swimming pools shall meet the following requirements:

- A. Swimming pools will be in accordance with all dimensional regulations set forth in Section 303 of this Ordinance.

- B. Swimming pools exceeding two (2) feet in depth, whether permanent or portable, that are accessory to a single family dwelling, shall not be located within the required yard areas of any district.
- C. Swimming pools accessory to all uses shall be installed and/or constructed completely below the surface of the ground.
- D. All outdoor swimming pools having a depth of two (2) feet or more shall be completely enclosed with a wall, fence or other barrier at least five (5) feet high and not greater than eight (8) feet high, the bottom of which must be no more than three (3) inches from the ground, and equipped with a gate. All barriers shall not have any openings or gaps larger than three (3) inches in any dimension.

808 FENCES AND SCREENING

- A. Required screening: When commercial or industrial development or expansion occurs on the property abutting residential zoned land, such development shall be screened from the residential zoned land in any of the following ways:
 - 1. A permanent, continuous fence of wood or metal displaying no advertising and maintained in good condition, not more than six (6) feet in height, at least fifty (50) percent of the vertical surface of which shall be opaque; or
 - 2. A dense, continuous evergreen shrub or hedge planting to be installed at a height of not less than four (4) feet and maintained thereafter at a height of not less than four (4) feet and maintained thereafter at a height of six (6) feet in height.
 - 3. Any combination of these or an alternate screen acceptable to the Planning Commission, such as natural changes of grade or natural vegetation that obscure the commercial development from adjacent residential zoned land.
 - 4. Eight (8) foot privacy dividers between townhouses shall be an exception, but shall not extend more than fifteen (15) feet from the townhouse structure.
 - 5. Five (5) foot high privacy patio fences for cluster homes may extend no more than eighteen (18) feet from the cluster home structure.
- B. Hedges, fences or walls on a property at the intersection of two (2) public streets shall be held back on the property so that the vision of drivers approaching the intersection on either street is maximized. A triangular area whose sides are parallel to, and abut the intersecting streets, shall be kept clear so that vehicles approaching on either street are visible to one another. The triangular area must provide a clear area of vision with depth of eight (8) feet from the corner midpoint of the property line. The Zoning Officer may modify these requirements when unusual topographical situations make compliance a hardship.
- C. No fence, hedge or wall shall exceed six (6) feet in height above the ground line if the fence or hedge is erected along the rear property line or alongside property lines behind the front building line. No fence, hedge or wall shall exceed three (3) feet in height above the ground line if the fence or hedge is erected along the front building line or alongside property lines forward of the front face of the structure.
- D. Fences and hedge walls may be built up to, but not on the property line. The required building permit for a fence, when issued, is not a determination of the location of the property line. Any property owner erecting a fence or hedge does so at their own risk.

**ARTICLE VIII
SUPPLEMENTARY REGULATIONS**

- E. Electric fences are not permitted except when part of an agricultural use. Barbed wire fences are not permitted except when part of an agricultural use or as party of a security fence if the barbed portion is located at least five (5) feet above the ground. Underground fences for pet control are permitted. In context of the Borough's established development pattern, chain link fences for any use shall not be permitted.

809 PATIOS, PORCHES AND CHIMNEYS

Unless otherwise, identified by ordinance requirements of the Borough, patios and porches located on or not more than six (6) inches above the ground level at any point may be constructed within the required yards but must be at least two (2) feet from any property line. An enclosed vestibule containing not more than fifty (50) square feet may project into any required yard for a distance not to exceed five (5) feet. Ordinary chimney projections may project into any required yard for a distance not to exceed two (2) feet.

810 INFILL OF BUILDINGS

When at least fifty percent (50%) of a street frontage has been developed at a building line less than required for a district and said development occurred prior to the effective date of this Ordinance, then new construction shall be permitted at the established building line. The established building line shall be determined by a line drawn from the closest front corners of the two (2) closest adjacent buildings.

811 SIGHT DISTANCES

In order to provide for visibility of traffic, a clear sight distance triangle shall be maintained at all driveways and street corners. This triangular space is determined as follows: a person standing ten (10) feet back of the intersection two (2) rights-of-way must have an unobstructed view for seven (70) feet to points right and left from the intersection of the rights-of-way lines.

812 FUEL/ENERGY RECHARGE STATION CANOPIES

Canopies which are accessory to a use wherein motor fuel is dispensed/energy recharge occurs and is intended to provide shelter to persons using the dispensing pumps may project into the required front yard or into the required side yard (if abutting a street) to within five (5) feet of the front or side property line.

813 STORM WATER MANAGEMENT

- A. Any landowner and any person engaged in the alteration or development of land must meet all requirements of the Borough's Stormwater Ordinance.
- B. If the development site is located within a watershed for which a storm water management plan has been adopted, as required by the Pennsylvania Storm Water Management Act, then any proposed storm water control measures shall be consistent with the plan. The storm water control measures for a development or a site shall be reviewed and approved by the Borough Engineer. All calculations of pre- and post-development storm water runoff and storage requirements shall be done using the U.S. Soil Conservation Soil Cover Complex Method (as published in Technical Release TR-55).

814 CONSTRUCTION IN UTILITY EASEMENTS

No temporary or permanent structure or building as defined in this Ordinance shall be built within any area designated as a utility easement located within the boundaries of the Borough. This restriction includes, but is not limited to, sanitary sewer easements, underground electrical, gas, telephone, cable and other utility easements, and any other easements of record for public or private use. Landowners may erect fences upon said easements, but said fences would have to be removed at the cost of the landowner to allow for maintenance, repair, or other use of said easements. Any illegal structures or buildings erected in violation of this Section, and which must be removed by the Borough utility corporation, or other authorized entity, will be done so at the expense of the landowner, and after proper notice and hearing.

815 EXTERIOR ATTACHMENTS

Property owners shall not place any equipment, structure, or installation of any kind on the outside walls or roof of any house, including, but not limited to, radio antennas, television antennas, or satellite dishes. Property owners shall be entitled to install satellite dishes no larger than twenty-four (24) inches in diameter.

816 INCOMPLETE STRUCTURES

No basement, foundation, garage, trailer, dwelling house under construction or any structure other than the completed, approved dwelling house shall be used, temporarily or permanently, as a residence.

817 GARAGE SPACE

Garage space provided for and built in any original structure may not be converted to living space, but may only be used for storage of vehicles or personal property. This includes, but is not limited to, any space originally designed as garage, but temporarily used for other purposes with specific approval of Borough Council.

818 STORAGE AND PARKING OF VEHICLES

No inoperative or unlicensed motor vehicles shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly or disrepair or in the process of being stripped or dismantled, unless it is located in a garage or accessory structure and completely enclosed and not visible. All vehicles must be parked on a contiguous paved parking area (paving to consist of asphalt, concrete or interlocking paving stones; a paved parking area shall not consist of gravel or any other loose aggregate, paving stones, flagstones, or other similar non-interlocking material). With the exception of the driveway area of any residence, the paved surface on any residential lot may not exceed five (5%) percent of the surface area of said lot. The paved surface for parking on the yard of any lot shall not be increased over the amount of paved area shown on the approved construction site plan or installed before the first occupancy of any residence, unless an application is made for a building permit for any additions to the residence that will include a garage, and an additional driveway or parking area may be installed pursuant to such building permit and submitted site plan in accordance with the terms of this section and of all other applicable provisions of the zoning and subdivision ordinances. No property owners or tenants shall repair or restore any vehicle of any kind

ARTICLE VIII SUPPLEMENTARY REGULATIONS

upon any lot except normal maintenance or emergency repairs where such vehicle is in view of the street. No motor vehicle, mobile home, boat, recreational vehicle, quad, or motor bike, tractor or trailer may be parked on an unpaved area of the yard, or on any patio, deck, sidewalk or similar area. There shall be no outside storage or parking upon any residential lot of any tractor, trailer, commercially licensed vehicle greater than 16,001 pound gross weight mobile home, boat, recreational vehicle, quad, motor bike, or similar vehicle of any kind. Commercially licensed vehicles, or other vehicles which are parked on a residential lot for purposes of providing a commercial or retail service or delivery to that residential lot may be parked thereon between the hours of 7AM until 9PM of each day, Monday through Saturday, and on Sundays for emergency repair or service purposes. A boat or recreational vehicle may be stored outside upon the paved area of a residential lot for a period not exceeding four consecutive days, and said boat or recreational vehicle shall only be kept outside for no more than eight days during any calendar month. Commercial vehicles and trailers, which are being used for a construction project on any lot, may be parked on any residential lot between Monday at 7AM until Friday at 6PM in any calendar week; commercial vehicles and trailers, which are being used for a construction project on any residential lot may not be parked on the lot from Friday at 6PM until the following Monday at 7AM. Portable storage units (commonly referred to as PODs or other similar equipment) shall be placed only on the paved area of the front yard of any residential lot and shall only be so stored for a period of five (5) consecutive days, and only for that period of up to five (5) consecutive days, twice during any calendar year. An increase in driveway or parking space may be allowed as part of a construction plan for an addition to an existing residence, which adds a garage; the additional driveway or parking must be shown on a site plan submitted for approval of the building permit, and comply with all other terms and conditions of the zoning ordinance, property maintenance ordinance, subdivision ordinance, and all other applicable ordinances. The term vehicles as used in this Section shall include commercially licensed vehicles, mobile homes, boats, recreational vehicles, quads, motor bikes, tractors, trailers or other similar vehicles or storage units.

819 COMMUNICATION TOWERS

- A. Towers for the purpose of transmitting communication signals shall be permitted in the Borough subject to the following conditions:
1. The location is restricted to property zoned Conservation-1 which is located north of Mars-Crider Road.
 2. The base of the tower must be located at a distance greater than or equal to two (2) times the tower's height from any adjoining lot line.
 3. Any auxiliary structures must be no more than ten (10) feet in height and comply with all other applicable Borough ordinances.
 4. The party proposing to build the tower must demonstrate to the Borough that the tower is necessary and that locating it at another location would be excessively burdensome. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactory. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed two hundred (200) feet in height.
 5. All communication towers must be stealth towers. A stealth tower is a Communications Tower which is not recognizable as a conventional

Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or one which is concealed in a church steeple.

6. In order to reduce the number of antenna support structures needed in the future, the proposed support structure shall be required to accommodate other users, including other communication companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communication towers, measured from the base of the support structure.

820 COMMUNICATIONS ANTENNA

- A. A building-mounted antenna shall not be located in any residentially zoned district. No free standing antenna will be permitted within the Borough.
- B. No more than 6 antennas shall be permitted on or attached to any building within the Borough.
- C. A building-mounted communications antenna shall be permitted to exceed the height limitations of the applicable zoning district by no more than ten (10) feet.
- D. An omni-directional or whip communications antenna shall not exceed ten (10) feet in height and seven (7) inches in diameter.
- E. A directional or panel communications antenna shall not exceed five (5) feet in height and three (3) feet in width.
- F. A building-mounted antenna shall be set back from the edge of the building by one half the height of the antenna.
- G. For antenna mounted on or to an existing building, the antenna must be of a color that is identical to, or closely compatible with, the color of the building so as to make them as visually unobtrusive as reasonably possible. In addition, supporting electrical and mechanical equipment shall be screen from view or camouflaged.
- H. Any applicant proposing a communications antenna to be mounted on or to a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- I. Any application proposing a communications antenna to be mounted on or to a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the building or structure for review by the Borough Engineer.
- J. Any applicant proposing a communications antenna to be mounted on or to a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that the installation and maintenance of the antenna and any communications equipment building can be accomplished.
- K. A communications antenna shall not cause radio frequency interference with other communications facilities located in the Borough.

ARTICLE VIII SUPPLEMENTARY REGULATIONS

- L. All communications equipment buildings shall be located either on the roof of the building or within the building. No freestanding communications equipment buildings shall be permitted.
- M. The owner or operator of any communications antenna shall be licensed by the FCC to operate such antenna.
- N. Any abandoned or unused communication antenna shall be removed by the owner within six (6) months of the date the antenna was abandoned or last used. If a communication antenna is abandoned, the owner shall be required to immediately notify the Borough in writing of the abandonment.

821 SOLAR COLLECTORS AND RELATED EQUIPMENT

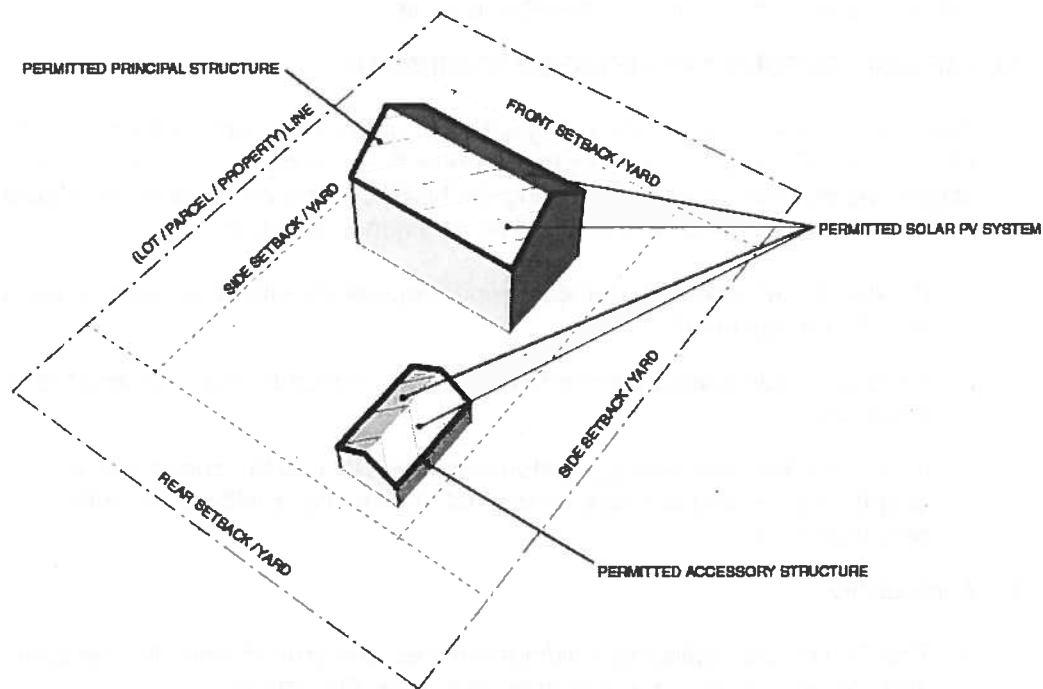
- A. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots. This Ordinance seeks to:
 - 1. Provide lot owners and business owners/operators with flexibility in satisfying their on- site energy needs.
 - 2. Reduce overall energy demands within the community and to promote energy efficiency.
 - 3. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
- B. Applicability.
 - 1. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
 - 2. Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
 - 3. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Ordinance.
- C. Permitted Zoning Districts.
 - 1. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to Borough requirements and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
 - 2. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.
- D. Location Within a Lot.
 - 1. Building-mounted systems are permitted to face any rear, side and front yard or any

ARTICLE VIII
SUPPLEMENTARY REGULATIONS

unregulated yard area as defined in this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.

2. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



ARTICLE VIII
SUPPLEMENTARY REGULATIONS

E. Design and Installation Standards.

1. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
2. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
3. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

F. Setback Requirements.

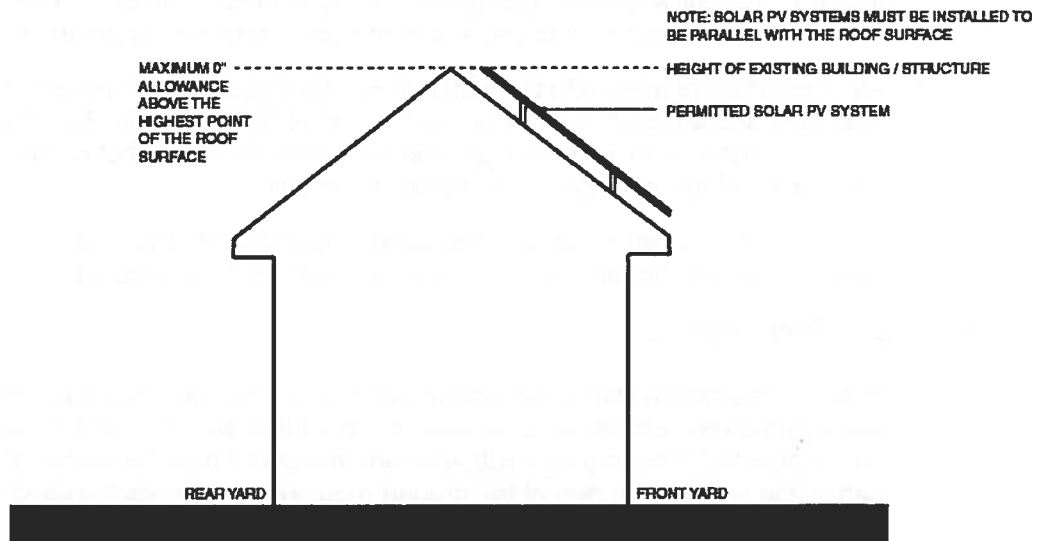
1. Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

G. Height Restrictions.

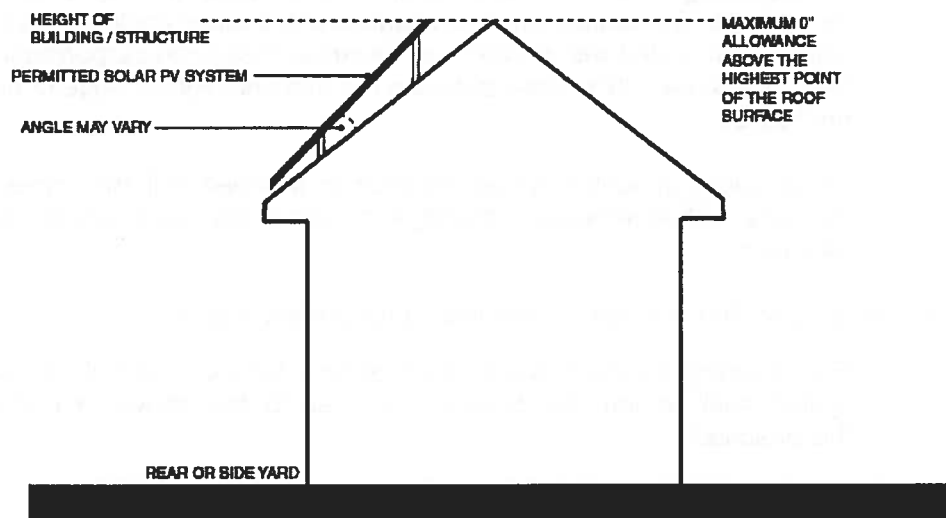
1. Notwithstanding the height limitations of the zoning district:
 - a. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
 - b. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
2. Notwithstanding the height limitations of the zoning district:
 - a. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
 - b. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

**ARTICLE VIII
SUPPLEMENTARY REGULATIONS**

**HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM
ELEVATION**

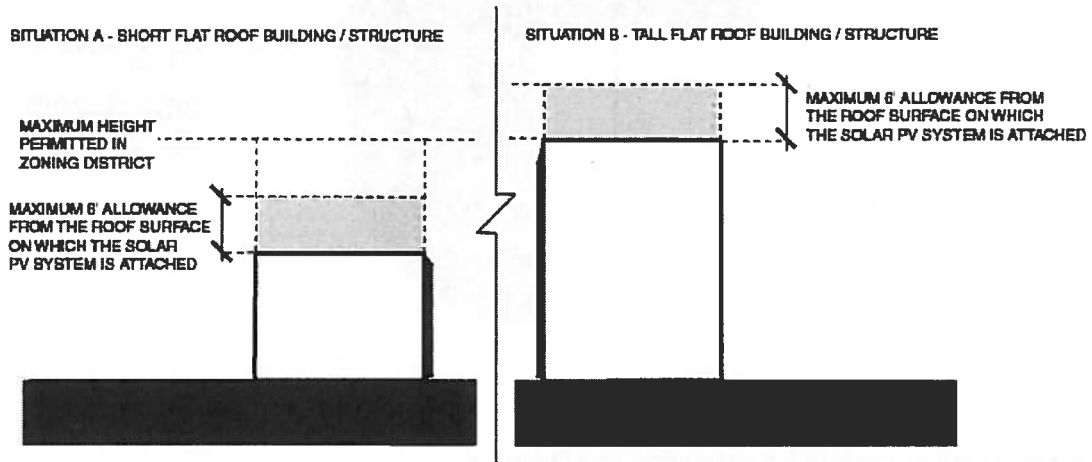


**HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM
ELEVATION**

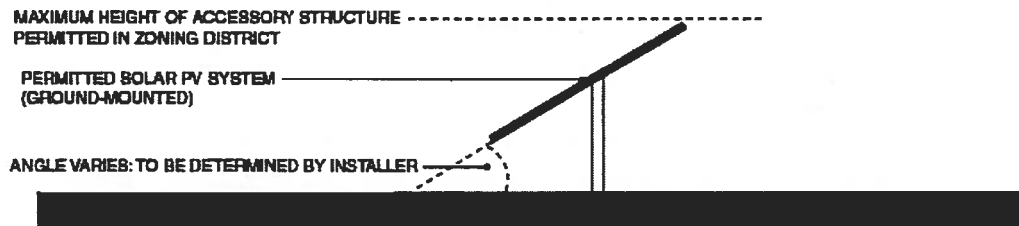


ARTICLE VIII SUPPLEMENTARY REGULATIONS

HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



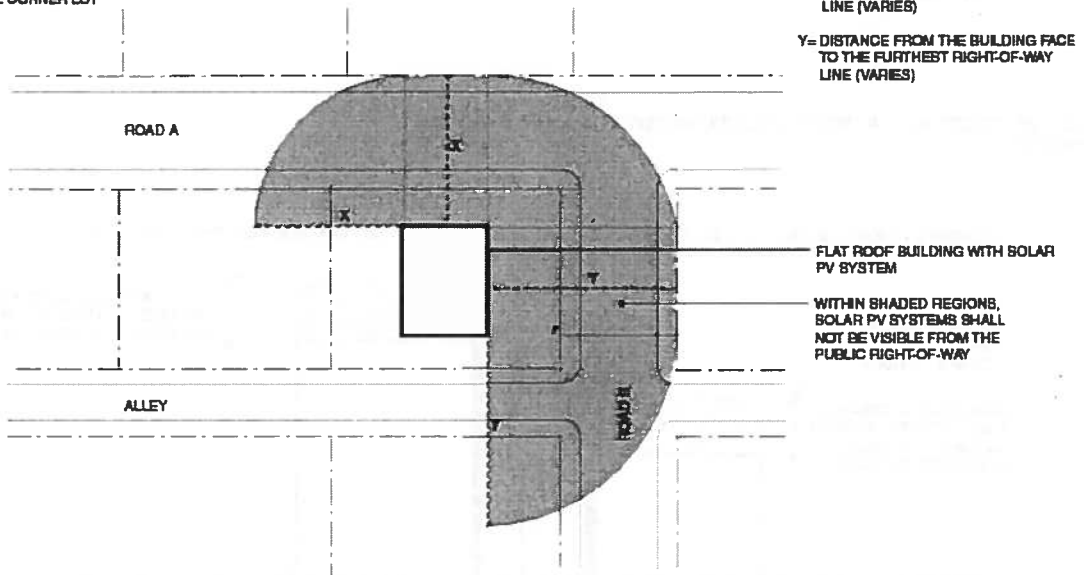
HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM ELEVATION



ARTICLE VIII
SUPPLEMENTARY REGULATIONS

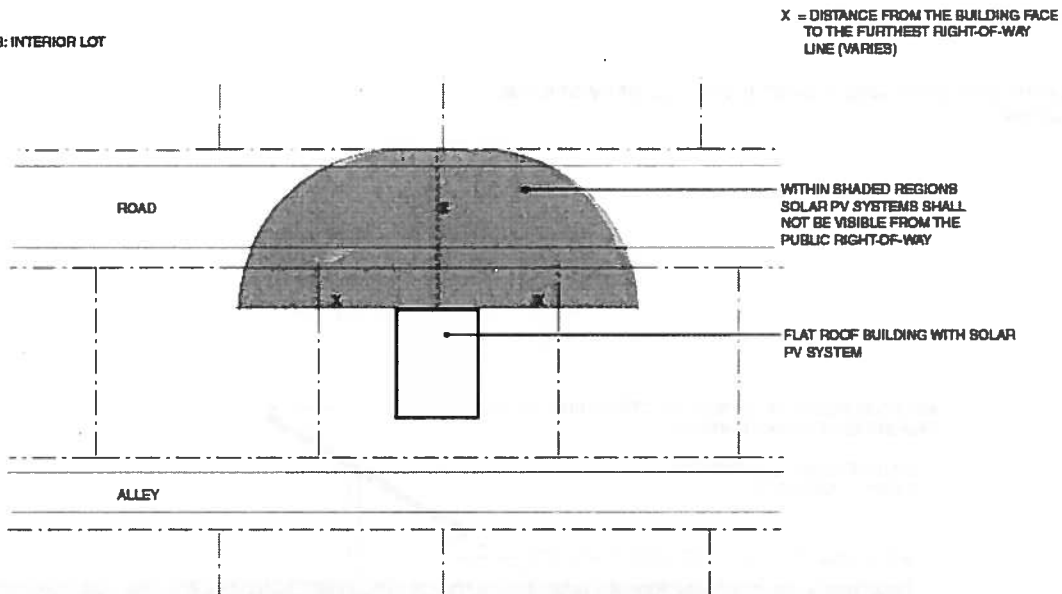
SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM
PLAN

SITUATION A: CORNER LOT



SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM
PLAN

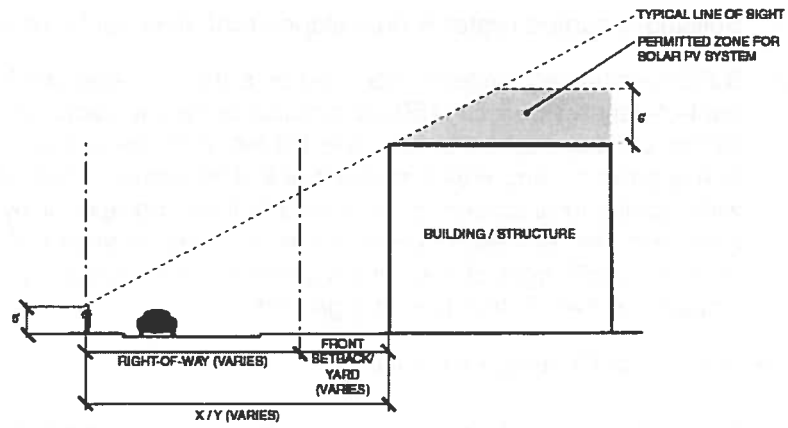
SITUATION B: INTERIOR LOT



ARTICLE VIII SUPPLEMENTARY REGULATIONS

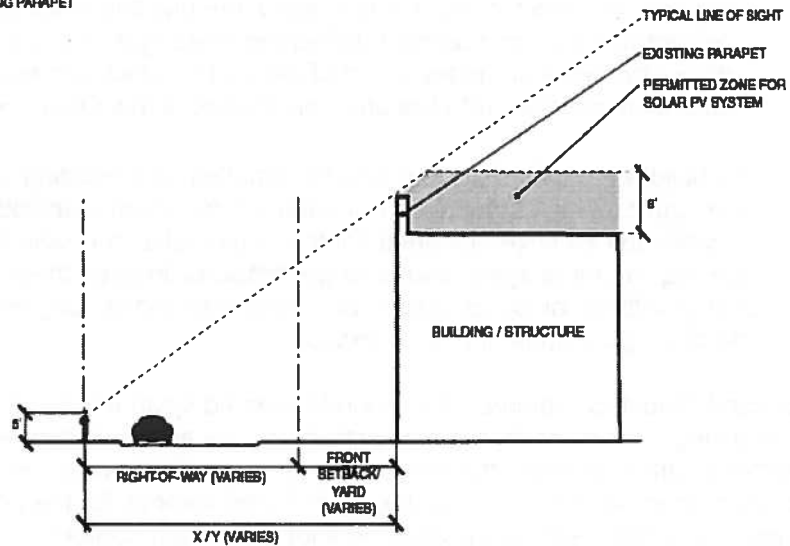
SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

SITUATION A: WITHOUT BUILDING PARAPET



SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

SITUATION B: WITH BUILDING PARAPET



H. Screening and Visibility.

1. Building-mounted systems on a sloped roof shall not be required to be screened
2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty (50) foot radius of the lot, exclusive of an alley as defined by this Ordinance, at a level of five (5) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a fifty (50) foot radius when measured at a distance of five (5) feet from the ground.

I. Impervious Lot Coverage Restrictions.

1. The surface area of any ground-mounted system, 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. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

J. Non-conformance.

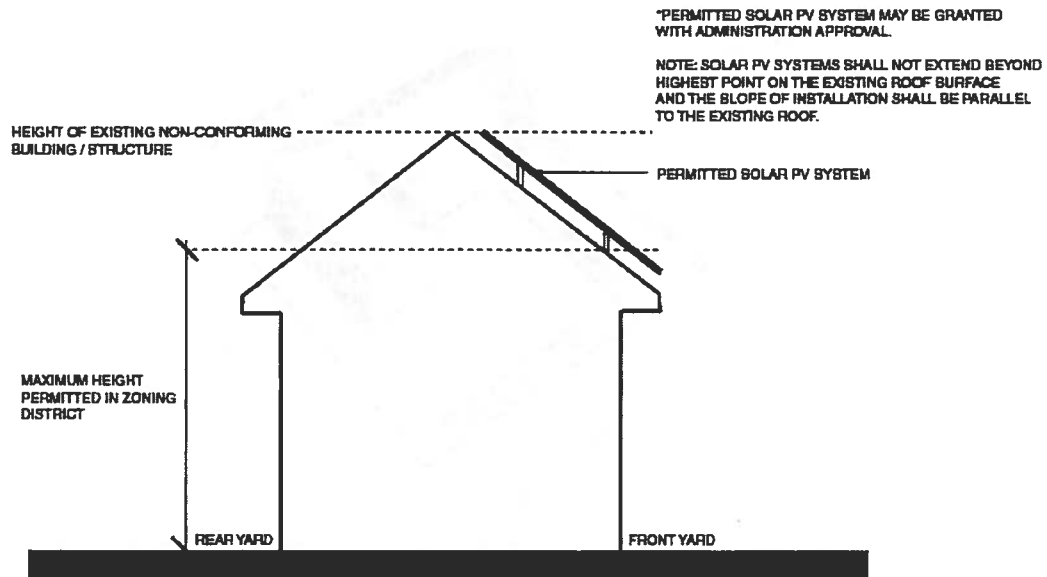
1. Building-mounted systems:

- a. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Ordinance.
- b. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

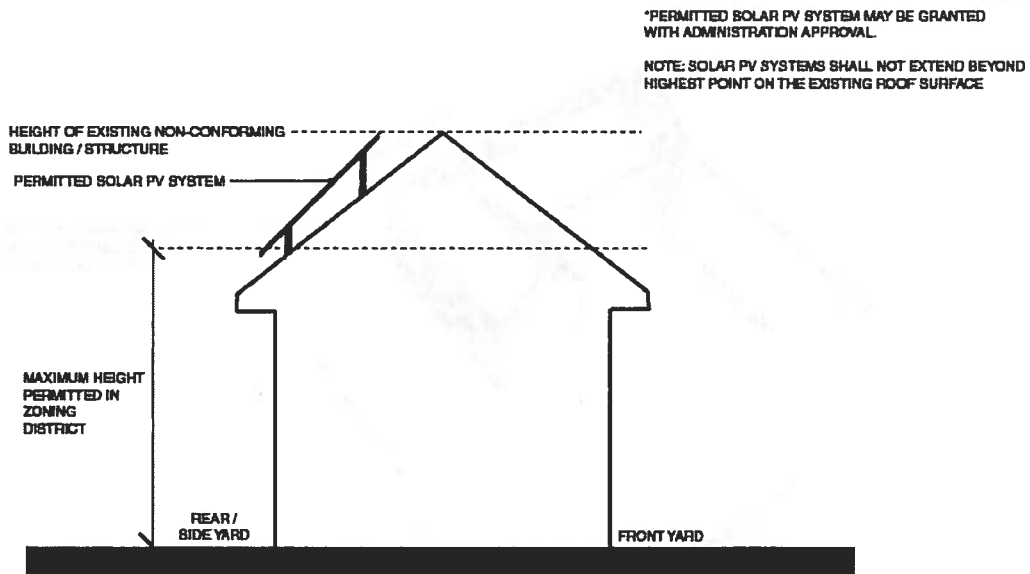
2. Ground-mounted systems: If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

ARTICLE VIII SUPPLEMENTARY REGULATIONS

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

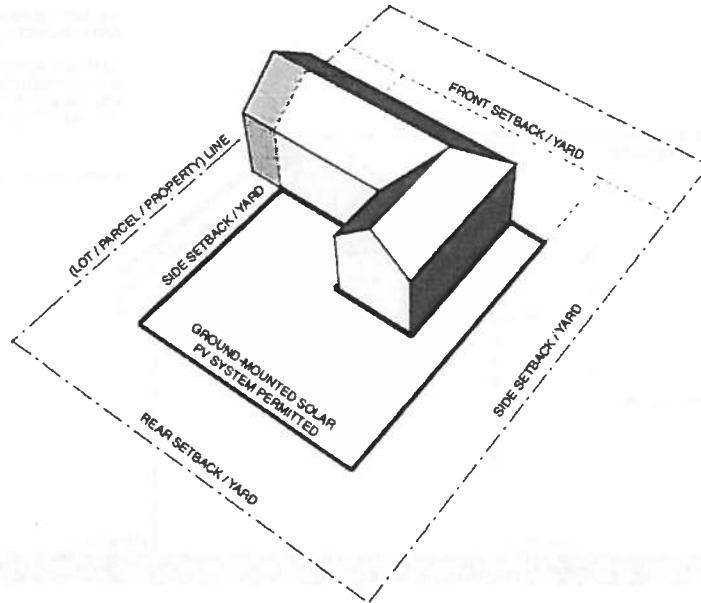


NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

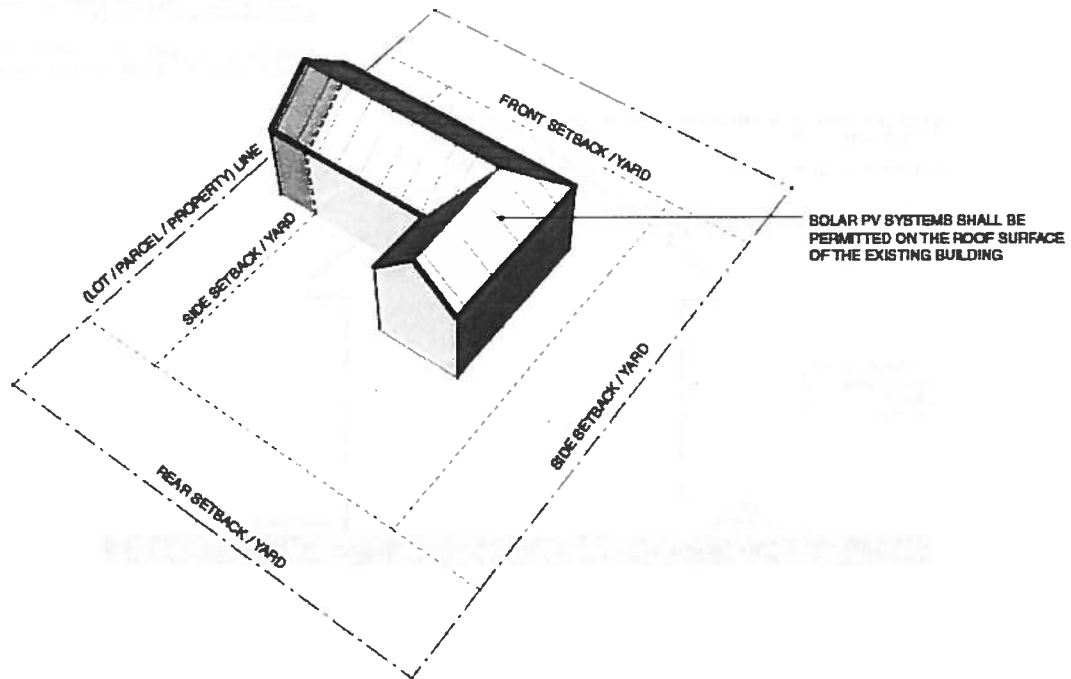


ARTICLE VIII
SUPPLEMENTARY REGULATIONS

NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



**ARTICLE VIII
SUPPLEMENTARY REGULATIONS**

K. Signage and/or Graphic Content.

1. No signage or graphic content may be displayed on the solar PV 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.

L. Performance Requirements.

1. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

M. Inspection, Safety and Removal.

1. The Borough reserves the right to inspect a solar PV system for building or fire code compliance and safety.
2. If upon inspection the Borough determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Borough may order the lot owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the lot owner of his or her right to appeal such determination.
3. If a lot owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Borough may enter the lot, remove the system and charge the lot owner and or facility owner and operator for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the lot owner's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Borough in connection with the removal work and the filing of the municipal claim.

N. Permit Requirements.

1. Before any construction or installation on any solar PV system shall commence, a permit issued by the Borough shall be obtained to document compliance with this Ordinance.

822 OUTDOOR STORAGE.

- A.** The Borough aims to provide a safe and healthy environment to its residents and businesses.

- B. The following items associated with outdoor storage are considered public health or safety menaces which may endanger the health or safety of the public and, as such, are subject to Borough inspection. Such items cannot be stored on a lot.
1. Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste.
 2. Unburied dead animals.
 3. Accumulation of water causing mosquito or other vector breeding or proliferation.
 4. Rodent or insect infestation.
 5. Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety.
 6. Uncovered woodpiles and woodpiles exceeding one hundred twenty (120) cubic feet.
 7. Fuel sources and fire hazards stored freely out-of-doors.
 8. Furniture typically intended/constructed for indoor use stored out of doors.
 9. Inoperable appliances, vehicles and equipment.
 10. Mechanical equipment not intended for traditional landscaping purposes stored between the front façade of a main building and the front lot line.
 11. Motorized, mechanical and other powered vehicles and equipment stored between the front façade of a main building and the front lot line that is not in concealed storage (that which exceeds 85% or greater opacity) or between rear or side facades and rear or side yards that is not screened from adjacent lot(s).
 12. Any other condition or objects that may be injurious or cause adverse effect to public health or safety.
- C. Except for retail/wholesale landscape plant (living) species which require outside storage of materials for growth within the environment, the storage and display of materials outside a completely enclosed structure shall not be permitted.
- D. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.
- E. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height and achieves eighty-five percent (85%) opacity.
- F. When any condition that constitutes a public health or safety menace is found on occupied or vacant land or premises, the Borough shall notify in writing the landowner or occupant of the land or premises on which the condition exists and/or

ARTICLE VIII SUPPLEMENTARY REGULATIONS

any other person who it believes is responsible for the health or safety menace. Such notice shall contain a description of the health or safety menace; the time within which the menace shall be abated, corrected or eliminated; and a statement that the landowner, occupant of the land or other person responsible may request a review meeting with the Zoning Officer within ten (10) days of the receipt of the notice. Notice sent by registered or certified mail to the last-known address of the owner whose name is shown on the current real estate tax assessment records or occupant or other identified person responsible shall be deemed compliance with the notice requirement to the person responsible.

- G. Upon receipt of the written notice from the Borough, the landowner, occupant of the land or other person responsible shall abate, correct or eliminate the health or safety menace. The amount of time allowed to abate, correct or eliminate the health or safety menace condition shall be determined by the Borough, and shall not be less than twenty-four (24) hours nor more than ten (10) days. If the Borough determines that the menace cannot be abated, corrected or eliminated within ten (10) days, the Borough may order temporary abatement measures and allow a longer period of time to abate, correct or eliminate the condition. The Borough may allow such a longer period of time only upon request of the landowner, occupant of the land or other person responsible and only upon a good faith showing that such longer period of time is necessary.
- H. After receipt of the written notice, it is unlawful for the landowner, occupant of the land or other person responsible to fail to abate, correct or eliminate the health or safety menace within the time determined by the Borough.
- I. If the written notice is undeliverable, or if after receipt of the written notice, the landowner, occupant of the land or other person responsible fails to abate, correct or eliminate the health or safety menace, the Borough may request Borough representatives to take reasonable steps to abate, correct or eliminate the health or safety menace whether the land or premises are occupied or vacant. If the landowner, occupant of the land or other person responsible denies free access for such purposes, the Borough may proceed after obtaining the applicable legal authorization.
- J. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on private property shall be assessed against the owner and/or occupant of the land or premises and/or any other person responsible for the health or safety menace, and shall be recoverable from the owner in the same way as taxes and levies. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on public property shall be recoverable from the person or persons responsible for causing the health or safety menace.

823 PERFORMANCE STANDARDS

- A. All uses shall comply with the following general performance standards:
 - 1. Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

ARTICLE VIII
SUPPLEMENTARY REGULATIONS

2. Electrical Disturbance: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
3. Noise: Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, unless required for the protection of the public.
4. Vibrations: Vibrations detectable without instruments on neighboring property shall be prohibited.
5. Odors: Odors detectable without instruments on neighboring property shall be prohibited.
6. Air Pollution: No pollution of air by fly ash, dust, smoke, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property.
7. Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
8. Erosion: No erosion by wind or water shall be permitted which carry objectionable substances onto neighboring properties.

**ARTICLE VIII
SUPPLEMENTARY REGULATIONS**

This page left intentionally blank.

ARTICLE IX
NONCONFORMITIES

901 CONTINUANCE

- A. Within the zoning districts established by this Ordinance, there exist uses and lots of land that were lawful before this Ordinance's adoption but which are now prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are considered incompatible with the permitted uses in the zoning districts involved.
- B. A nonconforming use may be extended throughout a building that was designed and arranged specifically for the nonconforming use, but the nonconforming use shall not be permitted to occupy land outside the building.

902 DISCONTINUANCE OF USE

If the use of any such nonconforming structure or lot ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of the structure or lot shall conform to the regulations specified by this Ordinance for the zoning district involved.

903 ALTERATIONS

Any nonconforming use of a structure may be enlarged, extended, reconstructed or structurally altered, provided that such enlargement, extension, or reconstruction does not exceed twenty-five percent (25%) of the established gross floor area and that any nonconforming setbacks are not further extended. Any nonconforming use of a property other than the structure or signage may be enlarged provided that such enlargement does not exceed twenty-five percent (25%) of the established nonconforming use area and that any required buffer areas or other setback requirements are not encroached upon. The Zoning Officer shall make the determination of allowance for this provision in accordance with the following standards:

- A. Said alteration will not generate additional noise, odors, glare, vibrations, dust or water or air pollution than is currently caused by the nonconforming use at that site.
- B. Said alteration will not be or cause a safety hazard to neighboring uses.

904 RECONSTRUCTION

When a nonconforming building, structure or use is destroyed, or partially destroyed by fire, explosion, or other casualty, or is otherwise damaged to the extent of seventy-five percent (75%) of the appraised replacement value of such building or structure, such nonconforming building, or structure shall not be restored, or rebuilt, except in such a manner as to conform to the regulations of this Ordinance. When a nonconforming building or structure is partially destroyed by fire, explosion, or other disaster to less than seventy-five percent (75%) of its appraised replacement value, it may be restored to its original use provided that the building or structure is no larger than the extent of the

ARTICLE IX NONCONFORMITIES

original building or structure and the required building permit is obtained within twelve (12) months from the date of such disaster.

905 SIGNS

Nonconforming signs may be repaired, provided that no structural alterations are made which increase the gross surface area of the sign. Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign for the same or different business.

**ARTICLE X
ADMINISTRATION**

1001 ADMINISTRATION

- A. Borough Council. Powers and duties of Borough Council are those outlined in the Pennsylvania Municipalities Planning Code (MPC), as amended and the Borough Code.
- B. Borough Planning Commission. Powers and duties of Borough Planning Commission are those outlined in §209.1 of the Pennsylvania Municipalities Planning Code, as amended.
- C. Zoning Hearing Board. Powers and duties of Zoning Hearing Board are those outlined in Article IX of the Pennsylvania Municipalities Planning Code, as amended.
- D. Zoning Officer. Powers and duties of the Zoning Officer are those outlined in §614 of the Pennsylvania Municipalities Planning Code, as amended, and Borough Ordinance.
 - 1. Duties generally involve:
 - a. The day-to-day administrative procedures of this Ordinance.
 - b. Receiving, reviewing, and issuing of building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance.
 - c. Notify persons violating this Ordinance.
 - d. Keeping this Ordinance and map up-to-date.
 - e. Accepting applications for and presenting facts at hearings before the Zoning Hearing Board.
 - 2. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents.
 - 3. The Zoning Officer:
 - a. Must administer this Ordinance by its literal terms.
 - b. Does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance.
 - c. Is required to meet qualifications established by the Borough and the Pennsylvania MPC and must be able to demonstrate a working knowledge of the municipal zoning.
 - d. May also serve as the Building Inspector.

ARTICLE X ADMINISTRATION

E. Building Inspector.

1. The Building Inspector administers the issuance of building permits and occupancy permits. The Building Inspector conducts all inspections necessary to determine compliance and maintains records thereof.
2. The Building Inspector is responsible for collecting fees that accompany applications for building and occupancy permits.
3. The Building Inspector may also serve as the Zoning Officer.

1002 SITE PLAN REVIEW PROCEDURES

A. Requirements for Site Plans:

Prior to the issuance of a Building Permit or Certificate for Occupancy, a site plan shall be submitted and approved for the following uses:

1. All new buildings or additions to existing buildings except single family dwelling units.
2. All conditional uses.
3. Any change in use which will require additional parking spaces to comply with this Ordinance.
4. Any proposed change in existing parking lot configuration.
5. Any other situation, at the discretion of the Zoning Officer, where a site plan is required in order to administer this Ordinance.

B. Site Plan Specifications:

All site plans shall be drawn on a plan prepared to the following specifications:

1. The plan shall be drawn to scale and be sealed by a registered surveyor, engineer or landscape architect.
2. The scale shall not be smaller than one (1) inch equals fifty (50) feet. A smaller scale may be acceptable in certain circumstances if the required data can be clearly shown.
3. All submittal packages shall include ten (10) blue line prints.
4. Where it is not possible to display the entire site, at the required scale, on a single drawing sheet, multiple drawings shall be submitted, with match lines appropriately marked on each sheet.

C. Site Plan Contents:

All site plans shall contain the following information if applicable:

1. North arrow, title, original date prepared and revision dates.

2. Names of abutting property owners.
3. Location map.
4. Property dimensions and directional bearings.
5. Centerline and edges of abutting streets.
6. House number and route number if assigned.
7. Location of all buildings:
8. Use of all building areas in gross floor area.
9. Vehicular and pedestrian traffic features including parking.
10. Landscaping, fencing, walls and open space features.
11. Existing watercourse, flood plain information and proposed changes.
12. Existing grades and proposed changes at two (2) foot contours.
13. Location and effect of outdoor lighting.
14. Outdoor garbage facilities.
15. Location of all existing utilities and easements.
16. Proposed changes or additions to existing utilities.
17. Proposed storm water drainage facilities.
18. Location of nearest fire hydrant.
19. Table specifying proposed and required lot area, lot width, height, yard areas, impervious surface area, building size and parking requirements.
20. Preliminary architectural drawings showing front elevation and indicating exterior facing materials.

D. Site Plan Review Process:

1. Site plans must be submitted two (2) weeks prior to the next scheduled Planning Commission meeting for review at the next scheduled Planning Commission meeting. A minimum of ten (10) complete copies shall be submitted.
2. Conditional Uses and Planned Residential Development Plans:

All site plans for conditional uses and Planned Residential Developments shall be reviewed and acted upon in accordance with the procedures set forth in Article X and Article XIII of this Ordinance.
3. Other Site Plans Proposing Minor Use Changes:

Only those site plans proposing building additions under five thousand (5,000) gross square feet of additional floor area and/or changes in parking lot configuration shall be reviewed and acted upon by the Zoning Officer within thirty

ARTICLE X ADMINISTRATION

(30) days of a complete submission. The Zoning Officer shall either approve, conditionally approve or deny the site plan. Any denial shall state the reasons for denial and reference the Sections of this Ordinance which are in violation. Following approval of a site plan, the applicant may apply for other required permits including, but not limited to, Building Permits, Grading Permits and Sign Permits.

4. Other Site Plans Proposing Major Use Changes:

All site plans proposing any new buildings or building additions over five thousand (5,000) gross square feet of additional floor area shall be reviewed and acted upon by the Borough Council within sixty-five (65) days from the date of the Borough Council meeting when the site plan is first reviewed. The Borough Council shall either approve, conditionally approve or deny the site plan. Any denial shall state the reasons for denial and reference the Sections of this Ordinance which are in violation. Following approval of a site plan, the applicant may apply for other required permits including, but not limited to, Building Permits, Grading Permits and Sign Permits.

5. Action Required on Approved Site Plans:

Prior to issuance of a Building Permit, the applicant of an approved site plan shall enter into a Development Agreement with the Borough to guarantee the completion of site improvements. The Agreement shall require the posting of security in such amounts as prescribed by the Municipalities Planning Code, as amended. The Agreement shall include any and all on-site and off-site improvements for which the applicant is responsible.

1003 BUILDING PERMITS

- A. No building or structure shall be erected, added to or structurally altered until a building permit has been issued by the Borough. No building permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance. Any building permit issued in conflict with the provisions of this Ordinance shall be null and void.
- B. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of building already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Borough, including existing or proposed uses of the building and land; the number of households, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.
- C. A building permit for any building or use may be revoked and withdrawn by the Borough if the holder of the building permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit, and the holder of the building permit may be subject to penalties as defined by the Borough.

- D. The Borough shall act upon an application for a building permit no later than thirty (30) days after receiving the application. Failing to act within this time the applicant may request the Borough Council to issue the building permit.
- E. One copy of the plans shall be returned to the applicant after the Borough has marked such copy either as approved or disapproved and attested to same by signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Borough.
- F. If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, or ninety (90) days after the effective date of this Ordinance, said permit shall expire; it shall be canceled by the Borough; and written notice thereof shall be given to the persons affected.
- G. If the work described in any building has not been substantially completed within two (2) years of the date of issuance thereof, said permit and any other zoning relief shall expire and be canceled by the Borough, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permits shall not proceed unless and until a new building permit and any other zoning relief have been obtained. Applicant shall have ten (10) days to apply for renewal of zoning relief and issuance of new building permit. Failure to do so is violation of this Ordinance subject to Borough enforcement remedies.
- H. All buildings for which permits have been obtained and the construction of which has begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the date of adoption of this Ordinance may be completed and used in accordance with the plans on which said permit was granted, and provided further that all permits issued prior to the approval of this Ordinance for buildings or uses which do not conform to the provisions of this Ordinance are hereby declared void if at the time of the approval of this Ordinance no construction of such building shall have been made or no contracts have been let pursuant to such a permit.
- I. All public and private construction, demolition and grading work and related activities performed pursuant to a building permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, and no such work shall be performed at any time on Sundays, unless the permittee obtains written consent from the Borough to do the work at an earlier or later hour or on a Sunday. Such permission shall be granted in the case of an emergency, special work issue or in the event that work authorized by the permit is to be performed in a traffic congested area.
- J. In connection with the granting of any permit, the Borough may, in discretion, attach conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance including, but not limited to, the following:
 - 1. Limitations on the period of the year in which the work may be performed.
 - 2. Restrictions as to the size, weight and type of equipment.
 - 3. Designation of routes upon which materials may be transported.
 - 4. Designation of the place, manner and routes of disposal of excavated material.

ARTICLE X ADMINISTRATION

5. Requirements for the storage of equipment and materials.
6. Requirements as to the control of dust, the cleaning of streets, the prevention of noise and all other conduct injurious to the neighborhood, the general public or any portion thereof.
7. Regulations as to the use of streets in the course of the work in the Borough.
8. Regulations as to the use of a mechanical device for the breaking of pavement, such as a hydra-hammer or headache ball, which will be permitted only with special written permission from the Borough.
9. Requirements that the building permitted area be completely fenced in, with a designated point of ingress and egress, and with such fencing to be of sufficient height and transparency so as to protect public health, welfare and safety.

1004 CERTIFICATES FOR OCCUPANCY

A. Requirement for a Certificate for Occupancy:

1. A Certificate for Occupancy shall be required before any person may do any of the following:
 - a. Occupy or use any vacant land.
 - b. Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged.
 - c. Change the use of a structure or land to a different use.
 - d. Change a nonconforming use.
 - e. Open a new business where there has been a change in tenants or ownership.
2. The Certificate for Occupancy is intended for the purposes of verifying that the associated structures, improvements and/or uses have been completed in accordance with the approved plan(s) and that all applicable rules, regulations and codes have been complied with, thereby making the structures, improvements and/or uses acceptable for occupancy.
3. The Certificate for Occupancy shall not be construed as an Occupancy Permit, which is required under another Ordinance for residence or businesses within the Borough and is issued by the Borough Secretary.
4. A Certificate for Occupancy shall be issued only after the required fee is paid and all provisions of this Ordinance and other applicable regulations are met. If upon inspection, the Zoning Officer finds the premises to have been developed in violation of any of the conditions of the Building Permit, he shall order the violations corrected to conform to the Building Permit and shall not issue a Certificate for Occupancy until satisfied that the corrections have been made.

B. Temporary Certificates for Occupancy:

The Zoning Officer may issue a Temporary Certificate for Occupancy for use of a building which required a site plan for approval even though the required improvements have not been totally completed. This Temporary Certificate for Occupancy shall be issued only when all of the following circumstances are met:

1. The Zoning Officer determines that extenuating circumstances have kept the site improvements from being completed.
2. The building or addition is in compliance with all applicable Building and Fire Codes.
3. There are no conditions on the site which are a hazard in light of the use permitted by the Temporary Certificate for Occupancy.
4. The Development Agreement is amended to extend the time period as necessary to complete the required improvements as determined by the Zoning Officer.
5. Any security required for said required improvements is extended to cover the period of the amended Development Agreement.

C. Time Limit of Temporary Certificate for Occupancy:

No Temporary Certificate for Occupancy shall be issued for a period of more than one (1) year. No such certificate shall be extended for any reason. A Temporary Certificate for Occupancy may be revoked by the Zoning Officer upon the violation of any of the conditions set forth above.

1005 FEES

All fees required in this Ordinance shall be established by Resolution of the Borough Council. No action shall be taken on any type of application or approval that requires payment of a fee until said fee is paid in full. The Zoning Officer shall maintain, for public inspection, a schedule of any and all established pursuant to this Ordinance.

1006 REQUEST FOR REASONABLE ACCOMMODATION

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception to the Zoning Hearing Board. The Zoning Hearing Board shall require information outlined as part of the application to process the request.
- B. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing.
- D. The Zoning Hearing Board shall issue its written decision to the Applicant and the Borough Council within thirty (30) days of filing of the request for accommodation or at

ARTICLE X ADMINISTRATION

the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two (2).

E. A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the counsel of the Borough Solicitor and/or Zoning Hearing Board Solicitor, apply the following criteria.

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

ARTICLE XI

ENFORCEMENT, VIOLATIONS AND PENALTIES

1101 ENFORCEMENT

The Zoning Officer, or a person duly appointed and designated by the Borough Council, shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of uses which does not conform to the Ordinance. The Zoning Officer shall be responsible for instituting enforcement proceedings, including enforcement proceedings for civil penalties for violations of the Zoning Ordinance.

1102 ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore, in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00), plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall 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 the Ordinance to believe that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough.
- B. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough may, in addition to other remedies, institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Zoning Ordinance.

ARTICLE XI
ENFORCEMENT, VIOLATION AND PENALTIES

This page left intentionally blank.

**ARTICLE XII
AMENDMENTS**

1201 INITIATION OF AMENDMENTS

The Borough Council may amend this Ordinance, as proposed by a member of the Borough Council or by a petition of any person, partnership or corporation, in accordance with the following provisions.

1202 PETITION PROCEDURES

Petitions for amendment shall be filed with the Zoning Officer, and the petitioner, upon filing, shall provide the necessary legal description and pay an advertising deposit and filing fee in accordance with a schedule fixed by Resolution of the Borough Council. Petitions for rezoning are required to be submitted at least ten (10) working days prior to the Borough Council meeting, in order to be placed on the agenda of that meeting. If any amendment is withdrawn in writing by the petitioner before the advertisement is placed for any public hearing, the advertising deposit shall be refunded to the petitioner; otherwise, such deposit shall be paid to the Borough. Any amendment to a petition by the petitioner shall constitute a new petition and shall require the payment of a new advertising deposit and filing fee.

1203 PUBLIC HEARING REQUIREMENTS

The Borough Council shall hold a public hearing, pursuant to public notice, before voting on the enactment of any amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

1204 COMPLIANCE WITH THE MUNICIPALITIES PLANNING CODE

All amendments to this Ordinance shall be done in compliance with the Municipalities Planning Code.

ARTICLE XII
AMENDMENTS

This page left intentionally blank.

ARTICLE XIII
CONDITIONAL USES

1301 GENERAL REQUIREMENTS

A. Application

1. In evaluating an application for a special exception use, the Borough shall apply the guidelines and procedures set forth in the MPC.
2. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this or any other ordinance should contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
3. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
4. The Borough Council shall not evaluate a conditional use application unless and until:
 - a. A written application for conditional use approval is submitted to the Borough Zoning Officer no less than ten (10) working days prior to the regular meeting of the Borough Planning Commission. The application shall indicate the section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The Borough Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance, which have not been met, shall be sent to the applicant. The application shall include the following:
 - i. A Development Plan.
 - ii. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - iii. A map showing and identifying all lots within two hundred (200) feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of Butler County.
 - iv. A traffic impact analysis, if required.
 - v. Application fee as required.

ARTICLE XIII

CONDITIONAL USES

- vi. A written recommendation is received from the Borough Planning Commission or thirty (30) days has passed from the date of Borough Planning Commission meeting at which the application is first considered for approval.
 - vii. A public hearing is held by the Borough Council pursuant to public notice.
- 5. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may seem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code (MPC) and this Ordinance.
 - 6. Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.
 - 7. Conditional use approval granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.
- B. General Standards and Criteria.
- 1. Before approving a conditional use application, the Borough Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Borough Council shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Ordinance for a specific type of use or development.
 - 2. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Borough, County and Commonwealth and Federal ordinances, laws and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Borough, Butler County, Pennsylvania and Federal agencies before final approval of the conditional use application shall be granted.

3. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
4. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.
5. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.
6. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
7. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

C. Specific Standards and Criteria.

In addition to any other applicable regulations, conditional uses shall be subject to the following express standards and conditions.

1302 ADULT ORIENTED BUSINESS

A. Classifications. Sexually oriented businesses are classified as follows:

1. Adult arcades
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios;
9. Sexual encounter centers.

ARTICLE XIII
CONDITIONAL USES

B. Permit Required.

1. No person may operate or be employed at a sexually oriented business without the appropriate license issued by the Borough pursuant to the Borough Adult Business Licensing Ordinance. See the Seven Fields Code of Ordinances.

C. Location of Sexually Oriented Businesses.

1. A person is guilty of a violation of this Ordinance if he operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a permitted use. No sexually oriented businesses shall be located outside a district in which a sexually oriented business is a permitted use.
2. A person is guilty of a violation of this Ordinance if he operates or causes to be operated a sexually oriented business within five hundred (500) feet of a building facade that is:
 - a. A place of worship.
 - b. A public or private pre-elementary, elementary or secondary school.
 - c. A public library.
 - d. A child care facility or nursery school.
 - e. A public park.
3. A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within five hundred (500) feet of another sexually oriented business.
4. A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment or maintenance of more than one (1) sexually oriented business in the same building, structure or portion thereof; or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
5. For the purpose of this Part, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest portion of the building or structure used as a part of the premises of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility or nursery school; or to the nearest boundary of an affected public park.
6. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

7. Any sexually oriented business lawfully operating on the date of enactment of this Section that is in violation of this Section shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two (2) or more sexually oriented businesses are within five hundred (500) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility, nursery school or public park within five hundred (500) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

1303 ALL OTHER USES

- A Uses not expressly listed as permissible within this Ordinance may be considered for a conditional use application in the Industrial District upon the Applicant's demonstration that the proposed use:
 1. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
 - a. The number of employees.
 - b. The floor area of the building, gross area of the lot and/or scale of development in devoted to the proposed use.
 - c. The type of products, materials, equipment and/or processes involved in the proposed use.
 - d. The magnitude of walk-in trade.
 - e. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.
 - f. The hours of operation.
 - g. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
 - h. Elevations and site plans must be provided with the application.

ARTICLE XIII

CONDITIONAL USES

2. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
3. Is in general conformity with the adopted Comprehensive Plan and harmony with the area in which it is proposed.
4. Complies with any applicable standards and criteria specified in this Part for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed is in compliance with all other standards of this Ordinance and all other applicable Borough Ordinances.

1304 AUTOMOBILE REPAIR

- A. The maximum lot area for an auto repair & service station shall be 20,000 square feet.
- B. An automobile repair and service station shall have direct ingress/egress to an arterial street.
- C. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- D. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- E. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.
- F. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.
- G. Sufficient buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- H. Cars stored on site shall be parked and/or stored on the side or rear of the lot. A ten percent (10%) increased screening width applicable to the lot line adjacent to said parking and/or storage shall be provided.

1305 AUTOMOBILE SALES AND SERVICE

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

- E. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- F. Landscaping requirements:
 - 1. One (1) tree (2 ½" cal.) per fifteen (15) display spaces shall be planted on the lot.
 - 2. A decorative landscaped strip shall be located immediately adjoining the supporting structure of any signage in all directions;
 - 3. A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip.
- G. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- H. The maximum lot area for an auto service station shall be twenty thousand (20,000) square feet.
- I. The use shall have direct ingress/egress to an arterial street.
- J. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- K. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- L. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.
- M. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

1306 BED AND BREAKFAST

- A. No more than ten (10) bedrooms may be available or used for such use in any building and each guest room may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guests, and in no instance shall the total number of guests in a Bed and Breakfast use exceed thirty (30).
- B. Not more than one (1) ground sign shall be permitted on the lot. The maximum permitted sign area shall be ten (10) square feet.
- C. Service meals shall be limited to breakfast only to overnight guests of the facility.
- D. All off-street parking spaces shall be provided on the lot. The number of off-street parking and loading spaces shall be provided as defined by this Ordinance. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.

ARTICLE XIII

CONDITIONAL USES

- E. The owner and/or manager of the facility shall reside therein.
- F. An overnight guest shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30)-day period.

1307 BEVERAGE DISTRIBUTION

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

1308 BIOMEDICAL OPERATION

- A. Facility design must be in accordance with the most current version of the Biosafety in Microbiological and Biomedical Laboratories published by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention and National Institutes of Health (CDC/NIH).
- B. Facilities for the treatment, proper handling, and disposal of biomedical waste must be provided.

1309 BUILDING MATERIALS SALES OR STORAGE YARD

- A. Service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- B. A Delivery Plan for the use shall be submitted for Council approval.

1310 BULK MATERIALS OR MACHINERY STORAGE

- A. Service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- B. A Delivery Plan for the use shall be submitted for Borough approval.

1311 BUSINESS SERVICES

Business services shall be permitted a conditional use subject to the following standards and criteria:

- A. Buildings adjacent to a private street or driveway shall be located a minimum of twenty (20) feet from the edge of the street.
- B. Primary facades and entries shall front adjacent streets or public walkways.

- C. Side and rear bufferyards shall be maintained in accordance with Bufferyards as defined by this Ordinance.
- D. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.
- E. Buildings and structures shall be designed to minimize conflicts between uses and shall be constructed in accordance with the Borough's Construction Standard Details.
- F. Loading areas shall not be visible from any business service use.
- G. Outdoor storage shall not be visible from the primary entrance of a business service use.
- H. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

1312 CATERING

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

1313 COLLECTION AND RECYCLING FACILITY

- A. The use shall be conducted within a completely enclosed building.
- B. Recycling storage containers shall be completely enclosed.
- C. Vehicular access shall not be from the primary commercial frontage if access from the rear or side is possible.
- D. Vehicular drop-off areas shall be located a minimum of sixty (60) feet from any intersection or driveway and shall not conflict with residential parking.
- E. Council shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, truck routes, hours of operation, and noise generation.

1314 COMMERCIAL SCHOOL

- A. Required off-street parking for the business shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the school.

ARTICLE XIII
CONDITIONAL USES

1315 CONVENIENCE STORE

- A. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
- B. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- C. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of pallets and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
- D. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- F. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.

1316 DAY CARE CENTER

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

1317 DRY CLEANING PLANT

- A. A list of materials used in the operation to be submitted to the Borough on a yearly basis.
- B. All materials and equipment shall be stored within a completely enclosed building.

1318 FINANCIAL INSTITUTION

- A. The ground of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. Side and rear buffer areas shall be maintained in accordance with this Ordinance.
- C. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to insure that the traffic flow on public rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked as shall be a separate means of egress from the bank. Should any traffic congestion occur in the public right-of-way, it shall be the responsibility of the owner to direct traffic away from the facility by posting a "Temporarily Closed" sign or other means. The Borough may require any traffic studies and associated improvements as a condition of approval.

1319 FOOD PROCESSING AND PACKING PLANT

- A. All food processing and packaging activities shall be in compliance with applicable health regulations.
- B. The County and the Zoning Officer reserve the right and shall be permitted to inspect operations and facilities without prior notice.
- C. Loading areas/docks shall be screened as per the regulations in this Ordinance.
- D. No outdoor storage shall be permitted on a lot associated with food processing/packaging.

1320 FUEL/ENERGY RECHARGE STATION

- A. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
- B. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- C. One additional tree per fuel pump/recharge unit shall be planted on the lot.
- D. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.

ARTICLE XIII

CONDITIONAL USES

- E. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of palettes and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
- F. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- G. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- H. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
- I. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.

1321 GROCERY STORE

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
- B. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
- C. A grocery store shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Ordinance.
- D. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

1322 HEALTH AND FITNESS RELATED ESTABLISHMENT

- A. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- B. Outdoor storage of materials shall not be permitted.
- C. A Delivery Plan for the use shall be submitted for Council approval.

1323 HIGH TECH INDUSTRY

- A. See and conform to conditions listed for Research and Development.

1324 HOME BASED BUSINESS, LOW IMPACT

- A. All employee parking shall be located on the lot.

- B. All active and operational businesses shall file an application annually with the Zoning Officer.
- C. The home occupation shall be carried out completely within the dwelling unit or accessory building/structure.
- D. Not more than two (2) persons other than the occupants of the dwelling unit shall be employed on the premises.
- E. As demonstrated by the floor plan(s) of the structure (s) on the lot, no more than twenty-five (25) percent of the total floor area of the principal and/or accessory structure (s) shall be devoted to a home occupation.
- F. Parts sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed twenty-five (25) percent of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted. It shall be the home occupation operator's responsibility to annually file an accurate and attested annual report of gross business receipts with the Zoning Officer to serve as proof of compliance with this provision.
- G. There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. One (1) exterior sign of not more than two (2) square feet shall be permitted and shall comply with Article VI "Sign Regulations".
- H. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- I. A home occupation shall, under no circumstances, be interpreted to include retail goods, kennels or any occupation where the principal activity involves sales offered across the counter.

1325 HOTEL/MOTEL

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance to surrounding uses.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.
- C. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- D. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

ARTICLE XIII
CONDITIONAL USES

- E. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- F. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.
- G. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

1326 KENNEL

- A. Such uses shall be located at least twenty-five (25) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Ordinance.
- B. The minimum lot area shall be one half (1/2) acre.
- C. Outdoor animal runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- D. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the County Health Department shall be maintained.
- F. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- G. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

1327 LIFECARE FACILITY

- A. The institution shall be accredited by the Commonwealth.
- B. The institution shall be the sole occupant of the lot.
- C. Access located along a street shall take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections. Unless otherwise defined by the Borough, said distances shall be forty (40) feet from an intersection.

- D. Parking areas shall be screened from view of neighboring houses or those directly across the street and/or alley from the lot in accordance with the bufferyard requirements of this Ordinance.

1328 MANUFACTURING/FABRICATION (HEAVY/LIGHT)

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this Ordinance
- C. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- D. Any outdoor storage conducted on the lot shall comply with Borough standards.
- E. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

1329 MECHANICAL REPAIR

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this Ordinance
- C. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- D. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

1330 MEDICAL OR DENTAL CLINIC

- A. Facilities and equipment to support overnight boarding shall not be permitted.
- B. Access for emergency response shall be clearly distinguished and provided so that no parking or circulation of visitor or employee traffic blocks such access.
- C. Floor Area Ratio to be 0.20 maximum for the Medical or Dental Clinic Use.

1331 MINI-WAREHOUSE

- A. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of five hundred (500) square feet.

ARTICLE XIII
CONDITIONAL USES

- B. Walls. A six-foot high decorative masonry wall combined with an earthen berm or landscaping to provide an eight foot high screen shall be provided around the entire mini-warehouse land use, unless otherwise approved by the Borough. The rear and sides of mini-warehouse buildings may be used in place of portions of the required wall where no individual storage units are accessible from the building sides. The exterior side of all perimeter masonry walls and building sides (if used in place of portions of the walls), shall be coated with a protective coating that will facilitate the removal of graffiti.
- C. Lighting.
 - 1. All lighting shall be indirect, hooded and positioned so as not to reflect onto adjoining property or public streets.
 - 2. Lighting fixtures may be installed in each individual storage space, provided that the fixtures shall not include or be adaptable to provide electrical service outlets.
- D. Gates. All gates shall be decorative wrought iron, other metal type, or wood. All gates shall be subject to review and approval by the county fire department and sheriff's department to assure adequate emergency access.
- E. A manager and/or caretaker shall be a permanent resident and on-site or available for immediate contact at all times.

1332 MIXED USE

- A. Buildings adjacent to a private street or driveway shall be located a minimum of twenty (20) feet from the edge of the street.
- B. In buildings that contain residential dwellings, each dwelling shall have a minimum habitable floor area of nine-hundred (900) square feet.
- C. Dwellings in basements, garages, or other accessory buildings shall not be permitted.
- D. The entrance for the dwelling unit or units shall be designated so that it is not necessary to walk through the business establishment to access any dwelling unit; however, the business establishments and the dwelling units may share a common corridor.
- E. Dwelling units shall not be permitted on the ground or street floor of any building containing one (1) or more business establishment.
- F. Primary facades and entries shall front adjacent streets or public walkways.
- G. The developer and/or landowner shall minimize off-street parking needs by sharing parking spaces within the development. Council may request a shared parking analysis.
- H. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.

- I. The land development's vehicular circulation system shall be designed to minimize conflicts between heavy truck traffic and automobile traffic and parking areas.
- J. The pro-rata share of handicapped spaces required by the land development should be provided as close as practical to each use's primary entrance.
- K. Only uses designated as permitted or conditional uses within the specific district in which the development is located shall be considered for inclusion within the mixed-use development.
- L. Buildings and structures shall be designed to minimize conflicts between uses and shall be constructed in accordance with the Borough's Construction Standard Details.
- M. Off-street parking shall be provided on the lot in accordance with the ratios for each use specified in Article VII of this Ordinance. Shared parking for residential and business uses shall not be permitted.
- N. Loading areas shall not be visible from the primary entrance of any commercial use.
- O. Outdoor storage shall not be visible from the primary entrance of any commercial use.

1333 MOBILE HOME PARK

A. Dimensional Standards:

1. Minimum size for mobile home park:

The minimum lot size for a mobile home park shall be ten (10) acres.

2. Minimum lot size per mobile home site:

The minimum lot size per mobile home site shall be eight-thousand (8,000) square feet.

3. Setbacks:

All mobile homes and other structures shall be set back at least thirty-five (35) feet from the right-of-way line of any public street or property line and twenty-five (25) feet from the cartway of any internal access street and any other mobile home.

B. Development Standards:

1. General Standards:

All mobile home parks shall meet the general development standards set forth in the permitted district.

ARTICLE XIII

CONDITIONAL USES

2. Open Space:

- a. All mobile home parks shall maintain a common open space of at least twenty percent (20%) of the total mobile home park.
- b. All open space areas shall, as a minimum, meet the standards set forth in Section 504-A-3, PRD Common Open Space.

3. Environmental Considerations:

All mobile home parks shall, as a minimum, meet the standards set forth in Section 504-D, PRD Environmental Considerations.

4. Traffic Circulation:

All mobile home parks shall, as a minimum, meet the standards set forth in Section 504-F, PRD Traffic Circulation.

C. Additional Requirements:

All mobile homes located in the mobile home park shall meet the following standards:

1. The home has a length not exceeding four (4) times its width.
2. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) foot of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
3. The exterior siding consists of wood, hardboard, or painted or vinyl covered aluminum comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
4. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home.
5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
6. Mobile homes shall be anchored permanently to its foundation with aircraft cable or other anchoring means satisfactory to the Zoning Officer.
7. All mobile homes shall meet the Manufactured Home Construction and Safety Standards, Department of Housing and Urban Development, 24 Code of the Federal Regulations, Part 3280, Section 3280.1, et. seq.

1334 NIGHTCLUB

- A. A nightclub serving alcohol shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.

- B. A nightclub's hours of operation and activities must be appropriately scheduled to protect all surrounding residential development from detrimental noise, disturbance or interruption.
- C. The owner(s) and operator(s) of a nightclub shall be responsible for the conduct and safety of the patrons.
- D. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

1335 OFFICES (BUSINESS/PROFESSIONAL)

- A. Off-street parking shall be screened from residential uses.
- B. One (1) tree per ten (10) parking spaces shall be planted on the lot. Trees to be a minimum of two and one half (2 ½) inches DBH.

1336 OFFICES (MEDICAL)

- A. Off-street parking shall be screened from residential uses.
- B. One (1) tree per ten (10) parking spaces shall be planted on the lot. Trees to be a minimum of two and one half (2 ½) inches DBH.
- C. Floor Area Ratio to be 0.20 maximum for the Medical Office Use.

1337 PLACE OF ASSEMBLY/PLACE OF WORSHIP

A place of worship/place of assembly shall be a permitted conditional use subject to the following conditions and/or standards.

- A. A primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Engineer to ensure employee and visitor safety.
- C. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- D. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

1338 PLANNED RESIDENTIAL DEVELOPMENT – See Article V.

ARTICLE XIII
CONDITIONAL USES

1339 RECREATION FACILITIES (PUBLIC/PRIVATE)

- A. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Ordinance.
- B. Coverage, including structures, parking lots, and buildings, shall not exceed fifty (50) percent of the lot.
- C. The facility area and lot boundaries shall be landscaped as required by the Borough to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- D. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
- E. All facilities shall have a paved parking area in accordance with this Ordinance; and it shall not be closer than twenty-five (25) feet to any residential lot line.
- F. All facilities shall abut a public street and have a permanent access thereto.
- G. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and juke boxes shall be prohibited on the premises.
- H. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- I. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- J. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
- K. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.
- L. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
- M. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.
- N. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

1340 RESEARCH AND DEVELOPMENT

- A. A research, testing and development facility shall have one (1) point of ingress and egress to an arterial street as defined by this Ordinance.
- B. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- C. All interior driveways and parking areas shall be paved with a material to reduce dust.
- D. An inventory of toxic, corrosive, flammable, or carcinogenic materials, chemicals, liquids, gases or solids shall be updated annually and filed with the local fire department and 911 service.
- E. All equipment and processing shall be contained within an enclosed building.
- F. No explosive materials or processes shall be used and no noise, smoke or fumes shall be noticeable beyond the limits of the lot. With regard to glare, see this Ordinance, required provisions pertaining to lighting and glare for all districts.
- G. The lot shall be no less than eighty thousand (80,000) square feet in area and the building or buildings shall be set back at least one hundred (100) feet from abutting highways and residential zone boundaries.

1341 RESTAURANT (SIT DOWN/TAKEOUT)

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.
- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- C. Outdoor storage of materials shall not be permitted.
- D. A Restaurant (with drive-in) shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Ordinance.
- E. Building Characteristics and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- F. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
- G. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot.

ARTICLE XIII
CONDITIONAL USES

- H. Off-street parking shall be provided in accordance with the provisions of this Ordinance.

1342 RESTAURANT (DRIVE THRU)

- A. A Restaurant (with drive-thru) shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Ordinance.
- B. Building Characteristics and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- C. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot.

1343 RETAIL BUSINESS ESTABLISHMENT (MAJOR/MINOR)

- A. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods.
- B. All lot lines adjoining residential use or zoning classification shall be screened by the bufferyard of deepest dimension and greatest opacity as required by this Ordinance.
- C. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- D. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential district, shall be a maximum of zero (0) foot candle. Lighting levels shall also be reduced by one-half ($\frac{1}{2}$) their standard operating power, between 11:00 pm and 6:00 am.
- E. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front principal building setback or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
- F. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust or other disturbances.
- G. One (1) landscaped island for every ten (10) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of two and one half ($2\frac{1}{2}$) inches DBH.

1344 TAVERN

- A. A bar/tavern shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.

- B. A bar/tavern's hours of operation and activities must be appropriately scheduled to protect surrounding residential neighborhoods from detrimental noise, disturbance or interruption.
- C. The owner(s) and operator(s) of a bar/tavern shall be responsible for the conduct and safety of the patrons.
- D. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

1345 VETERINARY CLINIC

- A. Off-street parking shall be screened from residential uses.
- B. One (1) tree per ten (10) parking spaces shall be planted on the lot. Trees to be a minimum of two and one half (2 ½) inches DBH.
- C. Facilities for the treatment, proper handling, and disposal of waste must be provided.
- D. No outdoor areas, fenced or unfenced, for patient/animal use during treatment/care shall be permitted.

1346 WAREHOUSE

- A. Every portion of the property used for warehouse uses shall be located not closer than two hundred (200) feet from any abutting property that is in a different zoning district.
- B. All vehicular maneuvering shall be located on-site.
- C. Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.
- D. The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities.
- E. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped bufferyard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Bufferyards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- F. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- G. Outdoor storage of foods and/or materials shall not be permitted.

ARTICLE XIII
CONDITIONAL USES

- H. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- I. The building height of a warehouse located within a Residential-2 district shall be compatible with the building height of adjacent lots buildings.

APPENDIX A**PLANNED RESIDENTIAL DEVELOPMENT - DENSITY BONUS WORKSHEET**

Article VII of the Borough Zoning Ordinance states in Section 504, Paragraph B(1) that:

"Character, identity, architectural and siting variations incorporated in a PRD shall be considered cause for a density increase not to exceed forty percent (40%) of the gross residential density allowed in the underlying district."

Calculation of the density bonus for proposed Planned Residential Developments shall be performed by Borough Council with input from the Borough's Zoning Officer, Consulting Engineer and Planning Consultant (if one has been so designated).

The density bonus will be determined on the basis of the information presented on the plans originally submitted for tentative approval to the Borough Council. Revisions to said plans to accommodate the provisions for the density bonus may be cause for Borough Council to re-evaluate the bonus, but in no case is Council required to re-evaluate said plans following the initiation of the tentative review process. At the time of the submittal of final plans for final approval, the final density bonus shall be established by Borough Council and such bonus shall be indicated on the final plans and recorded.

To calculate the density bonus, each Council member should complete this Worksheet after a thorough review of the PRD development plans. Density bonus points shall be awarded for each of the criteria listed below. Council members are to review the RD in conjunction with the questions provided following each item. Council members are to consider the developer's efforts in accomplishing the desired feature or design concept into his overall development scheme and then, rate each factor according to a numerical scale from 1 - 5 points. One point indicates that the developer has performed outstandingly in addressing and incorporating the desired feature or design concept into his plans. Three points indicates average performance; two points indicates less than average; and four points indicates greater than average, but not to the desired standard of excellence achieved by a five point rating.

The density bonus shall then be calculated by taking the sum of the density bonuses calculated by each individual Council member (or the final worksheet calculation) and dividing this sum by the number of Council members participating in the calculation.

This page left intentionally blank.

CRITERIA FOR EARNING DENSITY BONUS

CATEGORY 1- TOTAL RATING

1. Use of existing physical features and topography:
 - a. Do the plans demonstrate an effort to utilize the landforms on the property as it exists today?
 - b. Are the ridgelines, high points and valley(s) being preserved?
 - c. Is the developer proposing to save tree masses and trees with an eight inch DBH unless clearly necessary for effectuation of the proposed development?
 - d. Are any visual focal points preserved?

CATEGORY 2- TOTAL RATING

2. Drainage protection:
 - a. Has the developer maintained the natural surface drainage system?
 - b. Has the developer provided for aesthetically pleasing storage for storm water retention?
 - c. Has the developer provided for sub-grade drainage of all wet soils?

CATEGORY 3- TOTAL RATING

3. Site design:
 - a. Has the developer utilized a curvilinear street pattern wherever possible?
 - b. Does the streetscape utilize existing trees when possible? Or provide new ones at a minimum of 2 DBH which are harmonious with existing trees? Factors to consider in reviewing the proposed tree plantings for their comparability in blending in with the existing treescape include: the size of the trees at maturity; species longevity; wind firmness and capability of soil to hold trees; aesthetic values (autumn coloration, types of flower and fruit; bark and crown characteristics).
 - c. Is the proposed building orientation desirable?
 - d. Are the highest density areas located near the main streets?
 - e. Are the buildings varied in their setbacks from the street?
 - f. In a townhouse building, has the developer taken efforts to provide variation in the setbacks of each separate dwelling unit? To provide some privacy for each unit?

CRITERIA FOR EARNING DENSITY BONUS

CATEGORY 4- TOTAL RATING

4. Architectural style:
 - a. Is the architectural style coordinated throughout the PRD?
 - b. Is there a harmonious use of materials without creating a monotonous landscape?
 - c. Are a variety of housing types provided in the PRD?