

**Bentleyville Borough Zoning Ordinance
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BOROUGH OF BENTLEYVILLE

ZONING ORDINANCE

ORDINANCE NO. 496

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 272, ENTITLED "BENTLEYVILLE BOROUGH ZONING ORDINANCE" adopted October 2, 2001, to define terms used in the Ordinance; to regulate the location and use of structures and land for residences, business, industry and other purposes; to regulate the height of structures, the percentage of lot covered by structures, the size of lots, the size of yards and other open spaces; to specify standards and criteria for conditional uses and uses by special exception; to establish requirements for offstreet parking and loading, signage, landscaping and other lot improvements; to establish standards for Planned Residential Development; to regulate nonconforming uses, structures and lots; to establish provisions for the administration and enforcement of the Ordinance; to prescribe powers and duties of the Zoning Hearing Board; and to establish procedures for amending the Ordinance.

BE IT HEREBY ORDAINED AND ENACTED by the Council of the Borough of Bentleyville, Washington County, Pennsylvania, as follows:

**ARTICLE I
BASIC PROVISIONS**

SECTION 101 TITLE

The official title of this Ordinance is "Bentleyville Borough Zoning Ordinance."

SECTION 102 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Borough Council.

SECTION 103 AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Borough by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (P.S. 10101 et. seq., as may be amended from time to time).

SECTION 104 INTERPRETATION

In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough Council, in favor of the property owner and against any implied extension of the restriction.

SECTION 105 COMMUNITY DEVELOPMENT OBJECTIVES

Community Development Objectives are set forth in the Bentleyville Borough 2001 Comprehensive Plan Update adopted by the Borough Council in January 2001. In addition to the specific objectives stated in the 2001 Comprehensive Plan Update, the general community development objectives on which this Ordinance is based are:

- A. To promote the interest of public health, safety, morals and the general welfare;
- B. To secure safety from fire and to provide adequate open spaces for light and air;
- C. To conserve and stabilize property values;
- D. To preserve woodlands, open space, recreational, agricultural and environmental sensitive lands from conflict with urban development;

- E. To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;
- F. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G. To promote storm water management, soil and water conservation;
- H. To set forth population density controls;
- I. To promote coordinated and practical community development; and
- J. To promote the utilization of renewable energy sources.

SECTION 106 COMPLIANCE

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

SECTION 107 SEVERABILITY

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

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ARTICLE II DEFINITIONS

SECTION 201 GENERAL INTERPRETATIONS

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied." The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kind and character.

SECTION 202 PARTICULAR MEANINGS

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance.

ACCESSORY BUILDING: A subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use, and is located on the same lot with the principal building. Including, but not limited to, storage sheds, signs, garages, swimming pools, carports, decks, fences, patios, and similar buildings.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use. Including, but not limited to, Home offices, home occupations, off-street parking, home gardening, and similar uses.

ADULT ARCADE - Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

ADULT BOOKSTORE - An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual conduct or nudity, as defined by this Ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS - An adult arcade, adult bookstore, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel or a nightclub featuring adult entertainment, as defined herein.

ADULT ENTERTAINMENT - Movies which are rated "X" by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances which are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER - Any commercial establishment which features live shows for public viewing in which all, or some, of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

ADULT MINI-MOTION PICTURE THEATER - An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTION PICTURE THEATER - An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTEL - A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

AGRICULTURE - The science and art of farming, the work of cultivating the soil, producing crops and livestock.

ANIMAL HOSPITAL - An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

ANIMAL SHELTER - Any building or other structure which is used to enclose and provide protection for livestock or domestic pets.

ASSEMBLY HALL - A room, hall or building used for lectures, meetings and gatherings, other than a religious convocation.

AUTOMOBILE SERVICE STATION - See SERVICE STATION, AUTOMOBILE.

BAR OR TAVERN - A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BASEMENT - That portion of a building having at least one-half (1/2) of its height above the average grade of the adjoining ground.

BED AND BREAKFAST - A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

BILLBOARD - Any off-premises sign with a changeable advertising face which advertises an establishment, person, activity, product or service which is unrelated to or not available on the premises on which the sign is located.

BOARDING STABLE - The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other form of compensation, which may include training of horses, riding lessons and riding facilities.

BOROUGH - The Borough of Bentleyville, Washington County, The Commonwealth of Pennsylvania.

BOROUGH COUNCIL - The Borough Council of the Borough of Bentleyville, Washington County, Pennsylvania.

BUFFER AREA - A strip of land required by the Zoning Ordinance which is planted and maintained in shrubs, bushes, grass or other ground cover material and within which no structure or building shall be authorized except a wall or fence which meets Borough requirements.

BUILDING - Any structure having enclosing walls and roofs and requiring a permanent location on the land. (See also COMPLETELY ENCLOSED BUILDING)

BUILDING HEIGHT - The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

CAR WASH - A facility, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

CEMETERY - Property used for interring of dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums or family plots.

CHURCH - Any structure or structures used for worship or religious instruction, including social and administrative rooms and day nurseries accessory thereto, but not including any activity conducted for profit, including, chapels, cathedrals, temples, synagogues and the like.

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

CLUB, PRIVATE - See PRIVATE CLUB

COMMERCIAL COMMUNICATIONS TOWER - Any structure designed for transmitting or receiving radio, television or telephone communications which is operated by any agency or corporation, other than a public utility, which is regulated by the Public Utilities Commission (PUC) or which is operated by any agency, franchisee or authority of Bentleyville Borough, Washington County or the Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency.

COMMERCIAL RECREATION - See RECREATION, COMMERCIAL.

COMPLETELY ENCLOSED BUILDING - A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

CONSTRUCTION TRAILER, TEMPORARY - A structure designed, used or constructed, to provide temporary offices for construction supervision on the site of an approved subdivision or land development during the time that a valid building permit or grading permit is in effect.

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

CONTRACTOR'S YARD - An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but which involves the storage, either indoors or outdoors, of materials, equipment and vehicles used in the business.

CONVENIENCE STORE - A retail store selling food products and household supplies for the convenience of the neighboring population.

CORNER LOT - A lot at the intersection of, and fronting on, two (2) or more street rights of way.

COVERAGE - See LOT COVERAGE

DAY CARE CENTER - A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DAY CARE HOME - See FAMILY DAY CARE HOME

DENSITY, GROSS - The number of dwelling units per acre of land area.

DENSITY, NET - The total number of dwelling units per acre of land devoted to residential use, including streets, parking areas and private open space, yards or courts abutting and serving the dwellings, but exclusive of those areas devoted to common open space and areas of the site which have slopes of twenty-five percent (25%) or greater.

DISTRICT - See ZONING DISTRICT.

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

DRIVEWAY - A private vehicular way providing access between a street and a parking area or garage located on a lot.

DRIVE-THROUGH FACILITY - Any principal use or accessory use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to "drive-in" or "drive-through" windows at fast food restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

DWELLING - A building designed exclusively as living quarters for one (1) or more families, including single family, two-family and multifamily dwellings, but not including hotels, motels or boarding houses.

DWELLING TYPES - The following dwelling types are included in this Ordinance:

- A. **SINGLE FAMILY DWELLING** - A detached residential building designed exclusively for occupancy by one (1) family which contains one (1) dwelling unit and which is the only principal building on the lot. Single Family Dwellings shall include custom built homes as well as modular homes, mobile homes and any other type of manufactured home constructed on a permanent foundation.
- B. **TWO FAMILY DWELLING** - A detached residential building designed exclusively for occupancy by two (2) families which containing two (2) dwelling units and which is the only principal structure on the lot, , including duplexes and double houses.
- C. **MULTIFAMILY DWELLING** - A residential building containing three (3) or more separate dwelling units, including garden apartments and townhouses triplexes and quadruplexes.
- D. **GARDEN APARTMENT** - A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- E. **GROUP CARE FACILITY** - A facility licensed by the Commonwealth which provides room and board and specialized services for any number of permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. 3601 et. seq.) and persons of any age or condition who have been adjudicated by the Criminal Court system and who are in need of supervision and specialized services on a twenty-four (24) hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.

- F. PERSONAL CARE BOARDING HOME - A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.
- G. TOWNHOUSE - A multifamily residential building no more than two and one-half (2-1/2) stories in height which contains at least three (3), but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- H. TRANSITIONAL DWELLING - A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or public, semi-public or non-profit agency, and managed by a public, semi-public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and other such short-term supervised assignments.
- I. SECONDARY DWELLING FOR RESIDENT FARM WORKERS - A detached residential building designed exclusively for occupancy by one (1) family which contains one (1) dwelling unit and which is a second single family dwelling on the lot. Single Family Dwellings shall include custom built homes as well as modular homes, mobile homes and any other type of manufactured home constructed on a permanent foundation.

DWELLING UNIT - Two (2) or more rooms designed for the use of one (1) family with cooking, living, sanitary and sleeping facilities, and in a separate room, a toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

EASEMENT - A grant of one (1) or more property rights by the property owner to and for use by the public, a corporation or any other person, the use of which shall not be inconsistent with the rights of the grantee and in which no permanent structure shall be erected.

EROSION - The removal of surface materials by the action of natural elements.

ESSENTIAL SERVICES - The provision by continuous conduit of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Bentleyville Borough of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within the Borough of Bentleyville to the general public.

FAMILY - An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.

FAMILY DAY CARE HOME - A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes.

FINANCIAL INSTITUTION - A bank, savings and loan association or similar institution that lends money or is engaged in a finance related business.

FLOOD PLAIN - Areas adjoining Pigeon Creek and any streams, ponds or lakes subject to the 100-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a 100-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional engineer selected by the Borough.

FRONT BUILDING LINE - A line parallel to, or concentric with, the front lot line, at a distance therefrom which is equal to the depth of the front yard required by the Zoning Ordinance for the Zoning District in which the lot is located.

FRONT LOT LINE - See LOT LINE, FRONT.

GARAGE, PRIVATE - An accessory building or a portion of the principal building, enclosed on not less than three (3) sides, not being accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARAGE, PUBLIC - A building, other than a private garage, containing two (2) or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles, or "Junk", as defined by this Ordinance.

GARAGE, REPAIR - See REPAIR GARAGE.

GARDEN APARTMENT - See "D" under DWELLING TYPES.

GARDEN NURSERY - A retail establishment that sells flowers, plants, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

GOLF COURSE - A recreational facility for which has a course for playing golf as its principal use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

GREENHOUSE - The indoor raising of plants, shrubs and trees for sale and transplantation.

GROSS FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

GROUP CARE FACILITY - See "E" under DWELLING TYPES.

HEALTH CLUB - A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEIGHT OF BUILDING - See BUILDING HEIGHT.

HEIGHT OF STRUCTURE - The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HOME OFFICE - A home occupation, as defined below, including, but not limited to, an office of an attorney, architect, engineer or similar recognized profession or the office of a Realtor, insurance agent, investment counselor, manufacturer's representative, broker or similar service, where customers or clients do not routinely visit the premises and where no one who is not a resident of the dwelling is employed on the premises.

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

HOSPITAL - An establishment licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOSPITAL, ANIMAL - See ANIMAL HOSPITAL.

HOTEL - See MOTEL/HOTEL.

IMPERVIOUS SURFACE - Surfaces with a coefficient of runoff greater than 0.85, including all buildings, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Borough Engineer to be impervious within the meaning of this definition.

INDOOR AMUSEMENT - A theater, arena, bowling alley, pool hall, skating rink or similar cultural or recreational facility located within a completely enclosed building, excluding those facilities which are accessory to a church or school.

JUNKYARD - Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

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

LAKES AND PONDS - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in surface area; ponds are bodies of water less than two (2) acres in surface area.

LAND DEVELOPMENT - Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - A. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively;

- B. A single non-residential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration of non-residential building or other improvements to the land which results in additional land coverage by principal non-residential structures and/or paving or the construction of stormwater management facilities; or
 - C. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- 2. A subdivision of land; and
 - 3. Developments authorized to be excluded from the regulation of land development by Section 203 of Ordinance Number 474, Subdivision and Land Development.

LAND DEVELOPMENT PLAN - A plan which encompasses a proposed land development, which in addition to a plat of subdivision, if required, includes: all covenants relating to the use of land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities, if any. The land development plan shall include all of the written and graphic information required by Ordinance number 474, Subdivision and Land Development.

LANDFILL - Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, including sludge, other than hazardous waste, as defined and regulated by Federal Statute.

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

LANDSCAPING PLAN - A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

LANDSLIDE SUSCEPTIBILITY - Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity.

LIGHT MANUFACTURING - 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.

LIVESTOCK - Any member of the bovine or equine species, including, but not limited to cows, steers, horses and ponies.

LOT - A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

LOT, CORNER - See CORNER LOT.

LOT OF RECORD - Any lot which, individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Washington County.

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

LOT COVERAGE - That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages and similar structures.

LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE - That portion of the lot which adjoins the street right of way or through which access is provided to a public street.

LOT LINE - A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT - That lot line which is contiguous with the street centerline or the street right of way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR - That lot line which is opposite and most distant from the front lot line.

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

LOT WIDTH - The straight line distance between the point of intersection of the front building line with the side lot lines.

MANUFACTURING, LIGHT - See LIGHT MANUFACTURING.

MANUFACTURING - 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.

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

MINERAL REMOVAL - Any extraction of any mineral for sale or other commercial purpose which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mines openings.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

MIXED USE BUILDING - A structure occupied as a mix of residential and business uses. The street level floor shall be occupied by any authorized business use and floors above the street level floor may be occupied by residential units.

MOTEL/ HOTEL - An establishment which offers transient overnight lodging accommodations to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING - See "C" under DWELLING TYPES.

MUNICIPAL FACILITY - Buildings and structures owned and occupied by the Borough of Bentleyville or any of its agencies and used to provide services to the residents of the Borough. Municipal facilities may include but not be limited to Borough administrative buildings, Borough public works buildings and storage yards, libraries, fire company buildings, senior centers and recreation facilities and buildings.

NONCOMMERCIAL RECREATION - See RECREATION, NONCOMMERCIAL.

NONCONFORMING LOT - Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure which does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NUDITY - The appearance of a human bare buttock, anus, male or female genitals or female breast.

NURSING HOME - An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICES - See BUSINESS OR PROFESSIONAL OFFICES.

OPEN SPACE - An area of land or water on a development site in which no structures are permitted and which is set aside for the use and enjoyment of the general public or the owners and tenants of property which adjoins the open space.

OWNER - See LANDOWNER.

PARKING AREA - A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

PARKING SPACE - A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PERSONAL CARE BOARDING HOME - See "G" under DWELLING TYPES.

PERSONAL SERVICES - Any enterprise providing services to a person, their apparel or personal effects commonly carried on or about their person, including but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barber shops and the like.

PETS, DOMESTIC - See DOMESTIC PETS.

PLANNING COMMISSION - The Planning Commission of the Borough of Bentleyville, Washington County, Pennsylvania.

PRE-SCHOOL FACILITY - An establishment which offers private educational services to children who are under the minimum age for education in public schools.

PRINCIPAL BUILDING OR STRUCTURE - The building or portion thereof housing the principal use of the land.

PRINCIPAL USE - The primary or predominant use of a lot or structure.

PRIVATE - Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

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

PRIVATE GARAGE - See GARAGE, PRIVATE.

PRIVATE RESIDENTIAL SWIMMING POOL - Any structure, above ground or in-ground, that contains water over twenty-four (24) inches deep and/or has a surface area of 100 square feet or more, and which is used, or intended to be used, by the residents of the principal structure on the lot.

PRIVATE STABLE - The keeping of horses and/or ponies for personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

PRIVATE USE HELIPAD - A helicopter landing pad licensed by the Pennsylvania Department of Transportation, Bureau of Aviation and regulated by the Federal Aviation Administration which is owned by a private entity and restricted to use by helicopters owned by such entity.

PROFESSIONAL OFFICES - See BUSINESS OR PROFESSIONAL OFFICES.

PUBLIC - Owned, operated or controlled by a government agency, Federal, State, County or local.

PUBLIC GARAGE - See GARAGE, PUBLIC.

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

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

PUBLIC RECREATION - See RECREATION, PUBLIC.

PUBLIC UTILITY INSTALLATION - Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installations, as defined herein, provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Bentleyville Borough which is reasonably necessary to furnish adequate services to the general public both within Bentleyville Borough and outside the Borough, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations and similar facilities.

RECREATION, COMMERCIAL - An enterprise operated for profit by other than a public entity, either indoors or outdoors for the pursuit of sports, recreation or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and similar facilities.

RECREATION, NONCOMMERCIAL - An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit, and whether or not the facilities are advertised to the general public, including sports,

recreation or leisure activities, the use of which is limited members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsman's club, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools, and similar facilities.

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

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

REPAIR GARAGE - 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", as defined by this Ordinance.

REPAIR SHOP - A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESEARCH AND DEVELOPMENT - Any establishment, including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

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

RETAIL SALES - The sale on the premises of commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETIREMENT COMMUNITY - A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one (1) or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining

facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barber shops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal service and similar services or facilities.

RIGHT OF WAY - Land set aside for use as a street, alley or other means of travel, including existing and future rights of way, as defined below. (See also EASEMENT with respect to utilities.)

EXISTING RIGHT OF WAY - The legal right of way as established by the Commonwealth or other appropriate governmental authority and currently in use.

FUTURE RIGHT OF WAY - The right of way deemed necessary to provide adequate area or increased width for future street improvements.

SANITARY SEWER, PRIVATE - An on-lot disposal system providing for the disposal of effluent for one (1) building and its accessory building on a single lot, subject to the approval of the Sewage Enforcement Officer.

SANITARY SEWER, PUBLIC - Any municipal or privately owned sewer system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers which are installed to Borough specifications.

SCHOOL, PUBLIC AND PRIVATE - An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SELF-STORAGE FACILITY - See MINI-WAREHOUSE/SELF-STORAGE FACILITY.

SERVICE STATION, AUTOMOBILE - A retail establishment which provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to one or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or

- B. The following operations, if conducted within a "Completely Enclosed Building" as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

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

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

SIGN, SURFACE AREA OF - The area enclosed by one continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of free standing letters which are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features which are not part of the main supports of the sign. In the case of letters which are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the sign shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two sided signs, only one (1) face is counted in computing the surface area.

SINGLE FAMILY DWELLING - See "A" under DWELLING TYPES.

SITE - A tract of land or one (1) or more contiguous lots proposed for development.

SITE AREA - The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

SLAUGHTERHOUSE - An establishment where animals are butchered for human consumption and where the meat is prepared and packaged for retail or wholesale sales.

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

SOLID WASTE DISPOSAL - The ultimate disposition of unwanted or discarded materials from households and businesses, including garbage and non-recyclable materials with insufficient liquid content to be free flowing.

SPECIAL EXCEPTION - See USE BY SPECIAL EXCEPTION.

STABLE, PRIVATE - See PRIVATE STABLE.

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, then the space between any floor and the ceiling next above it, excluding cellars.

STREET - A way designed for circulation of vehicular traffic, including the entire right-of-way and cartway, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard road, avenue, lane, place or the like.

STREET, ARTERIAL - A public street which serves large volumes of local and traffic and which collects and distributes traffic from collector streets through the region and which carries a daily volume of 8,000 AWDT (Average Weekday Traffic) or More.

STREET, COLLECTOR - A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads and which carries a daily volume of at least 3,000 AWDT (Average Weekday Traffic), but no more than 7,999 AWDT (Average Weekday Traffic).

STREET LINE - The legal right of way line which forms the dividing line between the street and the lot.

STREET, LOCAL - A public street designed to provide access to abutting lots and to discourage through traffic and which carries a daily volume of less than 3,000 AWDT (Average Weekday Traffic)

STREET, PRIVATE - A street, including the entire private right of way, which is privately owned and maintained and which is intended for private use. A private street provides access to several lots or parcels which do not have access to a public street and which require access to a public street through a private street. (See also DRIVEWAY, PRIVATE)

STREET, PUBLIC - A street including the entire public right-of-way, which has been dedicated to and accepted by the Borough or which has been devoted to public use by legal mapping, use or other means.

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

STRUCTURE, HEIGHT OF - See HEIGHT OF STRUCTURE.

STRUCTURAL ALTERATIONS - A change or re-arrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

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

SWIMMING POOL - Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building.

TAVERN - See BAR OR TAVERN.

TEMPORARY CONSTRUCTION TRAILER - See CONSTRUCTION TRAILER, TEMPORARY.

TOWNHOUSE - See "H" under DWELLING TYPES.

TRANSITIONAL DWELLING - See "I" under DWELLING TYPES.

TWO FAMILY DWELLING - See "B" under DWELLING TYPES.

USE - The purpose, business or activity for which any land or structure is utilized.

USE BY SPECIAL EXCEPTION - A use authorized by this Ordinance which may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

VARIANCE - A departure from the specific regulations of this Ordinance which may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247, as amended) for a particular piece of property which, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

VEHICLE ACCESSORIES SALES AND INSTALLATION - An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshields, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

VEHICLE RENTAL, SALES AND SERVICE - The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds 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.

WAREHOUSE - A building used for the storage and handling of freight or merchandise, 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 percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WHOLESALE - An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WOODLANDS - Areas, groves or stands of mature or largely mature trees which are greater than six inches (6") caliper (diameter) at a height of fourteen inches (14") above the ground which cover a land area greater than one-quarter (.25) of an acre; or any grove of more than ten (10) individual trees which are mature having a caliper (diameter) greater than twelve inches (12") at a height of fourteen inches (14") above the ground.

YARD - A required open space located on a lot which is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this Ordinance.

YARD, FRONT - A yard extending between side lot lines across the full lot width from the street right of way line to a line parallel to the front lot line, the minimum horizontal distance required by this Ordinance.

YARD, SIDE - A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

YARD, REAR - A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

ZONING CERTIFICATE - A document issued by the Borough Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this Ordinance.

ZONING DISTRICT - An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING DISTRICT MAP - The official map delineating the Zoning Districts of the Borough of Bentleyville, Washington County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this Ordinance by reference thereto.

ZONING HEARING BOARD - The Zoning Hearing Board of the Borough of Bentleyville, Washington County, Pennsylvania.

ZONING OFFICER - That person appointed by the Bentleyville Borough Council and charged with the responsibility of administering and enforcing this Ordinance.

ARTICLE III DISTRICT REGULATIONS

SECTION 301 ZONING DISTRICT MAP

The Borough is hereby divided into Zoning Districts, as shown on the official Zoning District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning District Map shall be identified by the signature of the Chairman of the Borough Council, attested by the Borough Secretary and certified by the Borough Engineer, and shall bear the seal of the Borough under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 486, as amended, of Bentleyville Borough, Washington County, Pennsylvania," together with the date of adoption of this Ordinance.

All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Borough Engineer, including the date of adoption, and shall be attested to by the Borough Secretary.

No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Article XVII of this Ordinance.

The Official Zoning District Map, which shall be located in the Borough Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Borough.

SECTION 302 ZONING DISTRICTS

The Borough is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Official Zoning District Map. The Zoning Districts are:

- A-1 Agricultural District
- R-1 Rural Single Family District
- R-2 Low Density Single Family Residential District
- R-3 Multifamily Residential District
- B-1 Local Commercial District
- IDD Interchange Development District

SECTION 303 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District 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 municipal limits shall be construed as following municipal limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers, and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;
- F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

SECTION 304 GENERAL DISTRICT REGULATIONS

The following regulations shall apply in all Zoning Districts:

- A. Any use not specifically listed in the Authorized Uses for a Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception. The authority for the Zoning Hearing Board to grant approval of a use which is not specifically listed in the Authorized Uses for a Zoning District shall be limited to the A-1, R-1A, R-1, R-2, C-1 and IDD Districts where "Comparable Uses Not Specifically Listed" is included in the list of uses by special exception in the Zoning District subject to the applicable express standards and criteria specified in Article XI of this Ordinance.
- B. Accessory uses or structures which are customarily accessory to principal structures or uses which are authorized as uses by special exception shall be permitted as accessory uses by right.
- C. In all Zoning Districts, single family dwellings and two family dwellings shall be the only principal structure on a lot. Except where secondary dwellings for resident farm workers are authorized in the A-1 District, a single family dwelling shall be the only dwelling permitted on a lot.
- D. In all Zoning Districts where authorized by this Ordinance, two (2) or more multifamily dwellings may occupy the same lot; two (2) or more nonresidential buildings may occupy the same lot; and two (2) or more authorized nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.

- E. In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

**ARTICLE IV
A-1 AGRICULTURE DISTRICT**

400 PURPOSE

The purpose of the A-1 Agricultural District is to provide for agriculture uses and low density single family residential development in rural areas of the Borough where public sewers are not available and to provide for accessory uses and compatible public and semi-public uses as uses by special exception.

401 AUTHORIZED USES

In the A-1 Agricultural District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- (a) Agriculture
- (b) Essential Services
- (c) Garden Nursery
- (d) Greenhouse
- (e) Municipal Facility
- (f) Private Stable
- (g) Public Utility Installation, Subject to §1103.22
- (h) Secondary Dwelling for Resident Farm Workers
- (i) Single Family Dwelling

2. Accessory Uses

- (a) Accessory Buildings
- (b) Accessory Uses customarily incidental to and on the same lot with any permitted use.
- (c) Garages, Private
- (d) Home Occupation
- (e) Home Office
- (f) Lakes and Ponds
- (g) Private Residential Swimming Pools
- (h) Signs, Subject to Article XIV

B. USES BY SPECIAL EXCEPTION

1. Principal Uses

- (a) Animal Hospital, Subject to §1103.2
- (b) Animal Shelter
- (c) Bed And Breakfast
- (d) Billboard, Subject to §1103.4
- (e) Boarding Stable
- (f) Cemetery, Subject to §1103.6
- (g) Church, Subject to §1103.7

B. USES BY SPECIAL EXCEPTION

1. Principal Uses (Continued)

- (h) Commercial Communications Tower, Subject to §1103.8
- (i) Contractor's Yard
- (j) Construction Trailer, Temporary, subject to §1103.27
- (k) Day Care Center, Subject to §1103.11
- (l) Golf Course
- (m) Junkyard, Subject to § 1103.24
- (n) Kennel Subject to §1103.2
- (o) Landfill, Subject to §1103.15
- (p) Mineral Removal, Subject to §1103.18
- (q) Pre School Facility
- (r) Private Use Hilipad, Subject to §1103.30
- (s) Recreation, Non-Commercial, Subject to §1103.21
- (t) Recreation, Public, Subject to §1103.21
- (u) Retirement Community, Subject to §1103.23
- (v) Schools, Public And Private, Subject to §1103.7
- (w) Slaughterhouses

402 AREA AND BULK REGULATIONS

In the A-1 Agriculture District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific uses by special exception contained in Article XI.

A. MINIMUM LOT AREA:

Agriculture	10 acres
Boarding Stable	5 acres
Cemetery	10 acres
Contractor's Yard	5 acres
Greenhouse	5 acres
Golf Course	30 acres
Junkyard	20 acres
Landfill	100 acres
Mineral Removal	30 acres
Nursery	5 acres
Single Family Dwelling	1 acre
All Other Principal Uses	2 acres

B. MINIMUM LOT WIDTH: 100 feet

C. MAXIMUM LOT COVERAGE:

Agriculture	90%
Boarding Stable	40%
Contractor's Yard	40%
Greenhouse	40%
Golf Course	90%

Junk yard	50%
Landfill	40%
Mineral Removal	40%
Nursery	40%
Single Family Dwelling	25%
All Other Principal Uses	40%
D. MINIMUM FRONT YARD:	50 feet
E. MINIMUM REAR YARD:	
Principal Structures:	50 feet
Accessory Structures:	35 feet
F. MINIMUM SIDE YARD:	
Principal Uses:	20 feet
Accessory Structures:	10 feet
G. SPECIAL YARD REQUIREMENTS:	See Section 1203
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1204
I. MAXIMUM HEIGHT:	
All Principal Structures:	2-1/2 stories and no more than 35 feet
All Accessory Structures:	no more than 25 feet
403 PARKING AND LOADING	See Article XII
404 SCREENING AND LANDSCAPING	See Section 1202
405 STORAGE	See Section 1209

ARTICLE V
R-1 RURAL SINGLE FAMILY RESIDENTIAL DISTRICT

500 PURPOSE

The purpose of this District is to preserve natural features and resources while encouraging low density single family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semi-public uses by special exception.

501 AUTHORIZED USES

In the R-1, Rural Single Family Residential, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- (a) Agriculture
- (b) Essential Services
- (c) Municipal Facility
- (d) Public Utility Installations, Subject to §1103.22
- (e) Single Family Dwelling

2. Accessory Uses

- (a) Accessory Buildings
- (b) Accessory Uses customarily incidental to and on the same lot with any permitted use.
- (c) Garages, Private
- (d) Home Occupation
- (e) Home Office
- (f) Lakes and Ponds
- (g) Private Residential Swimming Pools
- (h) Signs, Subject to Article XIV

B. USES BY SPECIAL EXCEPTION

1. Principal Uses

- (a) Bed And Breakfast
- (b) Cemetery, Subject to §1103.6
- (c) Church, Subject to §1103.7
- (d) Commercial Communications Tower, Subject to §1103.8
- (e) Construction Trailer, Temporary
- (f) Day Care Center, Subject to §1103.11
- (g) Pre-School Facility
- (h) Recreation, Public, Subject to §1103.21
- (i) Retirement Community, Subject to §1103.23
- (j) Schools, Public And Private, Subject to §1103.7
- (k) Planned Residential Development, Subject to Article X

502 AREA AND BULK REGULATIONS

In the R-1A, Rural Single Family Residential, District, all uses shall be subject to the following regulations, except as they may be modified the express standards and criteria for the specific uses by special exception contained in Article XI.

A. MINIMUM LOT AREA:

Agriculture	10 acres
Single Family Dwelling	
With Public Sewers:	21,780 square feet
Without Public Sewers:	1 acre
All Other Principal Uses:	1 acre

B. MINIMUM LOT WIDTH:

Single Family Dwelling	
With Public Sewers:	75 feet
Without Public Sewers:	100 feet
All Other Principal Uses:	100 feet

C. MAXIMUM LOT COVERAGE:

Agriculture	90%
All Other Uses	35%

D. MINIMUM FRONT YARD:

40 feet

E. MINIMUM REAR YARD:

Principal Structures	40 feet
Accessory Structures:	20 feet

F. MINIMUM SIDE YARD:

Single Family Dwelling	15 feet
All Other Principal Structures:	20 feet
Accessory Structures:	10 feet

G. SPECIAL YARD REQUIREMENTS

See Section 1203

H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:

See Section 1204

I. MAXIMUM HEIGHT:

All Principal Structures:	2-1/2 stories and no more than 35 feet
All Accessory Structures:	1 story and no more than 15 feet

J. HEIGHT EXCEPTIONS:

See Section 1205

503 PARKING AND LOADING

See Article XIII

504 SCREENING AND LANDSCAPING

See Section 1202

505 STORAGE

See Section 1209

ARTICLE VI

R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

600 PURPOSE

The purpose of this District is to protect established single family neighborhoods developed on smaller lots and to encourage infill development in these neighborhoods; to encourage single developments at moderate densities in locations in the Borough where utilities and transportation facilities are anticipated in the future; and to provide for accessory uses and compatible public and semi-public uses as uses by special exception.

601 AUTHORIZED USES

In the R-2, Single Family Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- (a) Essential Services
- (b) Municipal Facility
- (c) Public Utility Installation, Subject to §1103.22
- (d) Single Family Dwelling

2. Accessory Uses

- (a) Accessory Buildings
- (b) Accessory Uses customarily incidental to and on the same lot with any permitted use.
- (c) Garages, Private
- (d) Home Occupation
- (e) Home Office
- (f) Lakes and Ponds
- (g) Private Residential Swimming Pools
- (h) Signs, Subject to Article XIV

B. USES BY SPECIAL EXCEPTION

1. Principal Uses

- (a) Churches, Subject to §1103.7
- (b) Construction Trailer, Temporary
- (c) Day Care Center
- (d) Family Day Care Home, Subject to §1103.12
- (e) Pre-School Facility
- (f) Public Recreation, Subject to §1103.21
- (g) Retirement Community, Subject to §1103.23
- (h) School, Public and Private, Subject to §1103.7
- (i) Transitional Dwelling, Subject to §1103.13
- (j) Two Family Dwelling

602 AREA AND BULK REGULATIONS

In the R-2, Single Family Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific uses by special exception contained in Article XI.

A. MINIMUM LOT AREA:

Single Family Dwelling:	10,000 square feet
Two Family Dwelling:	12,000 square feet
All Other Principal Uses:	21,780 square feet

B. MINIMUM LOT WIDTH:

Single Family Dwelling:	40 feet
Two Family Dwelling:	50 feet
All Other Principal Uses:	65 feet

C. MAXIMUM LOT COVERAGE:

Single Family Dwelling:	40%
Two Family Dwelling:	40%
All Other Principal Uses:	35%

D. MINIMUM FRONT YARD:

Single Family Dwelling:	25 feet
Two Family Dwelling:	25 feet
All Other Principal Uses:	35 feet

E. MINIMUM REAR YARD:

Single Family Dwelling:	15 feet
Two Family Dwelling:	15 feet
All Other Principal Uses:	20 feet
Accessory Buildings	5 feet

F. MINIMUM SIDE YARD:

Single Family Dwelling:	10 feet
Two Family Dwelling:	10 feet
All Other Principal Uses:	15 feet
Accessory Buildings	5 feet

G. SPECIAL YARD REQUIREMENTS:

See Section 1203

H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:

See Section 1204

I. MAXIMUM HEIGHT:

All Principal Structures:

2-1/2 stories and no more than 35 feet

All Accessory Structures:

1 story and no more than 15 feet

J. HEIGHT EXCEPTIONS:

See Section 1205

603 PARKING AND LOADING

See Article XIII

604 SCREENING AND LANDSCAPING

See Section 1202

605 STORAGE

See Section 1209

**ARTICLE VII
R-3 MULTIFAMILY RESIDENTIAL DISTRICT**

700 PURPOSE

The purpose of this District is to reserve areas for the development of higher density multifamily housing in the Borough in appropriate locations which are served by public water and sewage and are located on arterial or collector roads close to shopping and community services and to provide for compatible public, semi-public and accessory uses or uses by special exception.

701 AUTHORIZED USES

In the R-3, Multifamily Residential, District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- (a) Essential Services
- (b) Garden Apartments
- (c) Municipal Facility
- (d) Public Utility Installation, Subject to §1103.22
- (e) Single Family Dwelling
- (f) Townhouses
- (g) Two Family Dwelling

2. Accessory Uses

- (a) Accessory Buildings
- (b) Accessory Uses customarily incidental to and on the same lot with any permitted use.
- (c) Garages, Private
- (d) Home Occupation
- (e) Home Office
- (f) Lakes and Ponds
- (g) Private Residential Swimming Pools
- (h) Signs, Subject to Article XIV

B. USES BY SPECIAL EXCEPTION

1. Principal Uses

- (a) Churches, Subject to §1103. 7
- (b) Construction Trailer, Temporary
- (c) Family Day Care Home, Subject to §1103.12
- (d) Group Care Facility, Subject to §1103.13
- (e) Multi Family Dwelling
- (f) Nursing Home, Subject to §1103.14
- (g) Personal Care Boarding Home, Subject to §1103.13
- (h) Public Recreation, Subject to §1103.21

- (i) Retirement Community, Subject to §1103.23
- (j) School, Public and Private, Subject to §1103.7
- (k) Transitional Dwelling, Subject to §1103.13

702 AREA AND BULK REGULATIONS

In the R-3, Multifamily Residential, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria uses by special exception contained in Article XI.

A. MINIMUM LOT AREA:

Single Family Dwelling:	6,000 square feet
Two Family Dwelling:	7,000 square feet
Townhouses and Garden Apartments	8,000 square feet
Multi Family Dwellings:	8,000 square feet
All Other Principal Uses:	8,000 square feet

B. MINIMUM LOT WIDTH:

Single Family Dwelling:	40 feet
Two Family Dwelling:	50 feet
Townhouses and Garden Apartments:	65 feet
All Other Principal Uses:	100 feet

C. MAXIMUM DWELLING UNIT DENSITY:

Townhouses:	20 units per acre
Garden Apartments:	24 units per acre

D. MAXIMUM LENGTH OF RESIDENTIAL BUILDING: 250 feet

E. MAXIMUM NUMBER OF DWELLING UNITS PER BUILDING:

Townhouses:	8 units per building
Garden Apartments:	36 units per building

F. MINIMUM DISTANCE BETWEEN BUILDINGS: 20 feet (Where two [2] or more buildings exist on the same lot)

G. MAXIMUM LOT COVERAGE: 40 %

H. MINIMUM FRONT YARD: 25 feet

I. MINIMUM REAR YARD:

Single Family or Two Family Dwelling:	15 feet
Garden Apartment or Townhouse	20 feet
All Other Principal Structures:	20 feet
Accessory Structures:	5 feet

J. MINIMUM SIDE YARD:

Single Family Dwelling:	10 feet
Two Family Dwelling:	10 feet
Garden Apartment or Townhouse	15 feet
All Other Principal Structures:	20 feet
Accessory Structures:	5 feet

K. SPECIAL YARD REQUIREMENTS:

See Section 1203

**L. PERMITTED PROJECTIONS
INTO REQUIRED YARDS:**

See Section 1204

M. MAXIMUM HEIGHT:

Multi Family Dwellings	8 stories and no more than 80 feet
All Principal Structures:	3 stories and no more than 45 feet
All Accessory Structures:	1 story and no more than 15 feet

N. HEIGHT EXCEPTIONS:

See Section 1205

703 PARKING AND LOADING

See Article XIII

704 SCREENING AND LANDSCAPING

See Section 1202

705 STORAGE

See Section 1209

**ARTICLE VIII
B-1 BUSINESS DISTRICT**

800 PURPOSE

The purpose of this District is to provide opportunities for the growth of small businesses in the Borough and to provide for the shopping and service needs of Borough residents in central locations along the regional highway network which can be adequately buffered from adjoining residential areas.

801 AUTHORIZED USES

In the B-1, Business District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- (a) Assembly Hall
- (b) Bar or Tavern
- (c) Business or Professional Offices
- (d) Car Wash, Subject to §1103.5
- (e) Clinic, Subject to §1103.14
- (f) Contracting Business
- (g) Contractor's Yard
- (h) Convenience Store
- (i) Day Care Center, Subject to §1103.11
- (j) Drive Through Facility
- (k) Essential Service
- (l) Financial Institutions
- (m) Funeral Home
- (n) Garage, Public
- (o) Garden Nursery
- (p) Health Club
- (q) Hospital, Subject to §1103.14
- (r) Indoor Amusement
- (s) Light Manufacturing, Subject to §1103.16
- (t) Municipal Facility
- (u) Personal Services; including but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty salons, barber shops, Pet Grooming, and the like
- (v) Pharmacy
- (w) Pre-school Facility
- (x) Private Club, Subject to §1103.19
- (y) Public Utility Installation, Subject to §1103.22
- (z) Recreation, Commercial, Subject to §1103.9
- (aa) Repair Garage, Subject to §1103.28

- (bb) Repair Shop
- (cc) Restaurant
- (dd) Retail Sales, including but not limited to; Bakery, Candy or Ice Cream Store, Delicatessen
- (ee) Service Station, Automobiles, Subject to §1103.25
- (ff) Vehicle Accessory Sales and Installation
- (gg) Vehicle Rental, Sales and Service, Subject to §1103.28
- (hh) Comparable uses not specifically listed, Subject to §1103.10

2. Accessory Uses

- (a) Signs, subject to Article XIV
- (b) Offstreet Parking and Loading, subject to Article XIII
- (c) Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. USES BY SPECIAL EXCEPTION

1. Principal Uses

- (a) Animal Hospital, Subject to §1103.2
- (b) Churches, Subject to §1103.7
- (c) Communication Towers, Subject to §1103.8
- (d) Construction Trailer, Temporary
- (e) Family Day Care, Subject to §1103.12
- (f) Group Care Facility, Subject to §1103.13
- (g) Mixed use Buildings, Subject to §1103.3
- (h) Personal Care Boarding Home, Subject to §1103.13
- (i) Recreation, Public, Subject to §1103.21
- (j) School Public and Private, Subject to §1103.7
- (k) Temporary Use Structure, Subject to §1103.27

802 AREA AND BULK REGULATIONS

In the B-1, Business District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for uses by special exception contained in Article XI.

- | | | |
|----|-----------------------|-------------------|
| A. | MINIMUM LOT AREA: | 5,000 square feet |
| B. | MINIMUM LOT WIDTH: | 40 feet |
| C. | MAXIMUM LOT COVERAGE: | 90% |
| D. | MINIMUM FRONT YARD: | 0 feet |

E.	MINIMUM REAR YARD:	
	All Principal Structures:	15 feet
	Accessory Structures:	10 feet
F.	MINIMUM SIDE YARD:	
	All Principal Structures	
	Adjoining Any "R" District:	10 feet
	All Others:	0 feet
G.	SPECIAL YARD REQUIREMENTS:	See Section 1203
H.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1204
I.	MAXIMUM HEIGHT:	
	All Principal Structures:	3 stories and no more than 45 feet
	All Accessory Structures:	1 story and no more than 15 feet
J.	HEIGHT EXCEPTIONS:	See Section 1205
803	PARKING AND LOADING	See Article XIII
804	SIGNS	See Article XIV
805	SCREENING AND LANDSCAPING	See Section 1202
806	STORAGE	See Section 1209

**ARTICLE IX
IDD INTERCHANGE DEVELOPMENT DISTRICT**

900 PURPOSE

The purpose of this District is to provide opportunities for commercial and light industrial development which meets the general needs of the population within the market area for shopping and services and which allows for highway oriented service which have access to the regional highway network.

901 AUTHORIZED USES

In the IDD Interchange Development District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses
 - (a) All those uses listed as Permitted Uses in the B-Business District
 - (b) Hotel/Motel
 - (c) Warehousing
 - (d) Wholesaling
2. Accessory Uses
 - (a) Signs, subject to Article XIV
 - (b) Offstreet Parking and Loading, subject to Article XIII
 - (c) Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
 - (f) Drive-through Facilities, subject to §1506

B. USES BY SPECIAL EXCEPTION

1. Principal Uses

- (a) Adult Business, Subject to §1103.1
- (b) Animal Hospital, Subject to §1103.2
- (c) Billboards, Subject to §1103.4
- (d) Churches, Subject to §1103.7
- (e) Commercial Communication Tower, Subject to §1103.8
- (f) Construction Trailer, Temporary
- (g) Manufacturing
- (h) Mini-Warehouses or Self-Storage Buildings, Subject to §1103.17
- (i) Recreation, Public, Subject to §1103.21
- (j) School Public and Private, Subject to §1103.7
- (k) Temporary Use Structures, Subject to §1103.27

902 AREA AND BULK REGULATIONS

In the IDD Interchange Development District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for uses by special exception contained in Article XI.

A.	MINIMUM LOT AREA:	21,780 square feet
B.	MINIMUM LOT WIDTH:	100 feet
C.	MAXIMUM LOT COVERAGE:	50%
D.	MINIMUM FRONT YARD:	35 feet
E.	MINIMUM REAR YARD:	
	All Principal Structures:	
	Adjoining any "R" District:	40 feet
	All Others:	20 feet
	Accessory Structures:	10 feet
F.	MINIMUM SIDE YARD:	15 feet
G.	SPECIAL YARD REQUIREMENTS:	See Section 1203
H.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1504
I.	MAXIMUM HEIGHT:	
	All Principal Structures:	3 stories and no more than 45 feet
	All Accessory Structures:	1 story and no more than 15 feet
J.	HEIGHT EXCEPTIONS:	See Section 1205
903	PARKING AND LOADING	See Article XIII
904	SIGNS	See Article XIV
905	SCREENING AND LANDSCAPING	See Section 1202
906	STORAGE	See Section 1209

**ARTICLE X
PLANNED RESIDENTIAL DEVELOPMENT**

1000 PURPOSE

The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

1001 APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES

A Planned Residential Development shall be permitted in the R-1 Districts, subject to the standards, criteria, restrictions and procedures outlined in this Article.

The provisions of this Article for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance and the Borough Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance.

1002 SITE AREA, USE AND DENSITY REQUIREMENTS

In all cases, the minimum site required for a Planned Residential Development shall be ten (10) contiguous acres. Public easements or rights of way and public or private streets shall not be construed as an interruption or division of a site proposed for a PRD.

Permitted residential uses and dwelling unit densities in a Planned Residential Development shall be as follows in the Districts in which PRDs are authorized:

<u>R-1</u>	<u>Permitted Uses</u>	<u>Net Density *</u>
	Single Family Dwellings	8 units per acre
	Two Family Dwellings	8 units per acre
	Townhouses	10 units per acre
	Garden Apartments	10 units per acre

* See definition of "Net Density" in Article II

In addition to the residential uses permitted in a PRD, recreation facilities designed for the use of the residents of the PRD shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green;

community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate to the proposed residents of the PRD by the Borough Council.

1003 SITE OWNERSHIP

The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

1004 ACCESS AND AVAILABILITY OF PUBLIC SERVICES

- A. The site of a PRD which contains multifamily dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed PRD shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate that the projected traffic from the PRD shall not materially increase congestion and impair safety on adjacent public streets.
- B. Any PRD which contains multifamily dwellings shall be connected to public water and public sanitary sewer service.
- C. In any instance where the Borough determines that public sewerage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PRD to such facilities.
- D. In the absence of public sewerage facilities, the developer shall provide a sanitary sewerage system within the PRD which is approved by the Pennsylvania Department of Environmental Protection (PA DEP) or any successor agency.
- E. Central water service shall be supplied to each building or structure to be erected in a PRD.
- F. The developer shall provide a storm drainage system within a PRD which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the PRD and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Borough Stormwater Management Ordinance.

1005 ADMINISTRATION AND PROCEDURE

The PRD provisions of this Ordinance shall be administered by the Borough Council. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to the Borough Council. The Borough Council shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code and shall have the final authority to approve, approve with conditions or disapprove a PRD.

- 1005.1** **Pre-Application Conference.** Each applicant shall confer with the Zoning Officer to schedule a pre-application conference. Upon written request of the applicant, the Zoning Officer shall schedule a pre-application conference with Borough officials. The conference shall include members or a designated representative of the Planning Commission and the Zoning Officer. The Borough Solicitor, the Borough Engineer, the Borough Council or representatives thereof and local utility service representatives may be included, as deemed appropriate.
- 1005.2** **Application for Tentative Approval.** Within one hundred twenty (120) days following the pre-application conference, three (3) copies of an Application for Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:
- (a) A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - (b) A written statement of planning objectives to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
 - (c) A written statement setting forth the reasons why the proposed PRD would be in the public interest and would be consistent with the Borough's Comprehensive Plan.
 - (d) A written statement of the modifications to Borough Zoning and Subdivision regulations otherwise applicable to the property.
 - (e) A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location

and distance to existing streets and highways and the names of landowners of adjacent properties.

- (f) A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1" = 50') showing the following information:
- (1) Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 - (2) Proposed lot lines and subdivision plat, if any.
 - (3) The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 - (4) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - (5) The existing and proposed vehicular circulation system of local and collector streets, including offstreet parking areas, services areas, loading areas and major points of access from the PRD to public rights of way.
 - (6) The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
 - (7) The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - (8) Subsurface conditions, including slope stability.
 - (9) A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
 - (10) A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.

- (11) Evidence of compliance with the Environmental Performance Standards of §1201.1 of this Ordinance.
- (12) Any additional information required to determine compliance with the requirements of this Article.
- (g) In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

1005.3 Public Hearing. Within sixty (60) days following the submission of an application for Tentative Approval of a PRD which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Borough Council. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article XVI shall apply to the Borough Council.

The Borough may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Borough and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1607.

1005.4 Tentative Approval. Within sixty (60) days following the conclusion of the public hearings, the Borough Council shall, by official written communication, either:

- (a) Grant Tentative Approval of the Development Plan, as submitted;
- (b) Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
- (c) Deny tentative Approval.

Failure to act within 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 of the Borough Council, notify the 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 that 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.

1006 CRITERIA FOR TENTATIVE APPROVAL

The Borough Council shall grant Tentative Approval if and only if all applicable requirements of this Article are met and all of the following criteria are met:

- 1006.1 The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Ordinance; preserves the Community Development Objectives of this Ordinance; and is found by the Borough Council to be compatible with the public interest and consistent with the Borough's Comprehensive Plan.
- 1006.2 Where the proposed application for Tentative Approval provides standards which vary from this Ordinance and the Borough Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.
- 1006.3 The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.
- 1006.4 The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
- 1006.5 The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.
- 1006.6 The proposed development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.

1006.7 In the case of a development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the PRD in the integrity of the Final Development Plan.

1007 APPLICATION FOR FINAL APPROVAL

After the Development Plan is granted Tentative Approval by the Borough Council, the developer shall submit the application for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan. No building permit shall be issued until Final Approval has been granted by the Borough Council for the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the phase or section by the Borough Council.

1007.1 In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, the Borough Council shall, within forty-five (45) days of such filing, grant Final Approval to the Development Plan.

1007.2 Changes in the location and siting of buildings and structures deemed minor by the Borough Council may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, gross and net density established at the time of Tentative Approval shall not be changed without a public hearing.

1007.3 The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, as a minimum, the following information:

- (a) All data required by the Borough Subdivision and Land Development Ordinance for a Final Plan.
- (b) Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- (c) The number of families to be housed in each building or structure and the intended use of each building or structure.
- (d) A Landscaping Plan, as defined by this Ordinance, including the location and types of materials of sidewalks, trails and recreation facilities authorized by this Ordinance.

- (e) Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, buildings and structures and provisions for the ownership, maintenance and operation of common open space facilities.
- (f) An engineering report which shall include the following data, wherever applicable:
 - (1) Profiles, cross-sections and specifications for proposed public and private streets.
 - (2) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 - (3) Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- (g) An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation, including but not limited to, the following:
 - (1) The topographic features of the site;
 - (2) The types, depth, slope and extent of the soils by area;
 - (3) The proposed alterations to the site;
 - (4) The amount of runoff from the site area and the upstream watershed;
 - (5) The staging of earthmoving activities;
 - (6) Temporary control measures and facilities during earthmoving;
 - (7) Permanent control measures and facilities for long-term protection;
 - (8) A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- (h) In the event that the Final Development Plan as submitted contains variations from the plan granted 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 such refusal. In the event of such refusal, the landowner may either:

- (1) Refile the Application for Final Approval without the variations objected; or
- (2) File a written request with the Borough Council that it hold a public hearing on the Application for Final Approval.

If the landowner wishes to take either 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.

If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

- (i) Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the 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 an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

Within thirty (30) days after the conclusion of the public hearing, the Borough Council shall, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval.

1007.4 A Final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by the Borough Council and shall be filed of record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by the Borough Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

1007.5 In the event that a Development Plan, or 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 Planned

Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after Final Approval has been granted, no development or further development shall take place on the property included in the Development Plan until after said property is reclassified by enactment of an amendment to the Borough Zoning Ordinance.

1008 COMMON OPEN SPACE

1008.1 Areas Required. Within a Planned Residential development, the following percentages of the total gross site area shall be devoted to the specified uses indicated:

- (a) A minimum of thirty percent (30%) of the total site area shall be set aside and preserved for usable common open space. Where significant or unique natural amenities exist on the site, the Borough Council shall have the authority to enforce the preservation of the amenities as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, woodlands, ravines, ponds, stream beds and stream valleys.
- (b) No more than seventy percent (70%) of the total site area shall be devoted to residential use which shall include buildings, streets, driveways, parking areas, private yards and courts which abut and serve residences.

1008.2 Protection of Common Open Space. Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Borough Council as to legal form and effect. In cases where the Borough will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.

1008.3 Common Open Space Maintenance. In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the Borough may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.

ARTICLE XI

EXPRESS STANDARDS AND CRITERIA FOR CERTAIN PERMITTED USES AND USES BY SPECIAL EXCEPTION

1100 APPLICABILITY

The following procedures shall apply to all applicants for approval of a conditional use or use by special exception in all Zoning Districts.

1101 PROCEDURE FOR APPROVAL

1101.1 Approval of Uses by Special Exception. The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

- (a) A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - (1) A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - (2) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - (3) A list of the names and addresses of all property owners within three hundred (300) feet of the entire perimeter of the property for which approval of the use by special exception is requested taken from the most recent records of the Washington County Tax Assessors Office. At least fourteen (14) days prior to the hearing, the Board shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

- (4) A Traffic Impact Analysis prepared by a registered traffic engineer for the following proposed uses by special exception:
 - [a] Any proposed use in the B-1 and IDD Districts which involves the construction of any new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.
- (5) The application fee required by Section 1608 of this Ordinance.
- (b) A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 1605 of this Ordinance.
- (c) In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.

If land development approval is required for the use by special exception, the application for approval of the use by special exception and the application for approval of a land development required by the Borough Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a use by special exception and a land development plan are met.

1101.2

Expiration of Approval of a Use by Special Exception. Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve month extension.

1102 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1103, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

- (a) The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- (b) The use shall comply with the Performance Standards of Section 1201 of this Ordinance.
- (c) The use shall comply with all applicable requirements of Article XIII governing parking and loading, Article XIV governing signs, Section 1202 governing screening and landscaping, Section 1203 governing steep slopes and Section 1211 governing storage.
- (d) Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- (e) Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.
- (f) For all uses which are subject to the requirements of the Americans with Disabilities (ADA) Act, the applicant shall certify that all applicable ADA requirements have been met in the design.

1103 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all certain permitted uses and uses by special exception listed in Section 1102, above, an application for any of the following uses which are listed in any Zoning District as permitted uses or uses by special exception shall comply with the applicable standards and criteria specified below for that use.

1103.1 Adult Businesses, subject to:

- (a) Adult businesses shall not be permitted in any Zoning District other than the IDD Interchange Development District.
- (b) An adult business shall not be located within one thousand (1,000) feet of a church; public or private pre-elementary, elementary or secondary

school; public library; day care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.

- (c) An adult business shall not be located within five thousand (5,000) feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
- (d) No more than one (1) adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.
- (e) An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit of a church, public or private pre-elementary, elementary or secondary school, public library, day care center or nursery school or public park within one thousand (1,000) feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (f) Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:
 - (1) At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - (2) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which

any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this Subsection shall be by direct line of sight from the manager's station.

- (3) It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.
- (4) No viewing room shall be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.
- (5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
- (6) If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.
- (7) Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
- (8) The applicant shall agree to renew the Certificate of Occupancy in accordance with the requirements for annual renewal contained in Section 1705 of this Ordinance.

1103.2

Animal Hospital and Kennels, subject to:

- (a) In the B-1 Business District and the IDD interchange Development the minimum lot area required for an animal hospital shall be 20,000 square feet. In the A-1 District, the minimum lot area required for an animal hospital with an outdoor kennel or outdoor runs shall be two (2) acres. In the A-1 District, the minimum lot area for an animal hospital without an outdoor kennel or outdoor runs shall be one (1) acre.

- (b) All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
- (c) Outdoor kennels shall be located at least two hundred (200) feet from any property line adjoining residential use or zoning classification and at least fifty (50) feet from any other property line.
- (d) In the B-1 and IDD Districts, overnight boarding of animals, other than for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building.
- (e) Kennels associated with animal hospitals shall be licensed by the Commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.
- (f) Odors shall be controlled so as to comply with the Performance Standards of Section 1201 of this Ordinance.

1103.3 Mixed Use Building, subject to:

- (a) Dwelling units shall not be located on street floor of any commercial building.
- (b) Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.
- (c) Dwelling units in basements or accessory garages shall not be permitted.
- (d) Each dwelling unit shall have a separate entrance which does not require passing through any area devoted to office or retail use.
- (e) Two (2) offstreet parking spaces shall be provided for each dwelling unit. Shared parking for residential and commercial uses shall not be permitted.

1103.4 Billboards, subject to;

- (a) All billboards shall be subject to the express standards and criteria contained in Section 1406 of this Ordinance.

1103.5 Car Wash, subject to:

- (a) All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.

- (b) Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- (c) Standing spaces shall be provided in accordance with the requirements specified in Section 1206 for drive-in businesses.
- (d) The facility shall be connected to public sanitary and storm sewers.
- (e) Driveway entrances shall be located at least thirty (30) feet from the right of way line of the intersection of any public streets.
- (f) Any car wash which also dispenses gasoline shall meet all applicable requirements of Section 1103.25 governing service stations.

1103.6 Cemetery, subject to:

- (a) A minimum site of ten (10) acres shall be required.
- (b) A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- (c) A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- (d) Plans for ingress/egress to the site shall be referred to the Borough Police Department for comments regarding public safety.
- (e) All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B" as defined by §1202.1 of this Ordinance.
- (f) Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Article XIII.
- (g) All maintenance equipment shall be properly stored in an enclosed building when not in use.
- (h) Burial sites or burial structures shall not be located within one (100) feet of any property line adjoining residential use or zoning classification.

1103.7

Churches, Schools, including Post Secondary Schools, subject to:

- (a) The minimum lot area required for a Post Secondary School shall be ten (10) acres. The minimum lot area required for all other uses shall be one (1) acre.
- (b) If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
- (c) A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of the this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- (d) If the school includes dormitories, the dormitories shall be screened along any property line adjoining single family use or zoning classification by Buffer Area "C," as defined by §1202.1 of this Ordinance.
- (e) All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.
- (f) All outside storage shall be screened from public view from streets and adjoining properties by a six (6) foot hedge or opaque fence.
- (g) The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1103.8

Commercial Communications Tower, subject to:

- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a commercial communications tower.
- (b) Any applicant proposing a new freestanding commercial communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing commercial communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:

- (1) The proposed equipment would exceed the structural capacity of the existing building, commercial communications tower or other structure and reinforcement of the existing building tower or other structure cannot be accomplished at a reasonable cost.
 - (2) The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 - (3) Existing buildings, commercial communications towers or other structures do not have adequate space to accommodate the proposed equipment.
 - (4) Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.
- (c) In the A-1, R-1, B-1 and IDD, Districts, a commercial communications tower shall not be located closer than one thousand (1,000) feet to any other commercial communications tower.
 - (d) The applicant shall demonstrate that the proposed height of the commercial communications tower is the minimum height necessary to function effectively.
 - (e) The base of the commercial communications tower shall be set back from all property lines a minimum distance which represents twenty percent (20%) of the tower height, measured from the base of the antenna support structure at grade to the highest point of the structure.
 - (f) An antenna which is proposed to be mounted on an existing building or structure, other than an existing commercial communications tower, shall not exceed the height of the building or structure by more than twenty (20) feet.
 - (g) The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind and other loads associated with the antenna's location.
 - (h) In the case of a freestanding commercial communications tower, the applicant shall submit evidence that the tower structure and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.

- (i) The applicant shall demonstrate that the proposed antenna and any tower structure are safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
- (j) All guy wires and guyed towers shall be clearly marked so as to be visible at all times.
- (k) Unless the commercial communications tower is located on a building, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by a six (6) foot high chain link fence with self-latching gate to limit accessibility to the general public.
- (l) All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- (m) All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- (n) No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- (o) Tower structures supporting antennas shall be painted silver or have a galvanized finish or may be painted green up to the height of adjacent trees in order to reduce visual impact.
- (p) If the commercial communications tower is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the commercial communications tower is not fully automated, one (1) parking space shall be provided for each employee on peak shift.
- (q) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- (r) All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "A" as defined by §1202.1 of this Ordinance.

1103.9

Commercial Recreation, subject to:

- (a) The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning district in which the property is located.

- (b) The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (c) The property shall be served by public water and public sewers.
- (d) Adequate sanitary facilities available to the public shall be provided.
- (e) Outdoor speakers shall not be permitted if there are dwellings within five hundred (500) feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
- (f) Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- (d) Any outdoor facility shall be completely enclosed by a fence which is at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.
- (h) Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 10:00 P.M.
- (i) Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

1103.10

Comparable Uses Not Specifically Listed, subject to:

- (a) Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - (1) The number of employees;
 - (2) The floor area of the building or gross area of the lot devoted to the proposed use;
 - (3) The type of products, materials and equipment and/or processes involved in the proposed use;
 - (4) The magnitude of walk-in trade; and
 - (5) The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1202 of this Ordinance.

- (b) The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- (c) The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.
- (e) If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a permitted use or use by special exception, the Zoning Hearing Board shall review the proposed use as a use by special exception and shall act on the proposed development plan.
- (f) The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.
- (g) Buffer Area as defined by §1202.1 of this Ordinance shall be applied where adjoining uses are not compatible.

1103.11

Day Care Center or Pre-School Facility, subject to:

- (a) The facility shall be registered with or licensed by the Commonwealth, if applicable.
- (b) In the A-1, R-1 and R-2 Zoning Districts, the facility shall be permitted to be located only in a church or school.
- (c) Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.
- (d) Outdoor play areas which adjoin residential lots shall be screened by Buffer Area "C," as defined by §1202.1 of this Ordinance.
- (e) The general safety of the property proposed for a day care center, nursery school or pre-school facility shall meet the needs of small children.
- (f) Offstreet parking shall be provided in accordance with the requirements of Article XIII of this Ordinance.

1103.12

Family Day Care Home, subject to:

- (a) An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from

adjoining residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.

- (b) Outdoor play areas shall have a minimum area of six hundred (600) square feet.
- (c) A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
- (d) The family day care home shall be licensed by, or approved by, the Commonwealth, as required by the laws of the Commonwealth, and continued compliance with the license or approval and all applicable laws of the Commonwealth shall be maintained throughout the operation of the family day care home.
- (e) All applicable criteria of Section 1103.32 governing home occupations shall be met.

1103.13 Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:

- (a) The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for a principal use in the District in which the facility is located.
- (b) In the R-3 District, a Group Care Facility or Personal Care Boarding Home shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- (c) No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within 1,000 feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.
- (d) Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.
- (e) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- (f) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.

- (g) Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

1103.14

Hospital, Clinic or Nursing Home, subject to:

- (a) The minimum lot area required for a hospital shall be five (5) acres. The minimum lot area required for a clinic or nursing home shall be one (1) acre.
- (b) The property shall be served by public water and public sewers.
- (c) All hospitals and nursing homes shall be licensed by the Commonwealth.
- (d) Water pressure and volume shall be adequate for fire protection.
- (e) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (f) The parking and circulation plan shall be referred to the Borough police department and volunteer fire company for comments regarding traffic safety and emergency access.
- (g) Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
- (h) All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B," as defined by §1202.1 of this Ordinance.
- (i) A private use helipad for air ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:
 - (1) Helipads shall be located at least two hundred fifty (250) feet from any property line or public street.
 - (2) Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
 - (3) Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.
 - (4) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.

- (5) The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- (6) An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
- (7) Lighting shall be shielded away from adjacent properties and streets.
- (j) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1103.15 Landfill, subject to:

- (a) The minimum site required shall be one hundred (100) acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (c) The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.
- (d) A tire washing station shall be located on the site to service trucks exiting the facility.
- (e) Prior to beginning operations, the operator shall post a bond in favor of the Borough and in a form acceptable to the Borough Solicitor in the amount of one hundred thousand dollars (\$100,000) for each mile of Borough road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road.

Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Borough roads which have been damaged shall be determined by inspection of the Borough Engineer and shall be reconstructed to current Borough specifications for street construction.

- (f) Landfill operations shall not be conducted within two hundred (200) feet of any property lines adjoining residential use or zoning district classification.
- (g) All property lines adjoining residential use or zoning district classification shall be screened by Buffer Area "A," as defined by §1202.1 of this Ordinance.
- (h) Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.
- (i) The applicant shall show compliance with all applicable Federal and State laws regulating landfills.
- (j) The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (EPA) prior to initiating any operation.
- (k) The required Federal or State permits shall be maintained throughout the duration of all operations.
- (l) Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and shall result in the suspension or revocation of the Zoning Certificate or enforcement of the penalty provisions of this Ordinance or both.
- (m) In January of each year, the operator shall apply to the Zoning Officer for renewal of the Zoning Certificate and shall present evidence of continuing compliance with all conditions of approval and the required State or Federal permits.

1103.16 Light Manufacturing, subject to:

- (a) All activities shall comply with the Performance Standards specified in §1201.2 of this Ordinance.
- (b) All materials and equipment shall be stored within a completely enclosed building.

- (c) The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- (d) Adequate public utilities shall be available to meet the requirements of the proposed manufacturing processes.
- (e) Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.

1103.17 Mini-Warehouses or Self-Storage Buildings, subject to:

- (a) The minimum site area required shall be two (2) acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (c) Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage.
- (d) All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.
- (e) Parking shall be provided in accordance with the following:
 - (1) Two (2) spaces for manager's quarters, if any;
 - (2) One (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters or office to be used by prospective customers;
 - (3) One (1) space for each ten (10) storage units equally distributed throughout the storage area to be used by the customers.
- (f) Buffer Area "A" shall be provided in accordance with the requirements of §1202.1 of this Ordinance along all property lines which adjoin residential use or zoning classification.
- (g) The perimeter of the site shall be fenced with a minimum eight foot high chain link fence with self-latching gate. If an outside storage area is

proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.

- (h) Maximum building height shall be twenty (20) feet.
- (i) The maximum length of any storage building shall be two hundred (200) feet.
- (j) The minimum distance between storage buildings shall be twenty (20) feet.
- (k) Maximum lot coverage by all buildings shall be forty percent (40%).
- (l) Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.
- (m) Storage units shall not be equipped with water or sanitary sewer service.
- (n) No business activity other than rental of storage units shall be conducted on the premises.
- (o) Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.
- (p) Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- (q) No sign shall be placed on the buildings or on their rooftops.
- (r) Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.
- (s) A minimum of one (1) fire hydrant shall be provided on the site, subject to approval by the Borough. The facility shall comply with the Borough Fire Code.

Mineral Removal, subject to:

- (a) Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Borough that all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP) are met.
- (b) There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- (c) Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- (d) No mineral removal shall be conducted within three hundred (300) feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.
- (e) No mineral removal shall be conducted within one hundred (100) feet of the outside right of way line of any public street, except where access roads or haulage roads join the right of way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
- (f) No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- (g) No mineral removal shall be conducted within one hundred (100) feet of a cemetery.
- (h) No mineral removal shall be conducted within three hundred (300) feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.

- (i) The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:
 - (1) Lawful existing or permitted use of adjacent properties.
 - (2) The quality or adequacy of any public or private water supply source.
 - (3) Any flood-prone or landslide-prone areas within the Borough.
- (j) The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- (k) If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Borough and whose fee is paid by the applicant.
- (l) The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- (m) The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Borough roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Borough.
- (n) The operator shall post a bond in favor of the Borough and in a form acceptable to the Borough prior to beginning operations to guarantee restoration of Borough streets which may be damaged during the mineral removal operations.
- (o) Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

- (p) The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.
- (q) Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six (6) months of the date of approval of the conditional use application by the Borough Council, unless the applicant submits a written request for an extension prior to the expiration of the six (6) months after the date of approval.
- (r) Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Borough Council. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.
- (s) During the mineral removal operation, the Borough Engineer may inspect the site at the request of the Borough Council to determine continuing compliance with these standards and criteria and any conditions of approval. the cost of inspection by the Borough Engineer shall be borne by the operator.

1103.19 Private Club, subject to:

- (a) Any establishment which includes a restaurant or tavern shall be subject to the offstreet parking requirements of Article XVI for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- (b) Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.

- (c) Activities on the site and within the building shall comply with the noise standards specified in Section 1201 of this Ordinance.
- (d) All offstreet parking which adjoins residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.

1103.20

Public or Private Parking Lot or Parking Garage, subject to:

- (a) All public or private parking lots or parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (b) All public or private parking lots or parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking structure.
- (c) The design of any parking garage proposed to be located on property which adjoins a residential zoning district shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas which are compatible with the residential character of adjoining properties.
- (d) Any parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

1103.21

Public Recreation and Noncommercial Recreation, subject to:

- (a) A minimum lot area of one (1) acre shall be required; however, the minimum lot area required may be reduced to not less than twelve thousand (12,000) square feet for public facilities which are located in established neighborhoods within walking distance of the residents they are intended to serve and where no offstreet parking is proposed for the facility.
- (b) All principal structures shall be located at least thirty (30) feet from any property line.
- (c) Buffer Area "C," as defined by §1202.1 of this Ordinance shall be provided where parking for the use or other intensively used facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning

classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.

(d) The use shall comply with the Performance Standards of Section 1201 of this Ordinance.

(e) All lighting shall be shielded away from adjoining streets and properties.

1103.22 Public Utility Installation, subject to:

(a) The minimum lot area required shall be 20,000 square feet.

(b) Maintenance vehicles shall be stored within a completely enclosed building.

(c) Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six (6) foot fence with locking gate and is screened by 100% opaque screening material placed in the fencing or by a six (6) foot dense, compact evergreen hedge.

(d) Any area of the building which is used for business offices shall comply with the parking requirements of Article XIII of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each 1,500 square feet of gross floor area devoted to that use.

1103.23 Retirement Community, subject to:

(a) The minimum site required for a Retirement Community shall be twenty (20) acres.

(b) The site proposed for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this Chapter as an arterial or collector street. Access to local Borough streets shall not be permitted, except that a secondary controlled "emergency only" access may be provided from a local Borough street, if approved by the Borough.

- (c) A Retirement Community may include one (1) or more of the following dwelling types:
 - (1) Single family dwellings.
 - (2) Two family dwellings.
 - (3) Townhouse buildings containing no more than five (5) dwelling units per building.
 - (4) Garden apartment buildings containing no more than fifty (50) dwelling units per building.
- (d) In addition to the foregoing dwelling types, a Retirement Community shall include the following supporting uses:
 - (1) Common leisure and/or recreational areas.
 - (2) Common dining area.
- (e) In addition, a Retirement Community may include one (1) or more of the following supporting uses, subject to approval by the Borough:
 - (1) Postal station for use of the residents and staff only;
 - (2) Banking facility for use of the residents and staff only;
 - (3) Pharmacy and/or medical offices for use of the residents only;
 - (4) Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
 - (5) Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
 - (6) Personal care boarding home, provided the use meets all the conditional use criteria contained in §1203.15 of this Ordinance;
 - (7) Nursing home licensed by the Commonwealth;
 - (8) Elderly day care center licensed by the Commonwealth;
 - (9) Taxi, van or similar transportation services for the residents.
- (f) The maximum dwelling unit density permitted in a Retirement Community shall be twelve (12) dwelling units per acre.
- (g) No principal structure shall be less than fifty (50) feet from any property line adjoining property in an R-1 R-2 or R-3 District. Along all other property lines, no principal structure shall be less than twenty (20) feet from any property line of the development site.

- (h) Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining property in an A-1, R-1 or R-2 District.
- (i) There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of Section 1302 of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

1103.24

Junk Yard, subject to:

- (a) The minimum site required shall be twenty (20) acres.
- (b) The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- (c) No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.
- (d) The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1701 of this Ordinance.
- (e) The manner of storage of junk or other materials or equipment on the site shall facilitate access for fire-fighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- (f) The salvage yard operation shall comply with the Performance Standards of Section 1202 of this Ordinance.
- (g) No junk shall be stored or accumulated and no structure shall be located within one hundred (100) feet of any dwelling or within forty (40) feet of any property line or public street.

- (h) The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph (j), below.
- (i) The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- (j) Buffer Area "A," as defined by §1202.1 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.
- (k) The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.
- (l) The operator shall obtain a license from the Borough prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Borough Council and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

1103.25 Service Station, Automobile, subject to:

- (a) All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- (b) All car washing areas shall discharge into public sanitary sewers.
- (c) All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- (d) All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right of way.
- (e) Canopies over gasoline pumps shall be subject to the requirements of §1206.3(h) of this Ordinance.
- (e) Gasoline pumps shall be located at least thirty (30) feet from the edge of the right of way of a public street.
- (f) All fuel, oil and similar substances shall be stored at least twenty-five (25) feet from any property line.

- (g) The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1403 of this Ordinance.
- (h) Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

1103.26 Shopping Center, subject to:

- (a) The minimum site required shall be five (5) acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (c) Once the improvements are completed in an approved shopping center, lots within the approved and recorded shopping center may be sold and developed as independent entities for any authorized use in the District.
- (d) Only uses permitted by right or authorized as conditional uses or uses by special exception in the District in which the shopping center is located shall be permitted in the shopping center.
- (e) Buffer Area "A" shall be provided along all property lines which adjoin the R-1 or R-2 District.
- (f) The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.
- (g) The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

1103.27 Slaughterhouse, subject to:

- (a) The primary purpose of the slaughterhouse shall be to slaughter and dress farm animals raised on-site for sale.
- (b) Non-farm animals killed in hunting season may be butchered at the slaughterhouse.

- (c) A perimeter setback of two hundred (200) feet shall be provided along all property lines.
- (d) In the A-1 District, Buffer Area "A" as defined in §1502.1 of this Ordinance shall be provided along all property lines adjoining an, R-1, R-2 or R-3 District.

1103.28

Temporary Uses or Structures, other than Construction Trailers, subject to:

- (a) Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Section as a condition of issuing a Certificate of Occupancy.
- (b) Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall not be subject to the provisions of this Section. Any such activity which exceeds seventy-two (72) consecutive hours in duration shall be subject to approval under this Section.
- (c) A transient merchant license as required by Borough Ordinance shall be obtained.
- (d) In the B-1 And IDD Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
 - [1] The preparation and serving of food which is part of a special event that does not exceed 72 consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this Section; however, an occupancy permit shall be obtained from the Borough Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this Subsection 1103.
 - [2] Evidence of an approved permit from the PA DEP or its successor agency.

- [3] The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
 - [4] The area used for preparing and serving the food shall not obstruct any sidewalk or public right of way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five (5) feet wide along the curb.
 - [5] No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within three hundred (300) feet of the outdoor area.
 - [6] The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
 - [7] The activity shall comply with all applicable requirements of the Borough Fire Code.
 - [8] The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.
 - [9] The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Borough with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Borough against any liability resulting from such use.
- (c) Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.

- (f) All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
- (g) All temporary uses or structures which are proposed to be accessible to the public shall provide offstreet parking in accordance with the requirements of Section 1302 for the proposed use.
- (h) Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- (i) All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.
- (j) Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.
- (k) Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

1103.29

Vehicle Rental, Sales and Service, subject to:

- (a) New and used vehicle sales and service establishments shall be limited to those establishments which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.

- (b) The minimum lot area required shall be one (1) acre.
- (c) The property shall have frontage on and direct vehicular access to an arterial or collector street.
- (d) The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of equivalent or superior character as approved by the Borough Engineer.
- (e) The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1703 of this Ordinance.
- (f) All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.
- (g) Customer car washing areas shall discharge into public sanitary sewers.
- (h) No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right of way.
- (i) No vehicle shall be displayed or offered for sale which does not have a current registration and inspection sticker and all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.
- (j) All lights and light poles shall be located at least ten (10) feet from any street right of way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.
- (k) No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.
- (l) All required offstreet parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

- (m) Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot dense, compact evergreen hedge or opaque fence.
- (n) Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

1103.30 Repair Garage, subject to:

- (a) Such use shall not be located within twenty-five (25) feet of any property line adjoining residential use or zoning classification.
- (b) Buffer Area "B," as defined by §1202.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.
- (c) Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area which is screened by a six (6) foot high dense, compact evergreen hedge or opaque fence.
- (d) There shall be no more than four (4) vehicles displayed for sale on the premises at any one (1) time.
- (e) All repair work shall be performed within an enclosed building which has adequate ventilation and fire protection provisions in accordance with the Borough Building Code.
- (f) All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- (g) The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health or safety.
- (h) Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1103.31 Private Use Helipad, subject to:

- (a) A private use helipad shall be located at least five hundred (500) feet from any property line or public street.

- (b) Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, Bureau of Aviation shall be submitted.
- (c) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
- (d) The use of the helipad shall be limited to helicopters owned by the landowner.
- (e) Maintenance of the helicopter, other than emergency maintenance, and permanent storage of the helicopter shall not be permitted on the private use helipad.
- (f) Storage of fuel at the private use helipad shall not be permitted.
- (g) Clear areas for emergency landings of the helicopter in the event of mechanical failure on approach or departure shall be provided. These emergency landing areas shall be located within the normal glide range of the helicopter with one (1) engine off when operating in the approved takeoff or landing lane from the private use helipad.
- (h) The operation of the private use helipad shall comply with the noise standards of Section 1201.3.

1103.32

Home Occupations, subject to:

- (a) The home occupation shall be carried on by a member of the family residing in the dwelling unit. Persons who are not residents of the dwelling shall not be employed in the dwelling unit.
- (b) In the R-1, R-2 and R-3 Districts, the home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure. In the A-1 District, the home occupation may be carried on in an accessory structure.
- (c) No more than twenty-five percent (25%) of the gross floor area of a single floor in the principal dwelling shall be devoted to the conduct of the home occupation. Where the floor area of one (1) or more of the several floors of the dwelling differs, the area of the smallest floor shall be used to calculate the twenty-five percent (25%).

- (d) There shall be no on-site production of articles for sale in the home occupation, other than customary handicrafts made by the resident, which may be produced for sale off the premises. Such articles shall not be displayed in quantity for sale on the premises, except that samples may be kept for the purpose of accepting orders.
- (e) There shall be no display on the premises of merchandise available for sale which has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business.
- (f) There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than two (2) square feet in surface area containing only the name of the resident and the nature of the home occupation which may be attached to the wall of the dwelling or to the mailbox.
- (g) The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
- (h) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the Performance Standards of Section 1201 of this Ordinance.
- (i) The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- (j) There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- (k) The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- (l) In the R-1, R-2 and R-3 Districts, the home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.

- (m) There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- (n) Any home occupation where customers, clients or students routinely visit the premises shall provide a paved offstreet parking area in accordance with the requirements of Article XIII for the specific use in addition to the spaces required for the dwelling.
- (o) The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
 - (1) Beauty shops or barber shops containing more than two (2) chairs;
 - (2) Blacksmith or metal working;
 - (3) Boarding stables;
 - (4) Clinics, hospitals or nursing homes;
 - (5) Funeral homes;
 - (6) Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
 - (7) Kennels, veterinary offices and clinics;
 - (8) Private clubs;
 - (9) Private instruction to more than five (5) students at a time;
 - (10) Restaurants or tea rooms;
 - (11) Retail or wholesale sales; flea markets;
 - (12) Tanning or massage salon;
 - (13) Tourist or boarding home, other than Bed and Breakfast;
 - (14) Vehicle or equipment rental, repair or sales in the R-1, R-2 and R-3 Districts;
 - (15) Vehicle repair garages in the R-1, R-2 and R-3 Districts.
- (p) The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
 - (1) Artist, photographer or handicrafts studio;
 - (2) Catering off the premises;
 - (3) Contracting business;
 - (4) Computer programmer, data processor, writer;
 - (5) Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
 - (6) Dressmaker, tailor;

- (7) Professional offices which involve routine visitation by customers or clients;
 - (8) Housekeeping or custodial services;
 - (9) Interior designer;
 - (10) Jewelry and/or watch repair, not including wholesale or retail sales;
 - (11) Lawnmower and small engine repair in the A-1 District only;
 - (12) Locksmith;
 - (13) Mail order business;
 - (14) Manufacturer's representative;
 - (15) Repair of small household appliances that can be hand carried in the A-1 District only;
 - (16) Telemarketing;
 - (17) Travel agent;
 - (18) Tutoring or any other instruction to no more than five (5) students at any one time;
 - (19) Word processing, typing, secretarial services.
- (q) The acceptability of a home occupation not specifically listed in §1103.32(p) shall be determined by the Zoning Officer, in accordance with the express standards and criteria specified in Subsections 1103.32(a) through 1103.32(o).

**ARTICLE XII
SUPPLEMENTARY REGULATIONS**

1200 APPLICABILITY

The supplementary regulations in this Article supplement the requirements of Articles IV through IX governing each Zoning District and shall apply to all uses in all Zoning Districts.

1201 PERFORMANCE STANDARDS

The following uses shall apply to all permitted uses and uses by special exception all Zoning Districts. All uses by special exception in all Districts shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Borough Council or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

1201.1 Environmental Performance Standards: All properties shall be subject to the following environmental performance standards. It shall be unlawful to excavate, fill or clear vegetation prior to submission of plans for development which show compliance with the following standards.

- (a) **Flood Plains:** All areas identified as flood-prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of the Borough Flood Plain Management Ordinance.
- (b) **Slopes:** The following restrictions shall apply to all lands which have a natural or finished slope in excess of eight percent (8%):
 - (1) **Slopes of 8%-15%:** No more than sixty percent (60%) of these areas shall be developed and/or regraded or stripped of vegetation.
 - (2) **Slopes of 16%-24%:** No more than forty percent (40%) of these areas shall be developed and/or regraded or stripped of vegetation.
 - (3) **Slopes of 25% or more:** No more than twenty percent (10%) of these areas shall be developed and/or regraded or stripped of vegetation.

- (c) Landslide-prone Areas: Proposed development of areas which have moderate to high landslide susceptibility shall be reviewed by a professional engineer or landscape architect whose credentials are acceptable to the Borough to assess necessary precautions, if any, in the design of the development to protect the site and adjoining properties. The cost of the review shall be borne by the applicant.
- (d) Potential Mine Subsidence Areas: In areas where deep mining has occurred, the potential for mine subsidence exists, particularly where the overburden is one hundred (100) feet or less. Plans for development of sites which have such characteristics shall be submitted to the Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation for comment about necessary precautions, if any.
- (e) Woodlands: No more than fifty percent (50%) of any woodland, as defined by this Ordinance shall be cleared or developed. The remaining fifty percent (50%) shall be maintained as permanent open space.
- (f) Lakes and Ponds: Lakes and ponds, as defined by this Ordinance shall be maintained as permanent open space. No development, filling, piping or diverting shall be permitted, except for the construction of public streets, subject to the approval and necessary permits from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Encroachments.
- (g) Storm Water Drainage and Management: Stormwater drainage and management plans shall be prepared for each proposed development. Unless otherwise indicated by the requirements of the Pennsylvania Department of Environmental Protection, Division of Safety and Waterway Management, the following shall apply:
 - (1) Storm Water Drainage: Culverts, pipes and other water carrying structures shall be designed to carry the peak discharge from the ten (10) year post-development storm with a rainfall intensity as established by PennDOT Rainfall Intensity-Duration-Frequency Curves. The rational equation shall be used in determining the runoff volumes.
- (h) Soil Erosion and Sedimentation: All developments shall protect streams and ponds from sedimentation damage and control erosion in accordance with the Clean Streams Law (P.L. 1987), Chapter 102 and Soil Erosion

and Sedimentation Control Manual, Pennsylvania Department of Environmental Resources, May 1, 1976. All developments of any size shall submit a soil erosion and sedimentation control plan to the Borough.

1201.2 Electrical Disturbance: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

1201.3 Noise: The ambient noise level of any operation (other than those exempted below) shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this Ordinance, ambient noise level is the average decibel level recorded during observations taken in accordance with the procedure specified below taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.

Averaging may be done by instrument analysis in accordance with American National Standard S. 13-1971, or may be done manually as follows:

- (a) Observe a sound level meter for five (5) seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
- (b) Repeat the observations as many times as necessary to determine that there are decibels between the lowest low indication and the highest high indication.
- (c) Calculate the arithmetical average of the observed central tendency indications.

No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

- (a) **Residential Districts:** At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA.
- (b) **B-1 and IDD Districts:** At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA.

- (c) Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
- (d) The following uses or activities shall be exempted from the noise regulations:
 - (1) Noises emanating from construction or maintenance activities between 7:00 A.M. and 9:00 P.M.;
 - (2) Noises caused by safety signals, warning devices and other emergency-related activities or uses;
- (e) In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

1201.4 **Vibrations:** Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

1201.5 **Odors:** No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

1201.6 **Storage and Waste Disposal:** No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for the following:

- (a) Tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel which shall be specifically designed to handle the material.
- (b) Tanks or drums for storage of less than three hundred (300) gallons of fuel oil (other than that used for home heating) or gasoline, provided such tanks are located no closer than twenty-five (25) feet to any building or lot line or fifty (50) feet from any street line.

All outdoor storage facilities for fuel, raw materials and products and all fuel, raw materials and products stored outdoors shall be enclosed by a six (6) foot high chain link fence or equivalent approved by the Zoning Officer.

No materials or wastes shall be deposited on a lot in such form or manner that they may be transported off the lot by natural cause or forces; nor shall any substance which can contaminate wells, watercourses or potable water supplies otherwise render such wells, watercourses or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses or potable water supplies.

Any materials or wastes which may cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

- 1201.7 Smoke, Ash, Dust, Fumes, Vapors and Gases: There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable Federal, State or County laws or regulations.
- 1201.8 Glare: Lighting devices which produce objectionable direct or reflected glare greater than thirty-five (35) foot candles on adjoining properties or public streets shall not be permitted.
- 1201.9 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- 1201.10 Water Pollution: Water pollution shall be subject to the standards established by the PA D.E.P.
- 1201.11 Determination of Compliance with Performance Standards: During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

1201.12 Continuing Enforcement: The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Borough Council, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Borough.

If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Article XVII of this Ordinance and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Ordinance and shall result in the revocation of the occupancy permit for the facility or use.

1202 SCREENING AND LANDSCAPING

1202.1 Buffer Areas Described: Buffer Areas, as defined by this Ordinance and required by §1202.2, shall meet all of the following criteria:

- (a) Buffer Area "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of Buffer Area "A" shall be twenty-five (25) feet as measured from the property line.
- (b) Buffer Area "B" shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "B" shall be fifteen (15) feet as measured from the property line.
- (c) Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area "C" shall be five (5) feet as measured from the property line.
- (d) None of the required plantings shall encroach across any property line.

All plantings shall be located a minimum of two and one-half (2-1/2) feet from the property line which constitutes the exterior boundary of the Buffer Area.

- (e) In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Borough Council, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Borough Council to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.
- (f) In the event that a public street right of way, dedicated and accepted by the Borough separates the two (2) dissimilar uses specified, the Buffer Area shall not be required, provided the width of the right of way equals or exceeds the width of the required Buffer Area and one (1) row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described in §1202.2 (d) below.
- (h) Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements in Appendix I of the Bentleyville Borough Subdivision and Land Development Ordinance.
- (i) No structures or uses shall be permitted in the required Buffer Area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.

Buffer Areas Required: Buffer Areas A, B, and C listed in §1202.1 above are required under the following circumstances:

(a) **Buffer Area "A":** Buffer Area "A" shall be required:

- (1) Along all property lines where any development in the IDD adjoins property in an A-1, R-1, R-2 or R-3 District.
- (2) Where the express standards and criteria for a conditional use or use by special exception in Section 1103 of this Ordinance specify that Buffer Area "A" is required.
- (3) Along all property lines where a Planned Residential Development which contains townhouses or garden apartments adjoins property in an A-1, R-1, R-2 or R-3 District.

(b) **Buffer Area "B":** Buffer Area "B" shall be required:

- (1) Along all property lines where any development in the B-1 District adjoins property in an A-1, R-1, R-2 or R-3 District.
- (2) Where the express standards and criteria for a conditional use or use by special exception in Section 1103 of this Ordinance specify that Buffer Area "B" is required.
- (3) Along all property lines where a Planned Residential Development which contains single family and two family dwellings adjoins property in an A-1, R-1, R-2 or R-3 District.

(c) **Buffer Area "C":** Buffer Area "C" shall be required:

- (1) Where the express standards and criteria for a conditional use or use by special exception in Section 1103 of this Ordinance specify that Buffer Area C is required.
- (2) On developed properties in the IDD District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area "B" along a property line which adjoins property in the R-1, R-2 or R-3 District.

- (3) Along all property lines in the R-3 District where townhouses and garden apartments adjoin R-3 zoned property containing a single family dwelling or two family dwelling.

- (d) Low-Level Screen Required: In addition to the required plantings in Buffer Areas "A," "B," and "C," wherever twenty (20) or more parking spaces face the required Buffer Area, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the Buffer Area which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs, hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mound between him and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of three (3) feet in height at its centerpoint with a minimum width at the base of ten feet. Low level shrubs or hedges shall be a minimum of three (3) feet at the time of planting.

1202.3 Conflict Between Buffer Area and Yard Requirements: When the width of a required Buffer Area is in conflict with the minimum yard requirements of Articles IV through XII, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the yard requirement.

1202.4 Existing Structures in Buffer Areas: In instances where an existing structure is located within any required buffer area, the buffer area may be reduced, provided the buffer area is not less than the minimum distance between the existing structure and the property line. This reduced buffer area width shall apply only to the side of the existing structure which encroaches on the required buffer area

1202.5 Existing Trees in Buffer Areas: Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed.

When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.

1202.6 Size of Trees in Required Buffer Areas: Any existing trees within the required buffer area which are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a required tree

within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.

All trees required to be planted within the buffer area shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

- 1202.7 Responsibility for Maintenance: It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.
- 1202.8 Stormwater Management Facilities in Buffer Areas: Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.
- 1202.9 Landscaping of Open Areas: All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur within two (2) weeks of April 1.
- 1202.10 Landscaping Specifications: Landscaping shall be provided in accordance with the following specifications:
- (a) Planting required in buffer areas as outlined in Section 1202.2 cannot be substituted for any required planting mandated in this Section.
 - (b) A landscaping plan, with detailed drawings, must be submitted prior to building permit application and this landscaping plan must contain and show the following information:

- (1) All required buffer areas with proposed plantings (Identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
 - (2) All required planting independent of any buffer area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
 - (3) Any planting in excess of the requirements in Sections 1202.1 and 1202.2 of this Ordinance.
 - (4) Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 - (5) Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- (c) At least one (1) deciduous tree must be planted for each one thousand (1,000) square feet of lot area occupied by the building footprint in conjunction with any non-residential development.
- (d) At least one (1) deciduous tree must be planted for each dwelling unit in conjunction with any multi-family development.
- (e) All trees which are required to be planted as per the regulations of this Section shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
- (f) In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five (5) day on, two (2) day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Borough.

- (g) Any existing trees which are not disturbed and are not located within a required buffer area and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the buffer area.
- (h) In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior parking area shall be landscaped with plantings and one (1) tree for each ten (10) spaces shall be installed.
- (i) Whenever an open parking area abuts a public street, a planting strip, at least five (5) feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.
- (j) All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as it is used in Section 1202.9 of this Ordinance.

1203 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

- 1203.1 Corner Lots: Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.
- 1203.2 Nonconforming Lots of Record: See Section 1503.
- 1203.3 Accessory Structures: In all Zoning Districts the following regulations shall apply to accessory structures:
 - (a) Private Swimming Pools Accessory to a Dwelling: Swimming pools accessory to a dwelling shall be located in the side or rear yard in compliance with the yard requirements for that zoning district at least five (5) feet from the dwelling or any property line. Swimming pools shall not be permitted in the front yard. All swimming pools and the equipment necessary for maintaining the pool shall be completely enclosed by a fence which is at least four (4) feet in height and which has a self-latching gate. The dwelling may constitute a part of the required enclosure.

For an above ground swimming pool which is completely enclosed by a minimum three (3) foot railing around the entire perimeter and which has a self-latching ladder, the pool shall not be required to be fenced. All other above ground swimming pools shall be fenced in accordance with the requirements of this Sub-paragraph (a).

- (b) Private Sport Courts Accessory to a Dwelling: Sport courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than twenty (20) feet. If lighting is proposed, the lighting shall be shielded so that it does not reflect on any adjoining property. All sport courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and which shall contain openings equal to fifty percent (50%) or more of the surface area of the fence.
- (c) Fences, Walls and Buffer Areas: All walls, fences and buffer areas or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties.
- (d) Satellite Dish Antennas Greater than thirty (30) inches in Diameter: Only one (1) satellite dish antenna shall be permitted on a residential lot. In all Zoning Districts, satellite dish antennas shall not be permitted in front yards. In Residential Zoning District, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet. In Zoning Districts other than Residential, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall not exceed twenty (20) feet. In all Zoning Districts, the maximum height of any freestanding satellite dish antenna shall be twenty (20) feet. In all Zoning Districts, no part of any satellite dish antenna shall be located closer than ten (10) feet to any property line. Satellite dishes thirty (30) inches in diameter or less shall be exempt from these regulations.
- (f) Radio or Television Antennas: A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:
 - (1) A radio or television antenna structure may be mounted on a roof or installed in a rear yard or only, provided that no such structure shall be located within twenty (20) feet of any property line.

- (2) The maximum height for such structure shall not exceed that otherwise allowed in the zoning district in which it is located by more than twenty (20) feet. If placed on a roof, any antenna exceeding eight (8) feet shall be mounted with guide wires.
- (3) Any such structure shall comply with applicable Federal Communications Commission regulations.
- (4) Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Borough.
- (g) Structures Accessory to Industrial Uses: In the IDD, Interchange Development District, District, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures shall be permitted in a side or rear yard provided that they shall be located at least twenty (20) feet from the side or rear lot line.
- (h) Canopies and Similar Structures: Canopies and similar permanent free-standing roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the B-1, Business District, and IDD Interchange Development District, provided that:
 - (1) Such structure shall not be attached to the principal building;
 - (2) Such structure shall be located at least ten (10) feet from any property line or street right-of-way;
 - (3) Such structure shall not be enclosed; and
 - (4) Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

1203.4

Visibility at Intersections: No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or placed within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

- (a) Residential Districts: The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.
- (b) Business and Interchange Districts: The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

1204 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any required yard in any Zoning District as follows:

Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and rear yards no more than eight (8) feet and shall be no closer to the rear property line than twenty (20) feet.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than thirty-six (36) inches.

1205 HEIGHT EXCEPTIONS

The height limitations of this Ordinance shall not apply to the following structures: Church spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

1206 DRIVE-THROUGH FACILITIES

All businesses which propose drive-through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements.

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- B. In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right of way or overflow onto adjacent properties, streets, or berms.
- C. Entrances, exits and standing spaces shall be adequately indicated with pavements markings and/or directional signs.
- D. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

1207 TEMPORARY CONSTRUCTION TRAILERS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

- 1207.1 Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Borough approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction of authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Borough Engineer.
- 1207.2 Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase.

- 1207.3 A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
- 1207.4 Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- 1207.5 Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- 1207.6 No combustible materials shall be stored in temporary construction trailers.
- 1207.7 Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- 1207.8 Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.
- 1207.9 Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

1208 AGRICULTURE

Agricultural activities, including greenhouses, stables, kennels and animal husbandry, shall be subject to the following requirements.

- 1208.1 Storage of manure, odor or dust producing substances shall be located at least two hundred (200) feet from any property line.

- 1208.2 Any building used for the keeping, raising or feeding of livestock and poultry shall be located at least two hundred (200) feet from any street line and from any adjacent landowner's well or dwelling and not less than one hundred (100) feet from the landowner's well or property line.
- 1208.3 Animal shelters or runs shall be located no closer than two hundred (200) feet to any property line.
- 1208.4 Greenhouse heating plants shall be at least one hundred (100) feet from any property line. The retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.
- 1208.5 The minimum lot area required for keeping horses shall be five (5) acres. Minimum pasture area for grazing horses shall be not less than two (2) acres per horse.
- 1208.6 No stable shall be located within two hundred (200) feet of any property line or occupied dwelling, other than the stable owner's dwelling.
- 1208.7 All grazing and pasture areas shall be adequately fenced.

1209 STORAGE

- 1209.1 Outdoor Storage in Business and Industrial Districts: Except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six (6) feet in height.
- In the B-1 and IDD District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. If existing buildings do not screen the storage area from public view from the street, the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

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.

1209.2 Storage of Travel Trailers and Mobile Homes: The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

1209.3 Storage of Commercial and Construction Equipment: Commercial and construction equipment or vehicles, including without limitation trucks of one-ton capacity or greater, tractors of 40 horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any R-1, R-2 or R-3 District, except within a completely enclosed building.

1210 AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

When required, all new construction and additions or enlargements of existing structures or facilities shall comply with the most recent regulations for accessibility as specified in the Americans with Disabilities Act (ADA).

1211 SECONDARY DWELLING FOR RESIDENT FARM WORKERS

One (1) permanent secondary dwelling shall be permitted to be constructed on a lot or parcel where the principal use is agriculture, as defined by this Ordinance, without subdividing the property for the secondary dwelling, providing that all of the following requirements are met:

- A. If the property were to be subdivided in the future, the area proposed for the secondary dwelling would be capable of meeting the current minimum lot area and lot width requirements specified for a single family dwelling in the A-1 Zoning District without creating a nonconforming lot for the existing dwelling.
- B. Adequate vehicular access to a public street is provided for the secondary dwelling.
- D. The owner of the secondary dwelling shall be the owner of the original dwelling. The secondary dwelling shall not be sold to any other party unless and until a plan of subdivision is recorded in the Washington County Recorder of Deeds Office in accordance with all applicable requirements of the Borough Subdivision and Land Development Ordinance.
- E. The sole purpose of the secondary dwelling shall be to provide a permanent dwelling for a person or persons who are working on the farm as tenants or as paid or unpaid employees.

**ARTICLE XIII
OFF-STREET PARKING AND LOADING**

1300 APPLICABILITY

Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or existing use is enlarged.

1301 OFF-STREET PARKING DESIGN

Parking areas in all Zoning Districts shall comply with the following standards.

1301.1 Size: Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

1301.2 Design: The minimum dimensions of aisles and driveways shall be as follows:

- (a) Minimum width of aisles providing two-way travel shall be twenty-four (24) feet.
- (b) Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Parallel	12 feet
30 degree	14 feet
45 degree	16 feet
60 degree	20 feet

- (c) The minimum width of entrance and exit drives shall be:
 - (1) For one-way travel, a minimum of twelve (12) feet.
 - (2) For two-way travel, a minimum of twenty-four (24) feet.
 - (3) A maximum of thirty-five (35) feet at the street line and fifty-four (54) feet at the curb line.
 - (4) Adequate sight distance shall be provided, subject to review and approval by the Borough Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street right-of-way line.

Access: Access to parking areas shall be provided in accordance with the following requirements:

- (a) Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.
- (b) Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any District, other than a Residential District, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.
- (c) The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
- (d) Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street right-of-way lines. Where a site has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
- (e) Access drives entering State highways are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (Penn DOT). Access drives entering Borough streets shall be graded to conform to existing topography and shall be designed so that drainage will not adversely impact the street or adjoining properties.
- (f) Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

Joint Use of Facilities: Two (2) or more uses may provide the required parking in a common parking lot, if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below the total as a use by special exception to be granted by the Zoning Hearing Board, provided it can be demonstrated that the hours or days of operation or peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

- 1301.5 **Safety Requirements:** The Borough Council shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.
- 1301.6 **Marking:** In parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.
- 1301.7 **Parking Areas Serving Residential Dwellings:** Parking requirements for single family, two family and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.
- 1301.8 **Parking Areas Serving Uses Other Than Residential Dwellings:** Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area.
- 1301.9 **Location of Parking Areas:** Required parking spaces shall be located on the same lot with the principal use.
- No parking area containing more than five (5) parking spaces shall be located closer than five (5) feet to any adjoining property line and parking authorized in front yards shall be located at least ten (10) feet from the street right-of-way line.
- 1301.10 **Screening and Landscaping:** Parking areas containing more than five (5) parking spaces shall be effectively screened by a Buffer Area C, as defined by Subsection 1202.2 of this Ordinance, along any property line which adjoins a residential use or Residential Zoning District classification.

In addition, a planting strip at least five (5) feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three (3) feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.

- 1301.11 Surfacing: Parking areas and driveways serving one and two family dwellings shall be paved for the first twelve (12) feet from the edge of the paved road surface with concrete, interlocking brick, stone or bituminous surface. The parking area or driveway shall be graded with positive drainage to dispose of surface water. The parking area or driveway shall be graded in a manner that will not impede the flow of water in the gutter of the street and in such a manner as to drain the surface water from the driveway or parking area into the gutter of the street and not onto the paved cartway of the street.
- 1301.12 With the exception of parking areas serving single family dwellings and two family dwellings, all parking areas and access drives shall have a paved, concrete, interlocking brick or stone or bituminous surface, graded with positive drainage to dispose of surface water.
- 1301.13 Lighting: Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. Lighting units shall be located not more than eighty (80) feet apart and the lighting system shall furnish an average minimum of 2.0 foot candles during hours of operation.
- 1301.14 Stormwater Management: All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Borough Subdivision and Land Development Ordinance and to review and recommendation by the Borough Engineer.

1302 OFF-STREET PARKING REQUIREMENTS

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces.

1302.1 When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.

1302.2 Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.

1302.3 The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

USE	PARKING SPACES REQUIRED
Banks and Financial Institutions	One (1) per 300 sq. ft. of gross floor area plus one (1) per employee on peak shift plus five(5) off-street waiting spaces per drive-in window.
Bowling Alleys	Five (5) for each alley.
Churches	One (1) per four (4) seats or 80 lineal inches of pew, or if there are no pews or seats, one (1) per 15 sq. ft. of floor area used for assembly.
Clinics	One (1) for each staff plus three(3) for each examining or treatment room or other patient service position
Day Care Center, Nursery School	One (1) for each teacher and/or employee on largest shift plus one (1) space per each six (6) students.
Fast Food Establishments	One (1) per 50 sq. ft. of gross floor area plus one (1) per employee on peak shift.
Funeral Homes	Twenty-five (25) for the first parlor plus ten (10) for each additional parlor.
Garden Apartments Townhouses	Two (2) parking spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within 300 feet of the units they are intended to serve.
Golf Courses	Eight (8) for each hole plus one (1) for each employee
Group Care, Personal Care Boarding Home, Transitional Dwelling	One (1) for each employee on peak shift plus one (1) for each resident authorized to drive plus one (1) for each six (6) beds

USE	PARKING SPACES REQUIRED
Multi-Family Dwellings-High-rise Apartment	One and one-half (1-1/2) spaces per dwelling unit provided indoors.
Hospitals and Nursing Homes	One (1) per three (3) beds and one (1) for each employee on the peak working shift.
Hotel/Motel, Bed and Breakfast	One (1) per employee on peak shift plus one (1) per sleeping unit.
Assembly Halls, Indoor Commercial, Noncommercial and Public Recreation, Arcades, Health Clubs, Libraries, Museums	One (1) for each one hundred (100) square feet of net floor area.
Manufacturing and Light Manufacturing	One (1) for each 1500 sq. ft. of gross floor area or one (1) for each employee on the peak working shift, whichever is greater.
Bars, Taverns, Restaurants and Other Eating and Drinking Establishments	One (1) for each 75 sq. ft. of gross floor area plus one (1) for each employee on peak working shift.
Professional Office, Business Office, Contractor's Office and Other Office space	One (1) for every three hundred(300) square feet of net floor area
Public Utility Installation	One (1) per employee on peak shift plus one (1) for each service vehicle stored on lot
Retail businesses, Personal Service Establishments	One (1) for each two hundred fifty (250) square feet of gross floor area.
Schools, Elementary and Junior High	One (1) for each employee or faculty member.
Schools, Secondary and Post Secondary	One (1) for each employee or faculty member plus one (1) for each 10 students.
Service Stations/ Vehicle Repair Garages	Four (4) for each bay plus one(1) for each employee on peak shift plus one (1) for each business vehicle.
Single Family and Two Family Dwelling	Two (2) parking spaces per dwelling unit
Swimming Pools, Public/Commercial	One (1) for each 50 sq. ft. of surface water area.
Tennis, Racquetball and Handball Courts	One (1) per employee plus four (4) for each court.
Theater, Auditorium or Gymnasium	One (1) per four (4) seats.
Warehousing, Freight Terminals, Wholesaling	One (1) for each two (2) employees on peak working shift.

USE	PARKING SPACES REQUIRED
All Other Uses	One (1) for each three (3) occupants at maximum permitted occupancy or one(1) for each 300 sq. ft. of gross floor area whichever is greater.

1303 OFF-STREET LOADING

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

1303.1 Off-street Loading Design

- (a) **Size:** Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
- (b) **Access:** Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
- (c) **Location:** All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.
- (d) **Screening:** Loading berths shall be screened by a six (6) foot hedge, wall or opaque fence on all sides which face residential use or zoning district classification.
- (e) **Surfacing:** All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
- (f) **Lighting:** Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

1303.2

Off-street Loading Requirements: In all Zoning Districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

Uses: Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 10,000 sq. ft.	None
10,000 to 19,999 sq. ft.	1 berth
20,000 to 39,999 sq. ft.	2 berths
40,000 to 65,000 sq. ft.	3 berths
For each additional 20,000 sq. ft.	4 berths

Uses: Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 40,000 sq. ft.	None
40,000 to 59,999 sq. ft.	1 berth
60,000 to 99,999 sq. ft.	2 berths
100,000 to 160,000 sq. ft.	3 berths
Over 160,000 sq. ft.	4 berths

1303.3

In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

**ARTICLE XIV
SIGNS**

1400 APPLICABILITY

The regulations contained in this Article shall apply to all signs in all zoning districts.

1401 TYPES OF SIGNS

Signs in all Zoning Districts shall be categorized according to the type described below and shall comply with the requirements for that type described in this Section.

1401.1 Type: Signs are classified by physical attributes into the following categories:

- (a) **Billboard:** An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.
- (b) **Building Sign :** A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than twelve (12) inches from the wall of the building.
- (c) **Freestanding Sign:** A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure. **Home Occupation or Home Office Identification:** A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.
- (d) **Home Occupation or Home Office Identification:** A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.
- (e) **Residential Identification:** A sign containing only the name and address of the occupant of the premises.
- (f) **Temporary Special Event Signs :** any type of sign intended to be temporary in nature and designed to display a special event for a limited period of time. Temporary Special Event Display Signs shall include but not be limited to; political signs, special business promotional signs, grand opening signs, event promotional signs, real-estate sale or lease signs, inflatable displays, banners, flags, spot lights, notification signs, construction signs and land development signs.

1402 GENERAL REGULATIONS

The following regulations shall apply to signs in all Zoning Districts:

1402.1 Restricted Signs: The following signs shall not be permitted in any Zoning District:

- (a) Moving or Flashing Signs, except for that portion of a permitted sign which indicates time or temperature;
- (b) Signs on trees, utility poles or official traffic control devices or signs;
- (c) Signs which imitate traffic control devices or signs;
- (d) Placed within or over any public right-of-way or;
- (e) Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

1402.2 Exempt Signs: The following signs shall be exempt from these regulations:

- (a) Residential Identification Signs not more than two square feet in size, as defined herein;
- (b) Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard;
- (c) Memorial/Historical Plaques, as defined herein;
- (d) Signs erected by any governmental agency on government property, including street signs and official traffic signs.

1402.4 Real Estate Sale or Lease, Construction and Land Development Signs: In all Zoning Districts where authorized by Section 1403, real estate, construction and development signs shall be considered temporary special event signs which shall be removed within thirty (30) days of the completion of sales or construction.

- 1402.5 **Notification Signs:** In all Zoning Districts, legal notification signs posted on private property by property owners such as "no trespassing", "no hunting" and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) sign for every thirty (30) feet of road frontage.
- 1402.6 **Visibility:** No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs authorized by the Borough or PennDOT, shall hang over or be erected within the right-of-way of any street.
- 1402.7 **Illumination:** Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.
- 1402.8 **Maintenance and Inspection:** All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within ten (10) days.
- 1402.9 **Removal of Signs:** Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business.
- 1402.10 **Permits Required:** No permit shall be required for Temporary Special Event Signs or Residential Identification Signs. Permits shall be required for all other signs authorized by Sub-section 1403 through Sub-section 1405. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established from time to time by Resolution of the Borough Supervisors.
- 1402.11 **Expiration of Permits:** Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

1403 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS

The following signs are authorized in all Zoning Districts:

- 1403.1 Real Estate Sign: One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the surface area of the sign shall not exceed six (6) feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Residential Zoning District and shall not exceed thirty-two (32) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.
- 1403.2 Land Development Sign: One (1) non-illuminated temporary Development Sign shall be permitted on each lot provided the surface area of the sign shall not exceed thirty-two square feet in surface area. The Development Signs shall not exceed six (6) feet in height when located in any Residential Zoning District and shall not exceed ten (10) feet in height in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.
- 1403.3 Construction Sign: One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area and shall be removed within thirty (30) days of the completion of the work.
- 1403.4 Temporary Special Event Sign: One (1) non-illuminated Temporary Special Event Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the signs shall not exceed forty (40) square feet
- 1403.5 Home Occupation or Home Office Identification Sign: One (1) non-illuminated Home Occupation Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed two (2) square feet and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising.
- 1403.6 Political Signs: Non-illuminated temporary Political Signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by Section 1402.1 of this Ordinance. The signs shall not be erected before thirty-five (35) days prior to the election and shall be removed within ten (10) days after the election for which they were erected.

1404 SIGNS AUTHORIZED IN THE B-1 BUSINESS DISTRICT

The following signs shall be permitted in the B-1 Business District:

1404.1 Temporary Special Event Signs: Temporary Special Event Signs, as defined by this Ordinance, shall be permitted provided that:

- (a) No more than two (2) signs or banners shall be permitted on any establishment at any one time;
- (b) The Temporary Special Event Signs shall be securely attached to the building or to the supporting structure of a free-standing pole business identification sign;
- (d) The aggregate surface area of all Temporary Special Event Signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display signs on the site at any one time shall not exceed one hundred (100) square feet;
- (f) Temporary Special Event Display Signs shall be non-illuminated.

1404.2 Business Identification Signs:

- (a) Building Signs: Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs on the front of the building shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building. The aggregate area of all wall signs on the sides of the building shall not exceed one (1) square feet for each lineal foot of width of the side wall of the building. The Business identification sign shall not be extend above the height of the building.
- (b) Free Standing Signs: In addition to the wall signs, one (1) free-standing sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - (1) The maximum surface area of the free standing sign shall not exceed forty (40) square feet in area.
 - (2) The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed fifteen (15) feet.

1405 SIGNS AUTHORIZED IN THE IDD INTERCHANGE DEVELOPMENT DISTRICT

The following signs shall be permitted in the IDD Interchange Development District:

1405.1 Temporary Special Event Signs: Temporary Special Event Signs, as defined by this Ordinance, shall be permitted provided that:

- (b) No more than two (2) signs or banners shall be permitted on any establishment at any one time;
- (b) The Temporary Special Event Signs shall be securely attached to the building or to the supporting structure of a free-standing pole business identification sign;
- (d) The aggregate surface area of all Temporary Special Event Signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display signs on the site at any one time shall not exceed one hundred (100) square feet;
- (f) Temporary Special Event Display Signs shall be non-illuminated.

1404.2 Business Identification Signs:

- (a) Building Signs: Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs on the front of the building shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building. The aggregate area of all wall signs on the sides of the building shall not exceed one (1) square feet for each lineal foot of width of the side wall of the building . The Business identification sign shall not be extend above the height of the building.
- (b) Free Standing Signs: In addition to the wall signs, two (2) free-standing sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
 - (1) Free standing signs that are of a height that are over fifteen (15) feet high and exceeds the distance from the base of the sign to the property line shall be designed by a registered professional engineer.
 - (2) The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street.

1405 BILLBOARDS

Billboards shall not be permitted in any "R" or "B" Zoning Districts. Billboards shall be permitted only as uses by special exception located on property located in the A-1 agriculture District and the IDD Interchange Development District following recommendation by the Planning Commission and a public hearing by the Zoning Hearing Board , provided all of the following requirements are met:

1405.1 Location: Billboards may be authorized as a use by special exception only in the A-1 District and the IDD Interchange Development District, provided all of the following requirements are met:

- (a) Billboards shall not be erected within 500 feet of the boundary line of any "R" District or within 500 feet of any public or private school, church or cemetery, said 500 feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.
- (b) On interstate and limited access highways, billboards shall not be erected within 500 feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.
- (c) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.
- (d) No billboard shall be located closer than ten (10) feet to any public street right-of-way.
- (e) The minimum side and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.
- (f) No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements.

- (g) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
- (h) No sign shall be erected over any sidewalk or public right-of-way.
- (i) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.

1405.2 Construction Methods: Billboards shall be constructed in accordance with applicable provisions of the Borough Building Code, as now or hereafter adopted, and shall meet all of the following additional requirements:

- (a) The Billboard sign, pole(s) and footer shall be designed by a registered professional engineer.
- (b) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
- (c) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- (d) No bare cuts shall be permitted on a hillside.
- (e) All cuts or fills shall be permanently seeded or planted.
- (f) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.
- (g) No billboard structure, sign face, or display lighting shall move, flash, or emit noise. No display lighting shall cause distractions, confusion, nuisance, or hazard to traffic, aircraft or other properties.

**ARTICLE XV
NONCONFORMING USES, STRUCTURES AND LOTS**

1500 APPLICABILITY

This Article shall apply to all nonconforming uses, structures, and lots as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

1501 NONCONFORMING USES

These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

1501.1 Continuation: Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

1501.2 Enlargement or Expansion: No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.

No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.

Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, except on a lot or portion of a lot owned at the time the use became nonconforming.

- 1501.3 **Change of Use:** A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:
- (a) The new use will more closely correspond to the uses permitted in the district.
 - (b) The changed use will be in keeping with the character of the neighborhood in which it is located.
 - (c) The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of Section 1603 for obtaining a variance.

When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article XIII for the use and shall be subject to the area, bulk and buffer area regulations for such use in the district where such use is authorized.

Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

- 1501.4 **Abandonment:** When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

- 1501.5 **Damage or Destruction:** Residential dwellings which are nonconforming uses in the B-1, or I-DD Districts may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three (3) years of the date of destruction.

In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves fifty percent (50%) or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction.

In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its total floor area, the structure shall be reconstructed only to house a conforming use.

1502 NONCONFORMING STRUCTURES

These regulations shall apply to all nonconforming structures as defined by this Ordinance in all Zoning Districts.

- 1502.1 Structural Alteration: No such structure may be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.
- 1502.2 Damage or Destruction: Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed.
- 1502.3 Moving: Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
- 1502.4 Signs: Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
- Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.
- 1502.5 Repair or Maintenance: Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

1503 NONCONFORMING LOTS

The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

1503.1 Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

1503.2 Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of records shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot, provided, however, that in no instance shall the front yard be less than fifty (50) feet from the centerline of any public street.

1504 REGISTRATION OF NONCONFORMITY

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Washington County Assessor's Tax Parcel Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for Zoning Certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

**ARTICLE XVI
ZONING HEARING BOARD**

1600 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by the Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. The membership of the Zoning Hearing Board may be increased to five (5) members in accordance with the provisions of Section 903(a) of the Pennsylvania Municipalities Planning Code.

1601 ALTERNATE MEMBERS

1601.1 Appointment of Alternate Members: The Borough Council may appoint by Resolution at least one (1), but no more than three (3), residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection 1601.2, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to Subsection 1601.2 of this Ordinance.

1601.2 Participation by Alternate Members: If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

1602 JURISDICTION OF THE BOARD

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- 1602.1 Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Borough Council.
- 1602.2 Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken with thirty (30) days after the effective date of the ordinance.
- 1602.3 Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- 1602.4 Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- 1602.5 Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1203.
- 1602.6 Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XVI and Section 1604.
- 1602.7 Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code. (Act 247, as amended)
- 1602.8 Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

1603 VARIANCES

The Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

- 1603.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- 1603.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1603.3 That such unnecessary hardship has not been created by the appellant.
- 1603.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 1603.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and protect the public health, safety and welfare.

1604 USES BY SPECIAL EXCEPTION

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article XI. The Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article XI. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

1605 NOTICE AND CONDUCT OF HEARINGS

A public hearing shall be held on any appeal filed under Section 1602 of this Ordinance within sixty (60) days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Ordinance. In addition to the public notice, at least one week prior to the hearing, the Board shall post at least one (1) copy of the notice on the affected property. At least fourteen (14) days prior to the hearing, the Board shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247, as amended) regarding conduct of the public hearing and rendering a decision.

1606 FAILURE TO RENDER A DECISION

Where the Board fails to render a decision within the required forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

1607 MEDIATION OPTION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- (a) Funding mediation.
- (b) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- (c) Completing mediation, including time limits for such completion.
- (d) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is not a party to the mediation.
- (e) Identifying all parties and affording them the opportunity to participate.
- (f) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- (g) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

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

1608 FEES AND EXPENDITURES

- 1608.1 Fees: The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

1608.2 Stenographer's Appearance Fee and Transcripts: The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1608.3 Expenditures: Members of the Board may receive compensation for the performance of their duties as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

1609 TIME LIMITATIONS

No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

1610 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning

appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

**ARTICLE XVII
ADMINISTRATION AND ENFORCEMENT**

1700 ZONING OFFICER POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Borough Council. The Zoning Officer shall hold no elective office in the Borough. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- (a) Receive and examine all applications for zoning permits and certificates of occupancy;
- (b) Process applications for zoning permits and certificates of occupancy for all permitted uses.
- (c) Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of a building/zoning permit or certificate of occupancy for the proposed use.
- (d) Issue permits only where there is compliance with the provisions of this Ordinance, with other Borough ordinances and the laws of the Commonwealth.
- (e) Following denial of a zoning permit or certificate of occupancy, refer any appeal of the denial to the Zoning Hearing Board for action thereon.
- (f) Conduct inspections and investigations to determine compliance or noncompliance with this Ordinance.
- (h) Issue notices of violation in accordance with the requirements of Section 1701, below.
- (i) With the approval of the Borough Council, or when directed by the Council, institute, in the name of the Borough, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

- (j) Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- (k) Record and file all applications for zoning permits and certificates of occupancy with accompanying plans and documents, which files shall be a public record.
- (l) Maintain the official Zoning District Map for the Borough.

1701 ENFORCEMENT

- 1701.1 Violations. Failure to comply with any provisions of this Ordinance; failure to secure a zoning permit prior to the erection, construction, extension, structural alteration or addition to building or structure; or failure to secure an occupancy permit for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.
- 1701.2 Enforcement Notice. The Enforcement Notice shall contain the following information:
- (a) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - (d) The date before which steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
 - (f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- 1701.3 Enforcement Remedies. 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 therefor 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 be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Subsection.

1701.4

Causes of Action. In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance or of any other ordinance or regulation made under authority conferred hereby, the Borough Council or, with approval of the Borough Council, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Borough, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

1702 ZONING PERMIT REQUIRED

No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a zoning permit has been obtained from the Zoning Officer.

In the instances where a building permit is required and applied for, such application shall be considered to include both the building permit and the zoning permit. In those instances where no building permit is required, an application for a certificate of occupancy for a new or changed use of land or structure shall be considered to include both the zoning permit and the certificate of occupancy.

1703 APPLICATION REQUIREMENTS FOR ZONING PERMIT

In those instances where a zoning permit is applied for, the application shall be made in writing by the owner, tenant, vendee under contract of sale or authorized agent, on a form supplied by the Borough and shall be filed with the Zoning Officer. The application shall include the following information:

- (a) A statement as to the proposed use of the building, structure or land.
- (b) A plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- (c) The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening and landscaping.
- (d) The location, size, capacity and arrangement of all areas to be used for vehicular access, offstreet parking, offstreet loading and unloading and provision to be made for lighting such areas.
- (e) The dimensions, location and methods of illumination for signs, if applicable.
- (f) The location and dimensions of sidewalks and all other areas devoted to pedestrian use.
- (g) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
- (h) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed gross density.

- (i) A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion and other safety hazards.
- (j) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
- (k) Any other data deemed necessary by the Zoning Officer to determine compliance with the applicable provisions of this Ordinance.

Where the information required for a zoning permit duplicates the information required for a building permit and the application is being considered a combined application, submission of one drawing with the required information will meet the requirements for both applications.

No building permit for the construction of a building or structure, the addition to a building or structure or structural alteration of a building or structure and a change in use shall be issued until a Zoning Permit has been issued by the Zoning Officer.

1704 FOUNDATION SURVEY

For all new structures a survey prepared by a professional land surveyor showing the location of the foundation of the new structure on the lot shall be submitted to the Zoning Officer. The foundation survey shall be submitted during or immediately after the completion of the construction of the foundation. No work beyond the foundation shall be started until the foundation survey has been submitted to and approved by the Zoning Officer. The survey shall include all lot line dimensions, recorded building lines and dimensions of the foundation and from the foundation to the front, side and rear lot lines.

1705 CERTIFICATE OF OCCUPANCY REQUIRED

It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or lot, or part thereof, until a certificate of occupancy has been issued therefor by the Zoning Officer. Said certificate of occupancy shall state that the proposed use of the building, structure or land conforms to the requirements of this Ordinance.

Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be acted upon within five (5) working days after inspection by the Zoning Officer of the work completed under a building permit.

Certificates of occupancy for a new use or changed use where no building permit is required shall be part of the application for a zoning permit and shall be acted upon by the Zoning Officer within fifteen (15) days of submission of a completed application for a zoning permit.

A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building while work is being completed, provided such temporary certificate of occupancy may require such conditions and safeguards as may be warranted to protect the health and safety of the occupants and the public.

Failure to obtain a certificate of occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

The Zoning Officer shall maintain a record of certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

1706 PLANNING COMMISSION

The Borough Planning Commission has been created on accordance with Article II of the Pennsylvania Municipalities Planning Code to fulfill the advisory role to the Borough Council in the administration of this Ordinance and the Borough Subdivision and Land Development Ordinance.

- 1706 .1** **Membership.** The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of the Borough. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the Borough.

The term of office for each member shall be four (4) years and the terms of no more than two (2) members shall expire in any calendar year.

When any vacancies occur, the Chairman shall promptly notify Borough Council and the Board shall fill the vacancy for the unexpired portion of the term.

1706.2 Duties of the Planning Commission.

- (a)** The Planning Commission shall, at the request of Borough Council, have the power and shall be required to:
- (1)** Prepare the Comprehensive Plan for the development of the Borough in accordance with the requirements and

procedures set forth in the Pennsylvania Municipalities Planning Code and present it for consideration by the Borough Council.

- (2) Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Borough Council.
- (b) The Planning Commission, at the request of the Borough Council visors, may:
- (1) Make recommendations to the Borough Council visors concerning adoption or amendment of an official map.
 - (2) Prepare and present to the Borough Council a zoning ordinance and make recommendations to the Borough Council on proposed amendments to it.
 - (3) Prepare and recommend subdivision and land development and planned residential development regulations and amendments thereto and make recommendations to the Borough Council on applications submitted under those regulations.
 - (4) Prepare and present to the Borough Council a building code and a housing code and make recommendations concerning proposed amendments thereto.
 - (5) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code.
 - (6) Prepare and present to the Borough Council an environmental study.
 - (7) Submit a recommended capital improvements program to the Borough Council.
 - (8) Prepare and present to the Borough Council a water survey which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission conducted in consultation with any public water supplier in the area to be surveyed.

- (9) Promote public interest in, and understanding of, the comprehensive plan and planning.
 - (10) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
 - (11) Hold public hearings and meetings.
 - (12) Present testimony before any board.
 - (13) Require from other departments and agencies of the Borough such available information as relates to the work of the Planning Commission.
 - (14) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner.
 - (15) Prepare and present to the Borough Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Borough.
 - (16) Review the zoning ordinance, subdivision and land development ordinance and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.
- (c) In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering considerations shall be subject to review and comments of the Borough Engineer, which shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission.

1706.3

Records. The Secretary of the Planning Commission shall keep minutes of all meetings and shall maintain a file of the Commission's records which shall be the property of the Borough.

1707 PROCEDURE FOR AMENDMENTS

The Borough Council may introduce and/or consider amendments to this Ordinance and to the Zoning District Map, as proposed by the Borough Council or by the Planning Commission or by a petition of a landowner of property within the Borough.

- 1707.1 Petitions. Petitions for amendments shall be filed with the Planning Commission at least ten (10) calendar days prior to the meeting at which the petition is to be heard. the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned and a statement justifying the request and shall pay a filing fee, in accordance with the fee schedule fixed by Resolution of the Borough Council. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Borough Council.
- 1707.2 Referral. Any proposed amendment presented to the Borough Council without written findings and recommendations from the Borough Planning Commission and the Washington County Planning Commission shall be referred to these agencies for review at least thirty (30) days prior to the public hearing by the Borough Council. The Borough Council shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.
- 1707.3 Posting of Property. If the proposed amendment involves a change to the Zoning District Map, a minimum of two (2) notices of the public hearing shall be conspicuously posted on the property at least seven (7) days prior to the date of the public hearing. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right of way. The cost of mailing the certified notices shall be paid by the applicant, if an applicant requests the amendment. If the Borough initiates the amendment, the Borough shall pay the cost of mailing the certified notices.
- 1707.4 Public Notice and Public Hearing. Before acting on a proposed amendment, the Borough Council shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

- 1707.5 Readvertisement and Rehearing. If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- 1707.6 Publication, Advertisement and Availability. Proposed amendments shall not be enacted unless the Borough Council gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- The Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Borough Solicitor setting forth all the provision in reasonable detail. If the full text is not included:
- (a) A copy thereof shall be provided to the newspaper at the time public notice is published.
 - (b) An attested copy of the proposed ordinance shall be filed in the County Law Library.
- 1707.7 Action. Within ninety (90) days of the date when the public hearing on the proposed amendment is officially closed, the Borough Council shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, Borough Council shall readvertise in one (1) newspaper of general circulation in the Borough a brief summary of the amendments at least ten (10) days prior to enactment.
- 1707.8 Filing Amendment with County Planning Commission. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Washington County Planning Commission.
- 1707.9 Mediation Option. The Borough Council may offer the mediation option as an aid in completing proceeding authorized by Section 1707. The Borough and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1607 of this Ordinance.

1708 LANDOWNER CURATIVE AMENDMENTS

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

1708.1 Procedure. The landowner may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Borough Planning Commission and the Washington County Planning Commission at least thirty (30) days before the hearing is conducted by the Borough Council. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to Borough Council.

1708.2 Evaluation of Merits of Curative Amendment. If the Borough Council determines that a validity challenge has merit, the Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;
- (c) The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

- (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

1708.3 Declaration of Invalidity by Court. If the Borough does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

ORDAINED AND ENACTED THIS 2ND DAY OF OCTOBER, 2001.

Borough of Bentleyville

/s/ Irene Saniga
Chairman, Borough Council

ATTEST:

/s/ Vera Sheerfield
Borough Secretary





- Bentleyville Base Map**
Text Road Names
Bentleyville Base Map
Property Lines
Property Lines
Region Creek
Roads
Agriculture District
A-1
Rural Single Family District
R-1
Low Density Single Family Residential District
R-2
Multi-Family Residential District
R-3
Local Commercial District
B-1
Interchange Development District
IDD

Bentleyville Borough Official Zoning District Map

This is a Copy of the Official Zoning District Map referred to in Article III of Ordinance Number 486, as amended, of Bentleyville Borough, Washington County, Pennsylvania. The Certified Copy of this map is on display at the Bentleyville Borough Building, 900 Main Street, Bentleyville Pennsylvania.

This map is not to scale
October 2, 2001