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**ARTICLE I**

**TITLE**

**§27-100. Short Title.**

This Chapter shall hereafter be cited as the “East McKeesport Borough Zoning Ordinance.”

*(Ord. 935, 5/10/2018, §27-100)*



## ARTICLE II

### PURPOSE AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

#### **§27-200. Purpose.**

1. The Borough of East McKeesport, in conjunction with the Township of North Versailles, and Borough of Wall; Allegheny County, Pennsylvania, has adopted a multi-municipal comprehensive plan, including a future land use plan with accompanying objectives, and has executed related intergovernmental cooperative agreements, expressly adopts the resulting community development objectives, as the basis and purpose for this Chapter.

*(Ord. 935, 5/10/2018, §27-200)*

#### **§27-201. Overall Community Development Objectives.**

1. Encourage infill housing at a scale and manner appropriate to surrounding and predominately single-family neighborhoods.
2. The prevention of blight, while preventing overcrowding.
3. Encourage the preservation of open space throughout the Borough through the preservation of wooded hillsides and interconnected common open space.
4. To protect the Borough's natural resources, including steeply sloped and wooded areas.
5. To provide for and encourage reasonable community growth, to include a broad and adequate range of permitted uses based, in part, on the findings of the multimunicipal comprehensive plan, and redevelopment of existing neighborhoods while protecting the Borough's natural resources and fostering the stability of existing development within the Borough.
6. To encourage efficient pedestrian, as well as vehicular, circulation.

*(Ord. 935, 5/10/2018, §27-201)*

#### **§27-202. Community Development Objectives.**

1. The following objectives are intended to supplement municipality and expressly the general objectives cited in §27-201 as specific objective for East McKeesport Borough.
2. **East McKeesport Borough Community Development Objectives.**
  1. Preserve and enhance the integrity and character of traditional mixed-use corridors in East McKeesport, thereby providing a node of local or specialized retail and office activity near Route 30.

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2. Encourage single-family residential infill development consistent with the scale of existing neighborhoods to provide for demand for both affordable single-family homes and townhouses.

*(Ord. 935, 5/10/2018, §27-202)*

## ARTICLE III

### DEFINITIONS

#### §27-300. Word Usage.

1. All words used in this Chapter 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.

(Ord. 935, 5/10/2018, §27-300)

#### §27-301. Definitions.

1. The following definitions shall constitute the basis for the meaning and interpretation of the following terms in their use throughout this Chapter:

**ABANDONED SIGN** - a sign structure that has ceased to be used and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by State law.

**ACCESS DRIVE** - a privately owned, constructed, and maintained vehicular access from a public or private right-of-way to off-street parking or loading spaces accessory to nonresidential uses and to shared driveways or parking areas accessory to more than one residential unit.

**ACCESSORY STRUCTURE** - any structure designed to accommodate or used solely to house the occupation of an accessory use.

**ACCESSORY USE** - secondary or subordinate uses, which exist to serve or are incidental to a principle use, wherein said secondary use could not exist as its own establishment independent of the principle use.

**ADJACENT BUILDING** - the structure which is most proximate a subject building or structure as cited in this Chapter, that shares frontage and an adjacent front yard on the same street, as measured from the corner of the subject structure to the nearest corner of the structure at the building line.

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**ADULT DAY SERVICES CENTER** - a premises, or part thereof, in which services are provided to assist in meeting the needs of consumers, including personal care, social, nutritional, health and educational needs, simultaneously provided for four or more adults who are not relatives of the operator and who are 60 years of age or older or who have post-stroke dementia, Parkinsonism or a dementia-related disease such as Alzheimer's or other organic brain syndrome.

**ADULT USES** - any of the following activities and uses as defined below:

**ADULT BUSINESS** - any establishment having 25% or more of its stock in trade or service provided any goods or services that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. Such uses shall include adult book stores, adult motion-picture theaters, adult entertainment cabaret, adult videocassette rental and sales outlet, adult massage parlors or other adult uses.

**ADULT ENTERTAINMENT CENTER AND/OR ADULT CABARET** - any public or private establishment that features topless dancers, employees or performers displaying exposed specified anatomical areas, strippers, male or female impersonators or similar entertainers.

**ADULT MASSAGE PARLOR** - any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating parts of the body, relating to specified sexual activities or specified anatomical areas, with the hands or with the aid or any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items and any place of business offering any type of massage activity between 9:00 p.m. and 7:00 a.m.

**ADULT MOTEL** - a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or offers any single sleeping room for rent four or more times in one calendar day during five or more calendar days in any continuous 30-day period.

**ADULT MOTION-PICTURE THEATER AND/OR ADULT MINI MOTION-PICTURE THEATER** - an enclosed building used more than 25% of the time it is open for business for presenting motion-picture, video or similar media distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**ADULT VIDEOCASSETTE RENTAL AND/OR SALES OUTLET** - an establishment that has 25% or more of its stock in videocassettes and/or video discs for rental or sale and that excludes minors by virtue of age.

**OTHER ADULT USES** - any business, activity or use similar to or of the general nature of adult book stores, adult motion-picture theaters, adult entertainment cabarets or adult massage parlors that provides goods or services distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas such as escort bureaus, nude wrestling studios, phone sex services, internet sex services, spas and studios, that exclude minors.

**ALLEY** - a street which does not exclusively serve any single lot, whether vacant or occupied or a street designed and approved as an alley according to specifications specified in this Chapter or the local subdivision and land development ordinance where exclusive access to any tract of land or building is restricted.

**ALTERATION.** A physical change to a structure or sign. Alteration does not include normal maintenance and repair. Alteration does include increases or decreases in gross area of the sign or structure or the development of new structures.

**ANSI** - American National Standards Institute or successor.

**ANTENNA** - any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Communications Towers as defined below.

**ARCHITECTURAL PROJECTION** - any projection that is not intended for occupancy and that extends beyond the face of an exterior wall or a building, but that does not include signs as defined herein. See also “awning”; “backlit awning”; and “canopy, attached and freestanding.”

**AWNING** - an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

**AWNING SIGN** - a sign displayed on or attached flat against the surface or surfaces of an awning. See also “wall sign.”

**BACKLIT AWNING** - an awning with a translucent covering material and a source of illumination contained within its framework.

**BANNER** - a flexible substrate on which copy or graphics may be displayed.

**BANNER SIGN** - a sign utilizing a banner as its display surface.

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**BASEMENT** - the space enclosed by the foundation or ground floor walls of a building such that not more than an average of 50% of said walls are exposed above the average grade of the ground in which it is situated.

**BLOCK** - a unit of land containing one or more lots, bounded by existing or proposed streets which provide direct frontage to the majority of said lots or units thereby served.

**BOROUGH** - the Borough of East McKeesport, Allegheny County, Pennsylvania.

**BUILDING** - any structure arranged and partially or completely enclosed or covered in order to accommodate the storage or occupation of any person or persons, materials, or animals; whether permanent or temporary in nature.

**BUILDING LINE** - a line that parallels the wall of a structure most parallel to and nearest the front lot line, excepting extensions such as unenclosed porches.

**BUILD-TO LINE** - a setback line to which the building footprints or extents of newly erected buildings are required to be built or extended

**CANOPY** - a multi-sided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

**CANOPY SIGN** - a sign affixed to the visible surface(s) of a canopy.

**CHANGEABLE COPY SIGN** - a sign with the capability of content change by means of manual or remote input, including signs which are:

- (1) **Electrically Activated.** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "electronic message sign or center."
- (2) **Manually Activated.** Changeable sign whose message copy or content can be changed manually.

**CLEAR SIGHT TRIANGLE** - an area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersections of center lines of streets.

**CODE OFFICIAL** - An appointed representative of the Borough that can be charged with the enforcement of this code by the Zoning Officer or Borough Council.

**CO-LOCATION** - the mounting of one or more WCFs, including antennae, on an existing communications tower, or on any structure that already supports at least one communications antenna.

**COMMERCIAL VEHICLES** - any vehicle or combination of vehicles, the operation of which requires a commercial drivers license by the Pennsylvania Motor Vehicle Code.

**COMMON OPEN SPACE** - any open space accessible to the residents of a residential development or the patrons of nonresidential developments, or the public at large the improvements of which are limited to those contemplated in this Chapter.

**COMMUNICATIONS ANTENNA** - all non-tower wireless communications facilities, including but not limited to, antennae and related equipment. Communications Antenna shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground-level.

**COMMUNICATIONS TOWER** - any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be communications tower.

**COMPLETELY ENCLOSED BUILDING** - a building designed and constructed so that all exterior walls shall be solid from the ground to the roofline, 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.

**COPY** - those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

**DAY CARE CENTERS** - the following centers as defined and regulated by the Department of Public Welfare:

**DAY CARE CENTER** - a state-certified facility providing care for seven or more children.

**FAMILY DAY CARE HOME** - a state-certified family residence with one caregiver providing care for four, five or six children unrelated to the caregiver.

**GROUP DAY CARE HOME** - a state-certified facility providing care for no more than 12 children.

**NURSERY SCHOOL** - a part-time preschool facility licensed by the Pennsylvania Department of Education.

**DECIBEL** - a unit of sound level which is a division of a logarithmic scale used to express the ratio of the sound pressure of the source to the pressure of an arbitrarily chosen reference pressure; the ratio is expressed on the decibel scale by multiplying its base ten logarithm by 20.

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**DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT** - any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in the Borough which are:

1. On parcels within 500 lineal feet of the municipal border.
2. On parcels within 2,000 lineal feet of the municipal border and create more than 500 trips per day as defined by the *Trip Generation Manual* published by the Institute of Transportation Engineer.
3. Any development which generates more than 1,000 peak hour trips as defined by *Trip Generation Manual* published by the Institute of Transportation Engineers.

**DIRECTIONAL SIGN** - any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic, provided that such signs contain no advertising of any kind.

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

**DOMESTIC PET** - a domesticated animal such as a cat or dog or a small domestic animal such as a rabbit, hare, guinea pig, rat, or mouse, that is normally or can generally be kept within the immediate living quarters of a residential structure in a manner that constitutes neither a nuisance nor a principal use in and of itself.

**DRIVE-THROUGH MENU READER BOARD** - a sign that provides information concerning the menu of a food service or restaurant establishment, intended to provide information and advertising to drive-through patrons of the establishment, and which contains no advertising or print of a scale intended to bear advertising to the general public.

**DRUG AND ALCOHOL INTENSIVE OUTPATIENT CENTER** - a premises or part thereof in which the provision of psychiatric, psychological, social and other therapies are provided on a planned and regularly scheduled basis. Intensive outpatient provides time-limited structured therapies, primarily in group sessions designed to address the specific objectives on the treatment plan leading to stability for those individuals with a substance use disorder. Intensive outpatient is designed for individuals who do not require the structure and intensity of partial hospitalization but do require more intensity and structure than outpatient as determined by the Pennsylvania Client Placement Criteria or other Department of Health approved criteria. The individual resides outside the center in the community.

**DRUG AND ALCOHOL OUTPATIENT CENTER** - a premises or part thereof in which the provision of psychiatric, psychological, social and other therapies are provided on a planned and regularly scheduled basis. Outpatient provides structured therapies, primarily face-to-face one-on-one interactions between the individual and the counselor designed to implement the specific objectives on the treatment plan leading to stability for those individuals with a substance use disorder. Participation in a specific group can occur on an as needed basis. Outpatient is designed for individuals who do not require the structure and intensity of partial

hospitalization or intensive outpatient as determined by the Pennsylvania Client Placement Criteria or other Department of Health approved placement criteria. The individual resides outside the center in the community.

**DRUG AND ALCOHOL PARTIAL HOSPITALIZATION CENTER** - a premises or part thereof in which the provision of psychiatric, psychological, social, and other therapies are provided on a planned and regularly scheduled basis. Partial hospitalization provides multiple behavioral interventions through intensive group and individual therapy and skill development in a structured milieu. Partial hospitalization is designed for those individuals with a substance use disorder who would benefit from more intensive services than are offered in intensive or outpatient treatment, but who do not require 24-hour inpatient care as determined by the Pennsylvania Client Placement Criteria or other Department of Health approved criteria. The individual resides outside the center in the community.

**DWELLING UNIT** - a building or portion thereof which contains sleeping, eating, and living facilities designed for residential use or any portion thereof employed as a residence by one family. Dwelling unit types are defined as follows:

1. **SINGLE-FAMILY** - a dwelling unit, which constitutes the sole dwelling unit and only principle use of a single building, occupied by one family.
2. **DUPLEX** - a use where two dwelling units are contained in and constitute the sole principle uses of one building and which are arranged such that the uses possess separate exterior entrances and where the stories occupied are arranged adjacent to and not above or below the other dwelling unit.
3. **TOWNHOUSE** - any number of dwelling units arranged wherein one or two of the exterior walls of any of the units constitute party walls shared by an abutting unit in a manner in which the abutting unit is horizontally adjacent and does not occupy space above or below a separate dwelling unit or more than one duplex on one lot.
4. **PATIO HOME** - an arrangement of three or more units wherein each unit bear at least two walls, perpendicular to one another, that are exposed exterior walls that do not function as party walls.
5. **MULTI-FAMILY** - dwelling unit where a building or portion thereof contains two or more dwelling units that do not constitute a duplex, patio home, or townhouse arrangement as defined herein.

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

**ESSENTIAL SERVICES** - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies or authorities, of underground or overhead gas, electrical, communication, steam or water transmission,

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distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, or structures accessory to the consistent and efficient delivery of the aforementioned transmissions, fuels, resources, and products between residential and nonresidential units and source of production, refinement, or treatment of said items excepting communications towers and buildings.

**ESSENTIAL SERVICES BUILDING** - any building that serves as the location for storage, distribution, maintenance and/or repair of facilities and/or equipment associated with the operation of an essential service, including pump stations.

**ESTABLISHMENT** - a place that comprises an economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

**EXTERIOR SIGN** - any sign placed outside a building.

**FAMILY** - an individual, a group of two to three individuals unrelated by blood or marriage which may be in addition to a group of individuals related by blood or marriage, or a group of individuals related by blood or marriage; which occupy one dwelling unit.

**FCC** - Federal Communications Commission.

**FENCE** - a structure designed, intended or utilized to circumscribe, designate, delineate, define or in some manner enclose an area or some feature or element thereon including retaining walls greater than four feet in height.

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

**FRONTAGE** - the linear footage of a lot line directly abutting a street.

**GAS WELL** - a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage as regulated by the Act of December of 1984, known as the Oil and Gas Act, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such.

**GROSS FLOOR AREA** - the square footage of floor space within a completely enclosed building occupied by all elements of an establishment including, but not limited to, public and semi-public areas, storage, offices, and garage space utilized for the storage of vehicles commercially utilized for any particular establishment.

**GROUND SIGN** - a sign that is directly affixed to the ground and not supported by or attached to any building.

**HALF STORY** - a story which is entirely housed within a hip, gable, mansard, or similar type of roof structure.

**HANDICAP** - a physical or mental impairment which limits one or more of a person's major life activities, a record of having such impairment, or being regarded as having such an impairment.

**HAZARDOUS MATERIALS** - any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, nitric oxides, petroleum products, phosphorus, potassium, sodium, sulphur, sulphur products, pesticides, insecticides, fungicides and all poisons, flammable gases and radioactive substances.

**HAZARDOUS WASTE** - garbage, refuse or sludge from an industrial or other wastewater treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from municipal, commercial, industrial, institutional, or mining activities, or combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following: Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or total population; (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 P.S. §§30.51-30.101). The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1-691.1001). The term does not include solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act (33 U.S.C.A. §1341) or source, special nuclear or by product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2284).

**HEIGHT OF COMMUNICATIONS TOWER** - the vertical distance measured from the ground level, including any base pad, to the highest point on a communications tower, including antennae mounted on the tower and any other appurtenances.

**HIGH LEVEL LANDSCAPING** - consists of trees of a deciduous nature with a minimum height of six feet at planting and a caliper of one and one-half inches at planting and trees of an evergreen nature with a minimum height of six feet at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C. which will bear an ultimate height exceeding 25 feet.

**HOME OCCUPATIONS** - any low impact or home based business which does not constitute a separate principal use as defined and regulated within this Chapter.

**ILLUMINATED SIGN** - a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**IMPERVIOUS SURFACE** - materials that are impenetrable and thus unable to absorb stormwater or other liquids; areas such as buildings, structures and paved areas.

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**INTERIOR SIGN** - any sign placed within a building, but not including "window signs" as defined by this Part. Interior signs, with the exception of window signs as defined, are not regulated by this Part.

**LOCAL PUBLIC USE** - building structures and land owned and occupied by the Borough, the East Allegheny School District, or any of either's agencies and used to provide services to the residents of the Borough. Such municipal or school district facilities may include, but not be limited to, schools, administrative offices, public works buildings, storage yards, libraries, fire company building and grounds, ambulance service buildings and grounds, senior centers, recreation facilities and fields, and parks and buildings. Bus garages shall not be included within this definition.

**LONG-TERM CARE NURSING FACILITY** - a facility licensed by the Department of Health pursuant to the Act of July 19, 1979 (35 P. S. §§448.101-448.904), known as the Health Care Facilities Act that provides skilled or intermediate nursing care or both levels of care to two or more patients, who are unrelated to the nursing home administrator, for a period exceeding 24 hours.

**LOT** - a parcel or a tract of land defined by deed, recorded plat, or a land lease.

**LOT AREA** - the area, in square feet or acreage, of the polygon that a lot comprises, bounded by all lot lines and excluding rights-of-way.

**LOT, CORNER** - any lot situated at the intersection of two or more streets, except alleys, having an angle of intersection of not more than 135 degrees and when abutting a curved street possess tangents to the curve at its points of beginning within the lot or at the point of intersection of the side lot lines with the street line where the intersection at an interior angle is not more than 135 degrees.

**LOT COVERAGE** - the area of a lot, as a percentage, covered by buildings.

**LOT, FLAG** - any lot approved after the adoption of this Chapter, the sole access of which is provided by a strip of land under the same fee simple ownership as the remainder of the lot, where the strip of land accessed provides less than the required street frontage in the district in which the lot is situated.

**LOT LINE** - the bounding lines of a lot.

**LOT LINE, FRONT** - the lot line that directly abuts a street except an alley, whether in whole or in part; or where rear lots or flag lots exist, that which most nearly parallels the street through which access is provided.

**LOT, REAR** - any lot approved after the effective date of this Chapter, which is accessed from a street only by an access easement over another separate lot.

**LOT, THROUGH** - any lot having frontage on two streets such that the streets are either parallel or where continuing at the same angle would not intersect at any point abutting said lot.

**LOW LEVEL LANDSCAPING** - consists of shrubs and any other plant species that is greater than two feet in height at planting and less than six feet in height at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

**MARQUEE** - see “canopy (attached).”

**MARQUEE SIGN** - see “canopy sign.”

**MENTAL HEALTH PARTIAL HOSPITALIZATION CENTER** - a premises or part thereof in which mental health treatment is provided including psychiatric, psychological, and other related therapies. This is designed for children/adults with serious mental illness or children/adolescents with a serious emotional disturbance who would benefit from more intensive services than are offered in mental health outpatient treatment centers, but who do not require 24-hour inpatient care. Partial hospitalization is provided on a planned and regularly scheduled basis.

**MENU BOARD** - a free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20% of the total area for such a sign utilized for business identification.

**METHADONE CLINIC OR METHADONE TREATMENT FACILITY** - a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

**MINERAL REMOVAL OR MINING** - the development or extraction of mineral deposits including, but not limited to, limestone, coal, sand, rock, clay, dirt, gravel, and other materials, and quarry aggregate from their natural occurrences on affected land. The term includes, but is not limited to, open pit mining and surface operations, strip mining, quarrying, dredging, pumping and the disposal of refuse there from, excepting mining of previously mined sites for the purpose of reclaiming the land and the extraction of crude oil and/or natural gas.

**MIXED USE BUILDING** - a building in which contains one or more principal nonresidential uses permitted within the respective zoning district, and one dwelling unit.

**MOBILE HOME** - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed such that it is used without a permanent foundation as otherwise required by this Chapter and applicable building codes.

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

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

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

**MONUMENT SIGN** - A detached sign mounted on or incorporated into a solid base, and shall be a self-supporting structure.

**MPC** - the Municipalities Planning Code,(Act of 1968, P.L. 805, No.247, as reenacted and amended).

**NAICS** - the North American Industrial Classification System, 2002, as published by the Office of Management and Budget.

**NO-IMPACT HOME-BASED BUSINESS** - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use where the business or commercial activity satisfies the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

**NOISE LEVEL** - airborne sound levels expressed in dB or decibel and obtained by the use of certain frequency-dependent weighting networks, as specified in the reference standards and indicated by proper notation; where A-weighting is employed, and the sound level is indicated as dB(A).

**NONCONFORMING LOTS OF RECORD** - any lot that is defined by deed prior to the adoption of this Chapter, and any lot shown on an approved preliminary or final subdivision plat as approved within five years prior to the adoption of this Chapter.

**NONCONFORMING STRUCTURE** - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such 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 structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONRESIDENTIAL OR NONRESIDENTIAL USE** - any principal use which does not constitute a dwelling unit as defined in this Chapter.

**NORMAL AGRICULTURAL OPERATION** - the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation and processing for market of any and all plant and animal products and is for market of poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities, which for purposes of this Chapter shall include NAICS Sector 115210, Support Activities for Animal Production.

**OBSOLETE SIGN** - a sign which serves to draw attention to or commercially advertise for an establishment which is no longer actively operating.

**OFFICE** - any establishment principally engaged in management, professional service, or administrative activities as defined by the NAICS.

**OPEN SPACE, ACTIVE** - common open space which may include recreational fields, play equipment, tennis courts, basketball courts, and similar facilities constructed in accordance with National Recreation and Parks Administration Standards or locally recognized standards; wherein structures are limited to those accessory to the aforesaid structures.

**OPEN SPACE, PASSIVE** - common open space which may include walking trails, pedestrian amenities such as park benches, picnic areas and pavilions accessory thereto; that acts to preserve existing or proposed woodlands and natural areas and topography.

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**ORNAMENTAL TREES** - trees at least four feet in height at planting, with a minimum caliper of one and one-half inches, the ultimate height of which will not exceed 25 feet.

**PARTY WALL** - a wall separating independently accessed structures and containing the proper fire rating as required by the Uniform Construction Code such that the adjoined units function independently in terms of access and utilities.

**PERSONAL CARE HOME (HOME)** - a premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a home in the event of an emergency, or medication prescribed for self administration.

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

**POLE SIGN** - a sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

**POLITICAL SIGNS** - signs announcing political candidates seeking public office, political parties and/or political and public issues contained on an upcoming ballot.

**PORTABLE SIGN** - any sign not permanently attached to the ground or to a building, or building surface.

**PRINCIPAL STRUCTURE** - any structure designed for or hosting the operation of a principal use.

**PRINCIPAL USE** - the primary use or uses operating or existing on a lot such that any such use may function as its own establishment in contrast with uses which exist only as subordinate or accessory uses to another use.

**PROJECTING SIGN** - a sign that is directly affixed to the wall of a building, excluding wall signs, which faces in a direction perpendicular to the wall to which it is affixed.

**PSYCHIATRIC OUTPATIENT CLINIC** - a premises or part thereof in which mental health evaluation or treatment, including psychiatric, psychological, and other related services, are provided under medical supervision. It is designed for children/adolescents with emotional disturbance and adults with mental illness on a planned and regularly scheduled basis.

**REAL ESTATE SIGNS** - a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

**RELATED EQUIPMENT** - any piece of equipment related to, incidental to, or necessary for, the operation of a communications tower or communications antenna. By way of illustration, not limitation, related equipment includes generators and base stations.

**RELIGIOUS USES** - a use involving religious exercise where any exercise of religion, whether or not compelled by, or central to, a system of religious belief takes place, wherein such use constitutes the principal use or function of the establishment specified. Uses separately defined, including but not limited to day care, clinics as otherwise defined herein, or any other use, the function of which customarily exists apart from a religious congregation or regular assembly shall be classified and authorized a manner consistent with the said use specified.

**RETAIL** - any use generally classified as retail by the NAICS, also to include food services.

**ROOF LINE** - the top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**SETBACK** - the area of land in which building activity is restricted in accordance with the bulk regulations of this Chapter located within a specified yard, as regulated in the bulk regulations of this Chapter and expressed in number of feet from a specified lot line.

**SHED** - a building constructed for permitted accessory uses, primarily storage, which does not rest upon a footer or foundation and which occupies no more than 200 square feet of land area and is no more than ten feet in height.

**SHOPPING CENTER** - a parcel or parcels on which permitted nonresidential uses, including at least one retail or anchor retail establishment share parking and access drives, excluding out-parcels bearing a freestanding unit with independent parking.

**SIGN** - any text, display, or illustration which is affixed to, painted on, or represented upon any surface or building.

**SIGN AREA** - the sign area shall be measured by the smallest rectangle or other regular geometric shape which encompasses all of the letters, symbols and accompanying designs, together with the background on which they are displayed, but not including any supporting structures. If a sign is comprised of more than two sides, such as cylindrical signs, signs in the shape of cubes or other signs, 50% of the sum of the area of all faces of the sign shall be considered in calculating the sign area.

**SIGN COPY** - those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

**SIGN FACE** - the surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

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1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

**SIGN STRUCTURE** - any structure supporting a sign.

**SPECIFIED ANATOMICAL AREAS** - the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals or breasts, including the female breast below the top of the areola, or any portion of the male or female pubic hair, anus or cleft of the buttocks.

**SPECIFIED SEXUAL ACTIVITIES** - includes any of the following: The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth in the preceding statements.

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

**STEEP SLOPES** - areas of existing topography where, in over a 100-foot horizontal distance, or where the difference in elevation is over 20 feet, the slope equals or exceeds 25% from the top to bottom of the break in grade.

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

**STREET** - any corridor, excepting access drives, improved to a mud free and permanently passable condition, or for which the governing body holds financial security for the construction of the aforesaid in accordance with the local subdivision ordinance, in a manner accommodating the movement of vehicular traffic including cartway of improved area and additional rights-of-way abutting said cartway; where said right-of-way is dedicated to public use or when private, provides legal access to abutting lots, easements, or rights-of-way (excepting easements or rights-of-way which serve or potentially serve no more than one dwelling unit).

**STRUCTURE** - a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of the land.

**SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE** - a modification, replacement, or substitution to an existing wireless communications facility that changes the size and/or dimensions of such facility, pursuant to the Pennsylvania Wireless Broadband Collocation Act and the FCC's October 2014 Report and Order.

**TEMPORARY SIGN** - a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**UNDER CANOPY SIGN OR UNDER MARQUEE SIGN** - a sign attached to the underside of a canopy or marquee.

**USE** - any purpose for which a building, structure, or lot is designed or modified including any activity, operation, or business operating within a building, structure, or on a lot.

**WALL SIGN** - a sign mounted or attached against a building having only one sign face visible from outside the building that projects not more than six inches from the building or structure wall and faces in the same direction as said wall.

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

**WINDOW SIGN** - a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

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

**WIRELESS COMMUNICATIONS FACILITY** - the antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

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

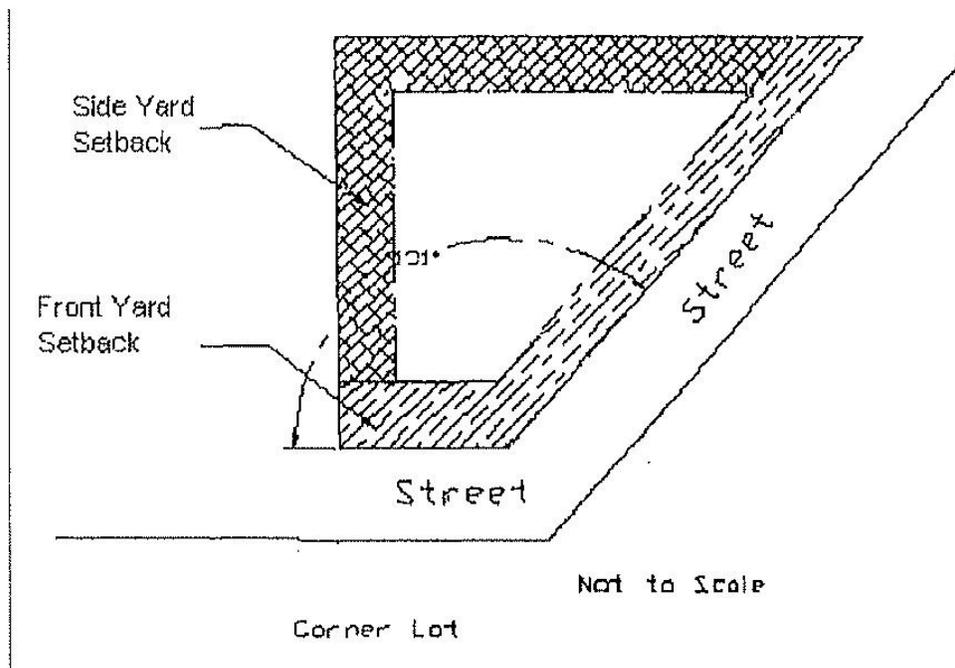
**WIRELESS SUPPORT STRUCTURE** - a freestanding structure, such as a communications tower or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Borough.

**YARD** - any portion of a lot extending from a lot line to a line parallel or tangent to the wall or walls of the principle structure, not including an unenclosed porch, closest to the respective lot line, which bisects the lot in manner where no other portion of the building is traversed.

**YARD, FRONT** - any yard which directly abuts a street except an alley; or where rear lots or flag lots exist, that which most nearly parallels the street through which access is provided, extending from the walls of the principal structure directly facing said street to the entirety of the property line which wholly or partially abuts said street.

**YARD, REAR** - the yard abutting the lot line or lines most nearly parallel to or opposite from the front yard lot line or lines except that such lines on corner lots shall be considered side yards.

**YARD, SIDE** - the yards abutting lot lines that are most nearly perpendicular to the front yard and those abutting all remaining lot lines, aside from front yard lot lines, on corner lots extending to the abutting walls of the principle structure.



**ZONING OFFICER** - The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*(Ord. 935, 5/10/2018, §27-301)*



## ARTICLE IV

### BULK STANDARDS, RULES, AND REGULATIONS

#### §27-400. Interpretation.

1. Where any provisions of this Chapter conflict with other applicable state and federal laws, the stricter shall apply. In particular, this Chapter does not intend to conflict with any of the laws or acts regarding mining and agriculture as are outlined in §603B of the MPC.
2. This Chapter is not intended to annul or supercede any private easements, covenants, or agreements, except where provisions of this Chapter are more restrictive. The Zoning Officer shall not be responsible for the enforcement of the aforesaid agreements unless the Borough is a party thereof.
3. The zoning classification of improved and unimproved rights-of-way within the Borough boundaries shall be considered part of the adjacent zoning district. In cases where these areas are bordered by more than one district, the abutting zoning shall extend to the centerline of the subject right-of-way. Thus, any activities or use of existing rights-of-way which become private property through adverse possession or any other legal claim to said property shall adhere to the standards of its respective zoning district classification.
4. Zoning classifications as initially determined follow existing parcel boundaries, as defined by recorded deeds. However, the revision, through subdivision, of current boundary lines does not constitute any revision of zoning district boundaries, which shall retain the boundary of the original lot line, unless an amendment to the zoning map and this Chapter is approved.
5. In cases where the lines of a zoning district, as initially determined by the zoning map, cross a parcel such that the parcel possesses multiple areas of zoning classification, said lines shall be determined as lines extending from the most adjacent parcel or lot boundary, where the zoning extends to said boundary, to the next immediate lot or parcel boundary to which the zoning boundary of the particular district coincides. The aforementioned situations occur, initially, on through lots where one face of the block on which the through lot fronts possesses one zoning and the other lies within a different zoning district.
6. Permitted Use Interpretation.
  1. The permitted uses defined in this Chapter are based upon the North American Industrial Classification Standard, 2002. Uses are listed by the numerical code, as defined and presented in the aforesaid national standard. As such, uses listed at particular code levels shall be inclusive of all specific uses classified as part of the listed code level, unless such more detailed uses are specifically exempted or restricted.

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2. Where any use specifically defined within this Chapter conflicts with the use definitions utilized by the North American Industrial Classification Code, the use defined in this Chapter shall prevail. Therefore, when uses specifically defined within this Chapter, separate from or conflicting with the NAICS Code are presented or specifically restricted; the function and intent of said uses shall prevail against any such conflicting interpretations as defined in the NAICS Code.
3. No portion of this Chapter shall be interpreted such that it violates the Federal Fair Housing Act, the 1988 Fair Housing Amendments Act, and related housing and urban development regulations. In particular, the term “family” shall apply to unrelated members regardless of their membership in classes protected by the aforementioned acts and regulations, including handicap.

*(Ord. 935, 5/10/2018, §27-400)*

### **§27-401. Use Performance Standards.**

1. The Borough desires to permit an adequate range of residential and economic opportunities, public uses, and services while integrating a range of uses that protects the public health, safety, and welfare of the community as well as the traditional character of the Borough. The following standards shall constitute uniform performance standards for all uses within the Borough and shall further define the character of the use. Any use, which cannot demonstrate compliance with the following performance standards, shall not be deemed as an authorized use:
  1. No use shall, as part of its production process, emit any hazardous materials in any manner.
  2. Storage of hazardous materials shall be within a principle structure.
  3. Storage of hazardous waste shall be within a principle building and shall not constitute a principle use; whereby said storage shall be temporary, being permanently disposed of offsite.
  4. No use shall be noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise detectable at the property line as to constitute a nuisance or otherwise conflict with any municipal ordinance.
  5. No establishment, excepting municipal and school district activities, as part of its regular operations, shall exceed the noise levels as measured at the property lines of the parcel upon which the establishment is operated in the following manners:
    - A. The sound level at any one point in time exceeds 90 decibels.
    - B. The sound exceeds any of the established limits in Item C by a measured sound level of 10 dB(A) for a cumulative total of one minute or more out of any ten-minute period.

- C. The sound exceeds any 75 decibels continually for a period of five minutes, or a total of five minutes out of any ten minutes.
  - D. Where stricter noise standards are adopted by local ordinance, the stricter shall prevail.
6. On-site display of products associated with an authorized establishment shall be limited to impervious areas improved as sidewalks or paved as parking lots pursuant to the construction standards of the Borough. Said areas specifically designated or intended for the use of such displays shall not exceed 15% of the gross floor area of the associated establishment. Storage or display of merchandise accessory to or as part of the principal use of a retail establishment shall be limited to the gross floor area occupied by the principal establishment and shall be housed within a fence of at least six feet in height.

(Ord. 935, 5/10/2018, §27-401)

**§27-402. Bulk Regulations.**

**1. Permitted Obstructions in Required Setbacks. All Setbacks.**

- 1. Chimneys, removable awnings, eaves, gutters, and architectural elements not directly housing interior living space may project two feet into any setback.
- 2. Stairs may project five feet into any given setback; but shall not locate closer than five feet to any property line.
- 3. Pavement, masonry, and other items which are installed at grade level are exempted from the setback provisions.

**2. Permitted Obstructions in Side and Rear Yard Setbacks.**

- 1. Fences in all residential, N, MU, and Traditional Neighborhood Development Districts shall be permitted up to six feet. No fences shall be constructed of potentially injurious materials such as barbed wire. Fences on lots with nonconforming structures, which infringe on a front yard setback, may infringe on the front yard setback up to the building line of the existing structure.

**3. Permitted Obstructions in Front Yards.**

- 1. An unenclosed porch may infringe on a front yard setback by eight feet.
- 2. Fences of up to four feet in height which do not interfere with a clear sight triangle of 50 feet.

**4. Permitted Excesses of Maximum Heights.** The following may exceed the maximum height specified by zoning district by the following amounts:

- 1. Chimneys, antennas, and lightning rods: six feet.

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2. Decorative structural elements on nonresidential principal structures including or reasonably commensurate with spires, minarets, or similar extensions of the roof structure which do not house principal uses.

(Ord. 935, 5/10/2018, §27-402)

**§27-403. Use Table and Use Categories.**

1. The following categories shall be defined by the tables, which respectively follow them, in accordance with §27-403 of this Chapter. Categories, defined or listed below, which do not rely upon NAICS codes, shall be defined within Article III, “Definitions”:

1. **Large Scale Industrial, Warehouse, and Service Uses.**

- A. The following uses constitute non-retail and nonresidential uses which are large scale in terms of intensity of land use and intensity of impact on surrounding uses.
- B. Uses.

<b>Code</b>	<b>Description</b>
237	Heavy and Civil Engineering Construction
311	Food Manufacturing
312	Beverage and Tobacco Product Manufacturing
316	Leather and Allied Product Manufacturing
321	Wood Product Manufacturing
322	Paper Manufacturing
324	Petroleum and Coal Products Manufacturing
325	Chemical Manufacturing
326	Plastics and Rubber Products Manufacturing
327	Nonmetallic Mineral Product Manufacturing
331	Primary Metal Manufacturing
333	Machinery Manufacturing
336	Transportation Equipment Manufacturing
4215	Metal and Mineral (except Petroleum Wholesalers)
4227	Petroleum and Petroleum Products Wholesalers
45431	Fuel Dealers

<b>Code</b>	<b>Description</b>
484	Truck Transportation
4854 and 4855	School and Employee Bus Transportation, Charter Bus Industry
4859	Other Transit and Ground Passenger Transportation
49313	Farm Product Warehousing and Storage
5324	Commercial and Industrial Equipment Rental and Leasing
611519	Other Technical and Trade Schools. (Limited to Heavy Equipment and Truck Driver Training Schools as included in 611519)
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance

2. **Small Scale Industrial, Warehouse, and Service Uses.**

- A. The following uses constitute non-retail and nonresidential uses which are comparatively small scale in terms of intensity of land use and intensity of impact on surrounding uses.
- B. Uses.

<b>Code</b>	<b>Description</b>
233	Building, Developing, and General Contracting
235	Special Trade Contractors
313	Textile Mills
314	Textile Mill Products
315	Apparel Manufacturing
332	Fabricated Metal Product Manufacturing
334	Computer and Electronic Product Manufacturing
337	Furniture and Related Product Manufacturing
339	Misc. Manufacturing
42	Wholesale Trade (Except 4215, Wholesale Metal and Mineral (except petroleum wholesale); 42252, Livestock Wholesale; and 4227, Petroleum and Petroleum Product Wholesale)

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<b>Code</b>	<b>Description</b>
453	Direct Selling Establishments
4853	Taxi and Limousine Service
493	Warehousing and Storage (Except 49313, Farm Product Warehousing and Storage)
511	Publishing Industries
53112	Lessors of Nonresidential Buildings
5321	Automotive Equipment Rental and Leasing
56172	Janitorial Services
56173	Landscaping Services

3. **Office, Administrative, and Service Related Industries.**

- A. The following uses constitute service and administrative activities, the scale and scope of which function as office related uses and activities.
- B. Uses.

<b>Code</b>	<b>Description</b>
52	Finance and Insurance
531	Real Estate (except for mobile home rental and leasing under 53112)
533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
54	Professional, Scientific, and Technical Services
55	Management of Companies and Enterprises
561	Administrative and Support Services (except 56173, Landscaping Services)
6211	Offices of Physicians
6212	Offices of Dentists
6213	Offices of Other Health Practitioners
6216	Home Health Care Services
6243	Vocational Rehabilitation Services
813	Religious, Grantmaking, Civic, Professional, and Similar Organizations, excepting religious uses.

4. **Large Scale Retail and Service.**

A. The following retail and service related activities constitute retail related uses, the scale and impact of which are large scale in terms of intensity of land use and intensity of impact on surrounding uses. Said uses include those listed under subsection B. as well as small scale retail and service uses individually exceeding 5,000 square feet of gross floor area.

B. Uses.

<b>Code</b>	<b>Description</b>
4411	Automobile Dealers
4412	Other Motor Vehicle Dealers
447	Gasoline Stations
452	General Merchandise Stores
53112	Lessors of Nonresidential Buildings (except Mobile Homes rental or leasing)
7211	Hotels (except casino hotels) and Motels
71312	Amusement Arcades
71395	Bowling Centers
811192	Car Washes

5. **Small Scale Retail and Service.**

A. The following retail and service related activities constitute retail related uses, the scale and impact of which are small scale in terms of intensity of land use and intensity of impact on surrounding uses and which, per establishment, occupy 5,000 or less square feet of gross floor area.

B. Uses.

<b>Code</b>	<b>Description</b>
323	Printing and Related Support Activities
4413	Automotive Parts, Accessories, and Tire Stores
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Equipment and Supplies Dealers

<b>Code</b>	<b>Description</b>
445	Food and Beverage Stores
446	Health and Personal Care Stores
448	Clothing and Clothing Accessory Stores
453	Miscellaneous Store Retailers
454	Non-Store Retailers (Except 4543, Direct Selling Establishments)
492	Couriers and Messengers
5133	Telecommunications (Excluding cellular tower or communications towers as separately regulated in this Chapter)
5322	Consumer Goods Rental
71394	Fitness and Recreational Sports Centers
722	Food Services and Drinking Places
8111	Automotive Repair and Maintenance (Except 811192, Car Washes)
8112	Electronic and Precision Equipment Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
812	Personal and Laundry Services (Except 81221, Funeral Homes and Funeral Services; and 81222, Cemeteries and Crematories)

**6. Neighborhood Public and Semi-Public Uses.**

- A. The following uses constitute organizations and services of a semi-public or public nature integrated into traditionally residential neighborhoods, such that said uses provide services and opportunities which enhance the livability and sustainability of the neighborhood while minimizing nuisances and protecting the character of the area in which they locate.
- B. Uses shall include 81221, funeral homes and funeral services; religious uses; day care centers; adult day services centers, and local public uses.

**7. General Hospitals.**

- A. The following constitute health care services rendered in a hospital or hospital affiliated setting.

B. Uses.

Code	Description
6211	General Medical and Surgical Hospitals
6219	Other Ambulatory Health Care Services
6215	Medical and Diagnostic Laboratories
62149	Other Outpatient Care Centers

8. **Elderly Residential Facilities.**

- A. The following facilities provide residential care or housing primarily to the elderly as well as others with similar needs.
- B. Uses shall include long term care nursing facilities; personal care homes; adult training center; adult day services center; and 623312, homes for the elderly.

9. **Psychiatric and Drug Abuse Facilities.**

- A. The following uses provide outpatient, residential, or temporary care for clients suffering from drug or substance addictions or psychiatric conditions.
- B. Uses shall include psychiatric outpatient clinic; mental health partial hospitalization center; drug and alcohol partial hospitalization center; drug and alcohol outpatient center; drug and alcohol intensive outpatient center; 6222, psychiatric and substance abuse hospitals; and methadone clinics.

10. **Adult Uses.**

- A. Adult uses rely upon the marketing of certain specified sexual activities or promotion of such activities. Adult uses are interpreted as they are defined in Article III of this Chapter.

11. **Educational Services.**

- A. These services constitute schools, colleges, continuing education opportunities, etc.
- B. Educational services shall include 61, educational services (except for 611512, flight training schools; and uses comparable to heavy equipment and truck driver training schools as may be included in 611519, other technical and trade schools.)

12. Communications towers.

13. Essential services.

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14. Essential service building.
15. Forestry.
16. Home occupations per §27-903.
17. No-impact home based business.
18. Single-family.
19. Duplex.
20. Multi-family.
21. Mixed use building.
22. Planned residential development.
23. Traditional neighborhood development.
24. Mineral removal or mining.
25. Normal agricultural operations.

*(Ord. 935, 5/10/2018, §27-403)*

## ARTICLE V

### ESTABLISHMENT OF ZONING DISTRICTS

#### §27-500. Establishment and Purpose of Districts.

In order to encourage and promote those purposes outlined in Article II of this Chapter as well as the Borough's community development objectives, the Borough hereby establish the following zoning districts, the purposes of which are hereinafter defined:

1. **N, Neighborhood Use.** The Neighborhood Use District aims to maintain and enhance the vitality and sustainability of the traditional cores of the boroughs. The establishment of this district aims to maintain the stability of residential neighborhoods while permitting businesses which are either ancillary to or present a low impact on these neighborhoods. Additional forms of office or small-scale retail are permitted such that they contribute to the economic vitality of the neighborhood and the entire Borough without negative impact upon the basic residential and small business environment of the district. Additionally, the residential mix of this district aims to provide for alternative housing needs, such as those of the elderly, within a pedestrian environment offering nearby basic services.
2. **MU, Mixed Use.** The Mixed Use District is established to provide for single-family based residential uses, residential uses of compatible scale, and retail and office designed to serve local and regional market demands. The district therefore primarily aims to maintain a neighborhood scale of development in portions of Route 30 currently bearing a traditional mixed-use scale of development and to provide a market based, yet compatible, transition of residences fronting key north-south collectors of North Versailles.
3. **R-3, Multi-Family Residential.** The Multi-Family District aims to provide an affordable alternative form of housing to seniors, younger families, and smaller households in an environment near commercial and retail conveniences.
4. **R-2, Neighborhood Residential.** The District protects the stability and integrity of the Borough's oldest residential neighborhoods, which are primarily situated on relatively small lots near the traditional main corridors of the Boroughs and specific areas of the Township.
5. **P, Neighborhood Park.** The Neighborhood Park District is established to provide for the recreational needs of the Borough's residents. This district is intended to enhance the quality of life and sense of community by providing passive and active recreational amenities in parks and general open space.

The above districts are depicted on the Zoning Map of East McKeesport Borough, which are incorporated as part of this Chapter and are filed with the Borough Office.

*(Ord. 935, 5/10/2018, §27-500)*

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### **§27-501. General District Standards.**

1. All uses and districts standards authorized and instituted in the following tables shall adhere to the general district standards defined herein. Where any standards conflict due to special provisions defined or referenced herein, the former shall prevail.
2. All accessory structures and uses shall comply with §27-900 of this Chapter.
3. All signage shall comply with §27-901 of this Chapter, “Signs.”
4. All lighting specifications and intensities shall comply with §27-906 of this Chapter, “Lighting Standards.”
5. All parking specifications and standards shall comply with §27-902 of this Chapter, “Parking [Requirements].”
6. Nonconforming lots, uses and structures shall be subject to Article X of this Chapter, “Nonconforming Uses and Structures.”
7. The placement and screening of buildings and parking shall be subject to §27-907 of this Chapter, “Yard and Buffering Standards.”
8. All residential districts (R-2, and R-3) shall bear up to one principal structure per lot.
9. Mixed use and neighborhood use districts shall bear up to one principal structure per lot.
10. Single-family and duplex structures in the R-3, Multi-Family District, may adhere to the setbacks established for the R-2 District.
11. Nonresidential principal or accessory residential structures shall be set back at least 15 feet from any access drive.
12. Residential principal or accessory residential structures shall be set back at least 20 feet from any access drive.
13. Nonresidential principal buildings in the mixed use and neighborhood use districts shall adhere to the standards of §27-905, “Large Scale Building Standards.”
14. All structures shall adhere to §27-908, “Exterior Facade Building Standards.”
15. Both active and passive recreation, if authorized in the local subdivision ordinance through land dedication standards, shall be authorized as a use accessory to the particular residential subdivision or land development for which they were required, subject to the express standards applied thereto.

*(Ord. 935, 5/10/2018, §27-501)*

**§27-502. Use Authorization Table.**

The following table shall establish uses permitted in each zoning district as established in §27-500. Uses not expressly permitted are hereby restricted. “P” shall represent permitted uses; “C” shall represent conditional uses; and “A” shall represent accessory uses. The table shall also reference those sections establishing standards to which respective uses are subjected, wherein those sections referenced in Article VIII shall only apply to those uses authorized as conditional uses.

Uses	N	MU	R-2	R-3	P	Subject to:
Large Scale Industrial, Warehouse, and Service Uses						810
Small Scale Industrial, Warehouse, and Service Uses						
Office, Administrative, and Service Related Industries	P	P				
Large Scale Retail and Service		C				811
Small Scale Retail and Service	P	P				
Neighborhood Public and Semi-Public Uses	P	P	C			811
General Hospitals						
Elderly Residential Facilities	P	P				
Psychiatric and Drug Abuse Facilities						804
Adult Uses						803
Educational Services	P	P				
Communications Towers						805

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Uses	N	MU	R-2	R-3	P	Subject to:
Essential Services	P	P				
Essential Service Building	C	C				812
Forestry	P	P	P	P	P	1101.6
Home Occupations	A	A	A	A		903
No-Impact Home Based Business	A	A	A	A		
Single-Family	P	P	P			
Duplex	P	P	P	P		
Multi-family				P		
Mixed Use Building	P	P				
TND-1 Mixed Use	C	C				Article VII
TND-2, Traditional Residential			C			Article VII
TND-3, Mobile Home Park			C			Article VII
PRD				C		Article VI
PRD-Mixed Use						Article VI
Mineral Removal or Mining						817
Gas Wells	C	C	C	C	C	818

<b>Uses</b>	<b>N</b>	<b>MU</b>	<b>R-2</b>	<b>R-3</b>	<b>P</b>	<b>Subject to:</b>
Local Public Use	C	C	C	C	C	819
Community Center					C	807
Normal Agricultural Operations						822
Transient Retail Operations	P	P				904
Similar Uses Not Specified						821
Shared Parking	C	C				820

(Ord. 935, 5/10/2018, §27-502)

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§27-503. District Standard Tables.

1. Commercial Zoning District Standards Table.

Standard	District	
	N	MU
Build-to Line	20 feet from the right-of-way if no adjacent buildings are present on the same block; or to the building line of the most immediately adjacent building, when adjacent buildings are present, up to 15 feet from the existing right-of-way.	
Front Yard Setback	N/A	40 feet or line of most immediately adjacent structure up to 20 feet.
Rear Yard Setback	25 feet	25 feet
Side Yard Setback	15 cumulative feet of both side yards with no less than 5 feet provided in either side yard.	15 feet
Minimum Street Frontage	60 feet	75 feet
Minimum Lot Width at Building Line	60 feet	75 feet
Minimum Lot Area	7,500 square feet	10,000 square feet
Maximum Lot Coverage	40%	40%
Maximum Impervious Surface Coverage	65%	75%

Standard	District	
	N	MU
Maximum Building Height	35 feet up to 2½ stories	35 feet up to 2½ stories
Minimum Building Footprint for Residential Structures (square feet):		
1 Story Dwelling	1,000 square feet	1,000 square feet
1½ Story Dwelling	800 square feet	800 square feet
2 or 2½ Story Dwelling	600 square feet	600 square feet
Maximum Building Footprint	3,000 square feet	10,000 square feet

**2. Residential District Standards Table.**

Standard	District		
	R-2	R-3	P
Build-to Line	N/A	N/A	N/A
Front Yard Setback	To the building line of the most immediately adjacent building, up to 15 feet from the existing right-of-way; or 25 feet where no adjacent buildings are present	30 feet	50 feet

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Standard	District		
	R-2	R-3	P
Rear Yard Setback	25 feet	30 feet	30 feet
Side Yard Setback	15 cumulative feet of both side yards with no less than 5 feet provided in either side yard	50 cumulative feet of both side yards with no less than 20 feet provided in either side yard	30 feet
Minimum Street Frontage	60 feet	100 feet	60 feet
Minimum Lot Width at Building Line	60 feet	120 feet	
Minimum Lot Area	7,500 square feet	15,000 square feet	7,500 square feet
Maximum Lot Coverage	40%	40%	30%
Maximum Impervious Surface Coverage	50%	60%	40%
Maximum Building Height	35 feet up to 2½ stories	40 feet up to 3 stories	35 feet up to 2½ stories
Maximum Building Footprint for Residential Structures (square feet):			
1 Story Dwelling	1,000 square feet		
1 ½ Story Dwelling	800 square feet		
2 or 2 ½ Story Dwelling	600 square feet		
Maximum Building Footprint		6,000 square feet	

(Ord. 935, 5/10/2018, §27-503)

## ARTICLE VI

### PLANNED RESIDENTIAL DEVELOPMENT

#### §27-600. Purpose.

The Borough establishes planned residential development in forms authorized by district for the following purposes:

1. To provide an adequate array of housing opportunities and choices for existing and future residents of the Borough.
2. To encourage the preservation of wooded hillsides and open space throughout the Borough.
3. To facilitate connected open space throughout the Borough in a manner consistent with the comprehensive plan.
4. To encourage the development of unique nodes of residential and mixed use development that are properly integrated into adjacent transportation networks and uses with proper buffering and separation from traditional neighborhoods and mixed use development.
5. To provide for development and redevelopment in sustainable forms and proportions.
6. To further the general and municipal community development objectives upon which this Chapter is based.

*(Ord. 935, 5/10/2018, §27-600)*

#### §27-601. Residential Community PRD Development Standards.

1. **Common Open Space.** Forty percent of the site shall be dedicated as common open space adhering to the following standards:
  1. Said open space shall be distributed in a manner that provides adequate buffering from adjacent neighborhoods of differing housing type and design, in a manner in which adjacent neighborhoods of varied or contrasting character are bordered by open space. Topography, landscaping, and types of adjacent uses shall determine said adequacy.
  2. Five percent of the open space required shall be distributed in central areas of the plan, directly visible from and faced by housing constructed therein. Such open space shall bear at least 50 feet of frontage on streets within the planned residential development. The grading of said open space shall not exceed 8%.
  3. The common open space shall be distributed in such a manner so as to preserve, by private covenant in favor of the Borough and by the PRD itself, wooded hillsides and

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other valuable natural features within the plan, including jurisdictional wetlands and floodplains.

4. Each phase of the PRD shall bear at least a proportional amount of open space or may include the dedication of all open space required per the tentative approval.
2. **Uses Authorized.** The following uses are authorized in the Residential Community PRD:
  1. Single-family.
  2. Duplex.
  3. Townhouse.
  4. Elderly residential facilities.
  5. Neighborhood public and semi-public uses.
3. The amount of dwelling units permitted per acre shall be calculated as follows:
  1. Forty-three thousand, five hundred sixty square feet divided by the minimum lot size in square feet of the respective underlying zoning district shall equal the base density or units per acre.
  2. The following table shall serve to outline the number of units by type permitted per acre for the gross acreage included in the PRD. Each acre against which dwelling unit types are calculated shall not be included in the calculation of other types permitted. Therefore, the multipliers listed times the base density equal the number of units permitted per the proportional acreage of land applied to that dwelling unit type:

<b>Use or Dwelling Unit Type</b>	<b>Multiplier</b>
Single-family	1.2
Duplex	2.4
Townhouse	2.5
Elderly residential facility (number of residents)	7

3. One establishment of neighborhood public and semi-public use shall be permitted per 25 dwelling units or for every 60 residents licensed by the Pennsylvania Department of Public Welfare for Elderly Residential Facilities.
4. **Lot Standards.**
  1. All lots shall bear safe and legal access to a street or access drives.
  2. Maximum building height of any structure is 45 feet or three stories, whichever is less.

- 3. Yard setbacks or front yard build-to lines shall be proposed by the developer, wherein approved lines shall not impede the administration of emergency services.
- 4. Types of units authorized are listed in the table below. The table establishes the distances, in lineal feet, that each such structure or group of units or structures must be setback from another, by type. General lot design of fee simple building lots shall be capable of accommodating specific use types for which each is designated, allowing a building footprint permitting the following setback distances from neighboring structures, as designated.

Use	Single Family	Duplex	Townhouses	Elderly Residential Facility	Neighborhood Public or Semi-Public
Single-Family	20	25	50	100	50
Duplex	25	30	30	75	40
Townhouses	50	30	30	75	40
Elderly Residential Facility	100	75	75	150	40
Neighborhood Public or Semi-Public	50	40	40	40	200

- 5. Considering elderly residential facilities as one unit by establishment, all types of units shall be capable of separate fee simple conveyance through placement on fee simple lots or property interest created as condominiums. Generally lots proposed to bear single-family residences shall be at least 40 feet in width at the proposed and accepted building line.

- 5. **Landscaping.** At a minimum, townhouse units shall be landscaped around the front of the units which face the street or access drive bearing one high level planting per unit or two ornamental trees per unit; and four low level plantings per unit. Elderly residential facilities shall provide 30% of the lot on which they are constructed as landscaped area bearing grass, groundcover, or decorative stone or mulch. Said area shall include one high-level or two ornamental trees for every 1,500 square feet of landscaped area and one low level planting for every 300 square feet of said landscaped area.
- 6. Elderly residential and neighborhood public or semi-public establishments shall be housed within structures adhering to the standards of §27-905.

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7. **Applicability of Zoning Ordinance Provisions, Subdivision and Land Development Ordinance, and Related Ordinances.** Unless expressly modified by the standards of this Section, all other requirements of this Chapter, the local subdivision and land development ordinance, and local street, grading, and other land development standards shall apply to developments proposed under this Section. Such ordinance standards may be modified only when the developer demonstrates that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed; or that a modification meets or exceeds standards meeting the purpose or intent of the ordinance in question. The above shall not withstand all standard post approval requirements instituted by the local subdivision and land development ordinance, namely the required posting of financial security for streets, public improvements, and certain private amenities.

*(Ord. 935, 5/10/2018, §27-601)*

### **§27-602. Mixed Use Community, PRD Development Standards.**

1. The land area of residential components that include the uses authorized in the Residential Community PRD Standards shall be so designated on the plan and subject to and limited to the standards authorized in the Residential Community PRD, including open space requirements.
2. The commercial component shall be designated on the plan and subject to the specific standards of this Section, the provisions of §27-603.1 notwithstanding for the residential components.
3. The maximum building height shall be 65 feet.
4. All uses expressly authorized as permitted or conditional in the underlying zoning district shall be authorized as such in the underlying district. Additionally, mixed use buildings are authorized.
5. Principal structures shall provide a front yard setback of at least 50 feet.
6. Unless connected by party walls, structures shall provide for side and rear yard setbacks of at least 50 feet with one additional foot of setback for each foot in height above two stories. Where multiple principle structures exist on one lot, this setback shall be enforced between principal structures as well.
7. Thirty percent of the land area in the commercial portion shall be dedicated as common open space. Five percent of the open space required shall be provided in a central area faced by more than one principle structure and fronting a street. Said space shall be 5% or less in grade and shall provide for pedestrian usage.
8. Principal commercial structures shall be set back at least 50 feet from residentially designated sections of the development.

9. Landscaping shall be provided around the perimeter of all parking lots at a rate of one high level planting for each 50 lineal feet of perimeter, including access drives. Additionally, landscaping shall be disbursed around visible portions of the principal structure at a rate of one high level planting or one ornamental tree and four low level plantings for each 25 lineal feet of the structure's perimeter.
10. The residential component of the development, those uses solely authorized in the Residential Community PRD, shall comprise at least 20% of the square footage of all uses within the PRD and no more than 60% of the total square footage.
11. The proportion of retail, office, and manufacturing/warehouse shall be submitted as proposed and shall be authorized given the proportion of uses reasonably related to the similar proportion in the Borough at large, determined by the most recent economic census and subsequent permit data. Employment within or regular utilization of ancillary establishment intended primarily for use by residents of the PRD shall also serve as a finding of fact or justification for approved use proportions.
12. All final phases approved shall contain the proportions of commercial development type commensurate with that approved in the overall or tentative approval. Same shall also include at least 20% of the land area as residential or may develop all residential in the first final phase constructed. In lieu of such provisions, a developer may submit covenants in favor of the municipality, in a form acceptable to the municipality, which restrict future development to those uses shown on the tentative plan.
13. Applicability of zoning ordinance provisions, subdivision and land development ordinance, and related ordinances. Unless expressly modified by the standards of this Section, all other requirements of this Chapter, the local subdivision and land development ordinance, and local street, grading, and other land development standards shall apply to developments proposed under this Section. Such ordinance standards may be modified only when the developer demonstrates that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed; or that a modification meets or exceeds standards meeting the purpose or intent of the ordinance in question. The above shall not withstand all standard post approval requirements instituted by the local subdivision and land development ordinance, namely the required posting of financial security for streets, public improvements, and certain private amenities.

*(Ord. 935, 5/10/2018, §27-602)*

**§27-603. Advisory Conference.**

1. A developer may request an advisory conference with the Planning Commission prior to application submission. The developer shall make such request from the Zoning Officer on forms provided by the municipality at least ten days prior to the regular meeting of the Commission. Said conference and review shall not constitute acceptance of an application, whether tentative or final.

*(Ord. 935, 5/10/2018, §27-603)*

**§27-604. Tentative Approval Application Requirements.**

1. At least 30 calendar days prior to the regular meeting of the Planning Commission, 15 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:
  1. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
  2. A written statement demonstrating conformance with the comprehensive plan and community development objectives of this Chapter.
  3. A written statement detailing the general character of the development in relation to surrounding uses and the proportion of use types contained therein. Each use type shall be listed by unit and square footage. Types shall include those separately authorized as residential or ancillary commercial in the Residential Community PRD.
  4. A written statement of the requested modifications to other ordinance provisions otherwise applicable.
  5. 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 200 feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
  6. A development plan prepared at a scale no smaller than one inch equals 50 feet showing the following information:
    - A. Existing contours at intervals of five feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes, delineating and labeling 25% through 40% slopes and greater than 40% slopes; and other natural features.
    - B. Proposed lot lines and subdivision plat. The plat shall show approximate building footprints and anticipated square feet, identify the type of use anticipated, and proposed setbacks for both residential and commercial uses.
    - C. Proposed phases of development.
    - D. The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density.
    - E. The location and size in acres or square feet of all areas to be conveyed dedicated or reserved as common open space.
    - F. The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the planned residential development to public rights-of-way.

- G. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and open space.
  - H. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
  - I. Subsurface conditions, including mining and overburden.
  - J. A preliminary landscaping plan indicating the treatment and materials proposed to be used in common areas, buffer areas, parking, townhouses, and commercial buildings.
  - K. Location of trails for public use and easements or right-of-ways dedicating those trails for public use.
7. A preliminary traffic report which details impact on onsite intersections and off site intersections substantially impacted by the PRD.
  8. Application forms prepared by the municipality requiring information sufficient to review the application, provide findings of fact, and determine conformance to the provisions of this Section.
  9. Review and application fees required by municipal ordinance or resolution.
  10. Preliminary elevations and architectural renderings of typical structures.
  11. Preliminary reports demonstrating the general basis or nexus of general site design to grading, erosion, stormwater, and street construction ordinance standards.
  12. In the case of development plans that 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.

*(Ord. 935, 5/10/2018, §27-604)*

**§27-605. Tentative Plan Approval Process.**

1. The Zoning Officer shall review an application for tentative approval within one week of delivery and shall notify the applicant of any deficiencies or certify the applicant as complete. Submissions of deficient items shall be reviewed in the same manner. The Zoning Officer shall, when all application materials are submitted, certify the application as complete. The date on which completion is certified shall constitute the official filing date.
2. The Planning Commission shall review the application at the next regular meeting scheduled 21 days or later from the official filing date.

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3. The governing body shall hold a public hearing on the matter pursuant to public notice within 60 days of the official filing date. The governing body may hold subsequent hearings, provided that all hearings are concluded within 60 days of the initial hearing.
4. **Decision.** Within 60 days following the conclusion of the public hearings or 180 days from the official filing date, whichever is less, the governing body shall, by official written communication, either grant tentative approval of the development plan, as submitted; grant tentative approval of the development plan, subject to specified conditions not included in the development plan as submitted; or 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 30 days after receiving a copy of the official written communication of the governing body, notify the governing body of his refusal to accept all said conditions, in which case, the governing body 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 governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted. The decision will be filed with the secretary of the governing body and the applicant. The decision shall include an approved schedule of final plan application filing which shall not be less than three months from the tentative approval date.
5. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
6. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the municipal secretary or clerk of the municipality.

*(Ord. 935, 5/10/2018, §27-605)*

### **§27-606. Tentative Plan Approval Findings.**

Tentative approval shall be approved, denied, or approved with conditions based on the following findings of fact.

1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality.
2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
3. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
7. The mixture of uses and housing choices and commercial establishments and their ability or inability to meet current and anticipated needs of present and future residents and patrons.
8. Adherence to all specific performance standards and requirements of this Article or lack thereof.

*(Ord. 935, 5/10/2018, §27-606)*

**§27-607. Final Approval Application Requirements.**

Final applications shall include the following:

1. All final reports demonstrating compliance with local erosion and sedimentation, grading, and stormwater ordinances in forms required by the municipal engineer and the respective ordinances.
2. A plan showing existing and proposed contours at intervals of five feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes, delineating and labeling 25% through 40% slopes and greater than 40% slopes; and other natural features.
3. A plat, in conformance with that required by the local subdivision ordinance showing or denoting all approved setbacks.

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4. Plans showing the platted lines along with building footprints and number of stories and gross square footage related thereto. Said plans shall show all easements and designations of residential and commercial areas. Single-family homes may show a building envelope or area with a typical square footage or building footprint anticipated.
5. All covenants required to demonstrate initial and ongoing compliance with the provisions of this Article. Such covenants shall include but not be limited to the preservation of woodlands, usage of open space, preservation of natural features, maintenance of buffer areas, signage and lighting, etc.
6. Documents establishing a home or land owners' association and detailing the maintenance of common open space. Said documents may include condominium declaration statements and related covenants.
7. A general plan of signage and lighting, including styles, materials, and colors utilized.
8. Street cross-sections and construction drawings demonstrating compliance with municipal standards or approved modifications.
9. Further reports including geotechnical reports where required to demonstrate safe and stable construction of principal dwellings, streets, access drives, and parking.
10. A narrative detailing any modifications from tentative approval.
11. A finalized phase specific traffic study indicating level of service for all intersections.
12. Deeds dedicating public land, where required through tentative approval.
13. Estimates for public improvements and amenities for which bonds are required by the local subdivision ordinance.
14. Final landscaping and parking plans including tables demonstrating compliance with the provisions of this Article in terms of number and percentage provided.

(Ord. 935, 5/10/2018, §27-607)

### **§27-608. Final Plan Approval Process.**

1. The Zoning Officer shall review an application for final approval within one week of delivery and shall notify the applicant of any deficiencies of certify the applicant as complete. Submissions of deficient items shall be reviewed in the same manner. The Zoning Officer shall, when all application materials are submitted, certify the application as complete. The date on which completion is certified shall constitute the official filing date.
2. **Variation from Original Plan.** In the event that the development plan submitted contains variations from the development plan granted tentative approval, the governing body may refuse to grant final approval and may, within 45 days of the official filing date of the

application for final approval (Provided, however, that should the next regular meeting occur more than 30 days following the official filing date, the 45-day period shall be measured from the 30th day following the day the application has been filed), advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the landowner may either refile the application for final approval without the variations objected; or file a written request with the Borough 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 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. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this Article for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the governing body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Article. Failure of the governing body to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this Section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

3. In the event the application for final approval has been officially filed, together with all drawings, specifications and other documents in support thereof, and as required by this Article and the official written communication of tentative approval, the municipality shall, within 45 days from the date of the regular meeting of the local planning commission, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the official filing date.
4. The developer shall post financial security and shall execute a developer's agreement as required by the local subdivision ordinance prior to recording of the final plat. The plat shall be recorded within 90 days of final plan approval. The developer's agreement shall at a minimum, in addition to that required by the local subdivision ordinance, cite those provisions of the notice of tentative approval applicable to the respective phase, include a timeline for development proposed by the developer but not to exceed five years, reference construction inspections and responsibilities, reference the installation of landscaping and private amenities, and address the recordation of homeowners' association documents and covenants.
5. The developer shall be afforded the five-year timeline to commence and complete development as noted in §508 of the Municipalities Planning Code and otherwise applicable to subdivisions and land developments. Where the developer notifies the governing body that he has

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abandoned the plan or the aforesaid timeline cited in §508 expires, the plan shall be deemed abandoned and no further development or permits for such development shall take place. The governing body shall amend its ordinance to reclassify the property to a zoning district.

*(Ord. 935, 5/10/2018, §27-608)*

### **§27-609. Modification of Planned Residential Development Provisions.**

1. An applicant for permits which do not conform strictly to the approved plan may request a modification to the plan by providing all reports and plans required by final approval which are proposed to be modified. A statement concerning consistency with the comprehensive plan and community development objectives shall be submitted along with any required fees and forms provided by the municipality. Upon acceptance, the application shall be afforded the timelines and process provided for final PRD approval. The governing body, however, shall hold a public hearing pursuant to public notice prior to voting on the application.
2. Modification approval shall be provided in a manner that meets all requirements and standards of this Article.
3. Findings regarding approval shall consider the following:
  1. No such modification, removal or release of the provisions of the development plan by the municipality shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section.
  2. No modification, removal or release of the provisions of the development plan by the municipality shall be permitted except upon a finding by the governing body or the planning agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Article, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.
  3. No part of the approval shall conflict with private covenants that run in favor of residents or property owners within the entire PRD.

*(Ord. 935, 5/10/2018, §27-609)*

**ARTICLE VII**

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT**

**§27-700. Purpose.**

Traditional neighborhood development or TND is hereby established to achieve the following objectives and land use goals:

1. To maintain a healthy economic climate by providing a sufficient and compatible mix of residential and nonresidential uses.
2. To provide sustainable residential and business districts within the Borough by encouraging a mix of uses and housing types that fill the needs of a range of age classes, economic classes, and family types that constitute the Borough's present and future residents and business owners.
3. To create a sense of place and community identity by encouraging uses in an integrated pedestrian scale environment, housed within structures that offer a unique architectural style, yet one that provides a scale that is integrated with that pedestrian environment.
4. To encourage and promote infill, within the Borough's traditional corridors, thus combating the ill effects of blight within the Borough's existing neighborhoods.

*(Ord. 935, 5/10/2018, §27-700)*

**§27-701. Applicability of Other Ordinances.**

1. Unless expressly modified by provisions of this Article, all municipal ordinances including but not limited to erosion and sedimentation, grading, street construction standards, and stormwater shall apply to subdivisions and land developments approved in accordance with this Article and compliance with the aforesaid shall serve as a prerequisite or requirement of traditional neighborhood development approval.
2. Only those portions of the subdivision and land development ordinance specifically referenced within this Article shall apply.
3. Where a finally approved traditional neighborhood development is recorded and properly filed with the Allegheny County Recorder of Deeds Office, all portions of the zoning ordinance and subdivision ordinance otherwise applicable to the land shall cease to apply thereto.

*(Ord. 935, 5/10/2018, §27-701)*

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### **§27-702. Approval Process.**

1. Tentative and final approval shall be required for all TND's. All application requirements and submission standards specified for the respective approvals within Article VI of this Chapter, "Planned Residential Development," shall represent the minimum requirements herein.
2. Additionally, all procedural timelines and scheduling duly afforded the applicant by Article VI, of this Chapter, shall apply to the review, processing, and ultimate action of plan approval, approval with conditions, or denial of a traditional neighborhood development.
3. The governing body shall issue findings regarding the tentative approval in accordance with the findings considered for planned residential development and the following in addition thereto:
  1. Level of integration into adjacent neighborhoods in terms of scale and pedestrian and vehicular connections.
  2. The reasonable extent to which existing structures are adaptively reutilized.
4. Modifications may be requested and granted in accordance with the findings and standards outlined by Article VI, "Planned Residential Development."

*(Ord. 935, 5/10/2018, §27-702)*

### **§27-703. Types of Traditional Neighborhood Developments.**

This Chapter establishes the following types of Traditional Neighborhood Development Districts that shall be classified as distinct uses authorized by district.

1. Type I: Mixed Use.
2. Type II: Traditional Residential.
3. Type III: Mobile Home Park.

*(Ord. 935, 5/10/2018, §27-703)*

### **§27-704. TND Standards.**

The following outline the standards by which all proposed TND's shall be evaluated and also constitute the regulations to which all future uses and improvements within those approved TND's must adhere.

1. **Bulk Standards and Public Improvements.**
  1. The following definitions shall apply to this Article:

- A. **MIXED USE BUILDING** - any structure containing residential dwellings units combined with commercial uses permitted as of right in the respective zoning district of the traditional neighborhood development in which it is located, where the commercial component comprises at least 20% of the gross square footage of the structure.
  - B. **COMMON OPEN SPACE** - space provided for the use and enjoyment of residents of a plan or patrons and employees of an establishment, or of the public at large.
2. A build-to line shall be established, which shall be between 15 and 30 feet. Unenclosed porches may invade said line by eight feet. Both the proposed character of the development and the present character of adjacent neighborhoods shall determine the build-to line. Twenty percent of the proposed structures are encouraged to deviate from the build-to line by five to ten feet and may be between 15 to 40 feet from the right-of-way line. Namely, the offset of larger nonresidential structures is encouraged in the aforementioned manner as approved by the governing body.
  3. All lighting, parking, signage, and accessory structure standards cited in this Chapter shall apply to this Article, unless expressly modified herein.
  4. **Lighting.** Street lighting shall be required within ten feet of the right-of-way. Covenants in favor of the Borough shall require the maintenance of said lighting. The height of said lighting shall be limited to 15 feet and shall be approved by Council based on designs appropriate to a residential and pedestrian scale.
  5. **Numbers of Units and Size of TND Development.** Each phase of a TND proposed shall contain at least five dwelling units which may include up to two repaired units as outlined in §§27-704.2.5 and 27-704.3.4.
  6. **Trees.** Street trees shall be provided as follows.
    - A. One high level planting every 100 feet, alternating every 50 feet on each side of the street; or one ornamental tree every 50 feet, alternating every 25 feet on each side of the street.
    - B. Trees shall be planted a uniform distance from the right-of-way, ranging from three to ten feet from the right-of-way line. Covenants in favor of the municipality requiring maintenance or replacement of said trees shall be recorded.
  7. Sidewalks shall be along all street frontage of the area proposed for development or redevelopment. Sidewalks shall be constructed according to municipal standards and shall connect to existing adjacent sidewalks or pedestrian corridors.
  8. Where a tentative plan will result in 15 or more dwelling units or where a combination of dwellings units and uses results in more than 150 average daily trips, a traffic impact study compiled and sealed by a registered traffic engineer shall be submitted. Said study shall confirm or reject the adherence to the following minimum standards. Where

proposed intersections or streets fail to meet minimum requirements, the study shall make recommendations for improvements that would serve to satisfy the minimum standards of this Chapter. All streets and intersections impacted by the trip generation of the proposed TND shall demonstrate a minimum Level of Service of D according to the latest edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers. All proposed intersections shall demonstrate a minimum service level of C.

9. **Landscaping.** In addition to street trees, landscaping shall be provided in the following areas and according to the following standards:
  - A. All common land reserved for townhouse development and nonresidential use shall provide landscaping at the following rates. One low level per 1,000 square feet of land area; and one high level landscaping for every 7,500 square feet of land area. (Two ornamental trees may be substituted for a high level planting.)
  - B. **Priority of Landscaping Placement.** Landscaping shall be installed between residential and nonresidential uses; along the perimeter of the TND; and along the building perimeter of parking lots, nonresidential buildings, and townhouses.
10. **Steep Slopes and Hazardous Development.**
  - A. No buildings shall be erected within an area of steep slope.
  - B. No more than 20% of a steep slope area shall be disturbed through clear cutting or grading due to the construction of streets, driveways, or access roads.
11. **Common Open Space Requirements.**
  - A. Twenty percent of the total site area shall be designated as common open space per the following standards.
  - B. Common open space shall be provided as a corridor around the perimeter of the TND site not fronting on a street. Said corridor shall be at least 20 feet in width and shall provide a reasonable integration with existing and proposed pedestrian and green space corridors. This requirement may be waived by the governing body where the TND is bordered by a public park, natural features such as streams, or where the TND is directly integrated into a previously approved TND or neighborhood of similar character.
  - C. Common open space may be provided as a central plaza, the boundaries of which shall be defined by landscaping or other amenities as approved by the governing body. The plaza shall be traversed by a minimum of one sidewalk meeting the minimum standards of this Article. Plazas shall cover a minimum of 3,750 square feet. Plazas shall provide a central focal point such as landscaping, gazebo, or another amenity as acceptable to the governing body. The grade of the plaza shall not exceed 5%.

- D. A minimum of 50% of the common open space required shall be maintained as a lawn.
- E. A minimum of 50% of common open space provided shall be less than 15% slope.
- F. All common open space provided shall include covenants which shall be recorded and effective prior to the issuance of grading or building permits on the site. The Borough reserves the right to require dedication of any such land to the municipality, in which case the fee simple dedication of said land and acceptance thereof shall take place prior to the issuance of building or grading permits on the site. Common open space provided around the perimeter of a TND bears a preservation easement or covenants restricting building or the destruction or natural features or landscaping thereon, said open space may not guarantee rights of access to residents or the public at large.

12. **Lot and Block Standards.**

- A. Blocks shall be at least 500 feet in length and no more than 1,200 feet in length.
- B. All principal uses shall demonstrate direct legal access to a street.
- C. Through lots shall be avoided.
- D. Lots designed for single-family and duplex structures, where the land is held in fee simple ownership shall adhere to the following standards. Said lots shall provide at least 40 feet of street frontage and shall provide a minimum lot area of 5,000 square feet.
- E. Flag lots or rear lots are permitted where access is provided by a minimum of a 20-foot access easement or parcel strip which shall be no more than 200 feet in length and shall not count toward the minimum lot area of the parcel(s) to which said strip provides access. An access easement, as specified herein, may also function as a shared driveway serving up to two parcels. No more than one flag or rear lot, or one group of two such lots, shall be permitted per block. In cases where a shared driveway is proposed, a maintenance agreement which shall run with the land shall be submitted, detailing the responsibilities of future repair and winter maintenance. Said agreement shall be recorded with the subdivision plat and shall be signed by the property owners of each lot. Said lots shall be at least 40 feet wide at the front yard building setback. Said setback shall be provided along the portion of the lot facing the access point, flag, easement or shared driveway. Side yard setbacks shall be provided from the flag or easement to the lots abutting the flag portion of the lot or the easement.
- F. **Streets.** Proposed streets shall conform to the following standards:
  - (1) Proposed streets shall be laid out so as to minimize land disturbance and grading while providing a reasonable extension of the traditional grid street pattern in the vicinity of the development.

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- (2) Proposed street classification shall be limited to collector and local streets. For purposes of this Article, said streets shall be defined as follows:
  - (a) **Local Streets.** Streets that serve up 240 average vehicle trips per day.
  - (b) **Minor Collector Streets.** Serve between 241 and 1,500 average trips per day.
- (3) **Calculation of Trips.** The aforesaid trips shall exclude pass through trips. Calculations shall be determined using the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers.
- (4) **Table of Street Standards.**

Type	Right-of-Way	Cartway	Maximum Grade	Minimum Centerline Radii, Horizontal Curves	Minimum Design Speeds
Minor Collector	28-40 feet	24-28 feet	10%	200 feet	25 miles per hour
Local	22-30 feet	18-24 feet	12%	100 feet	15-20 miles per hour

- (5) The minimum clear sight triangle of any proposed intersection shall be 200 feet, wherein no plantings or structures greater than 30 inches in height shall be permitted.
- (6) Vertical curves shall be provided for all changes in grade exceeding 1%. For each 1% of algebraic difference between tangent grades over 3%, at least 15 feet of vertical curve length shall be provided. A minimum of 50 feet of vertical curve length shall be provided.
- (7) Intersections between more than two streets are prohibited.
- (8) Driveways and access drives shall not enter onto a street within 50 feet of any street intersection.
- (9) Where the approach of any proposed street exceeds 5%, a leveling area at least 50 feet in length as measured from the cartway edge of the adjoining street shall be provided at a grade of 3%.
- (10) Curb radii at proposed intersections shall be between ten and 20 feet.
- (11) Alleys or access drives shall be required where the street frontage of single-family or duplex residential lots is 40 feet and where businesses or townhouses possess party walls which effectively prohibit direct access to the rear of the subject unit.

(12) **Alley Standards.**

- (a) Alleys shall not provide sole access to any principal use.
- (b) Alleys shall possess a minimum cartway of 12 feet with a minimum right-of-way of 16 feet.

(13) All streets and alleys terminating in a dead end shall provide a hammerhead or cul-de-sac in accordance with the following standards:

- (a) The length of said streets, as measured from the cartway of the intersecting street to the center of the cul-de-sac or hammerhead shall not exceed 720 feet in length and shall not serve uses generating more than 200 average trips per day as determined using Trip Generation.
- (b) Minimum cul-de-sac radius shall be 40 feet with a cartway of 14 feet surrounding a landscape island, if provided. Minimum right-of-way required shall be 45-50 feet.
- (c) Hammerheads shall provide 50 feet for the long dimension with a 25-foot radius between the street and the hammerhead.
- (d) Larger minimum standards may be required by the municipal engineer where commercial vehicles are intended to utilize the hammerhead or cul-de-sac.

2. **Type I: Mixed Use TND. Use Standards.**

- 1. **Permitted Uses.** All uses permitted in the underlying zoning district shall be permitted within the TND. Additionally townhouses, as defined and allowed within this Article, shall be permitted.
- 2. At least one single-family unit shall be provided for every four units consisting of townhouses or duplexes.
- 3. TND's proposing more than five dwelling units shall provide nonresidential uses at a minimum rate of 25% of the square footage calculated by the sum of 1,500 square feet per dwelling unit proposed.
- 4. Conversely, in no case shall the gross floor area of principal nonresidential structures proposed exceed 2,000 square feet per dwelling unit proposed, excepting nonresidential structures, any part of which lie within 150 feet of the Route 30 right-of-way on parcels bearing frontage on said right-of-way.
- 5. Existing structures, which are adjacent to or within the area of the proposed development, may be incorporated, only under the following conditions, as part of said development for purposes of determining the preceding calculations (13). The subject structures shall exhibit multiple violations of the Property Maintenance Code enforced

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by the municipality, the remedy of which shall exceed \$3,000 in cost. The Municipal Engineer shall determine said violations and costs. Covenants shall be placed on the aforesaid properties limiting the use of the property to the uses for which the properties were proposed and classified as part of the TND.

6. Maximum density of residential dwelling units: six per acre including areas designated as open space to serve residential use, as defined and required herein.
7. Maximum lot coverage: 50%
8. Maximum impervious surface coverage: 70%
9. All residential dwelling units having or proposing detached or attached garages shall construct said garages in a manner in which the garage door does not face the front yard.
10. **Townhouse Standards.**
  - A. The fronts of each unit shall be varied as follows. Each unit shall be offset from the abutting unit by at least 1 foot or shall provide changes in approved facade, such that each adjacent unit bears an alternating facade, as approved by the governing body in accordance with the purposes set forth in this Article. Each unit shall bear either a roof style varying from that of the adjacent unit (including facing the gable, hip, or similar style of roof in alternating directions, dormers, changes in the pitch of the roof, or similar variations).
    - (1) Flat roofs are prohibited.
    - (2) No more than five adjacent units, sharing party walls, are permitted for each townhouse development.
    - (3) Groups of townhouses shall not be located closer than 25 feet from any adjacent principle structure or group of townhouses.
11. In cases where single-family or duplex units are proposed on land under fee simple ownership, only one principle structure shall be permitted on each lot. Said lots shall be subject to the standards for side and rear yard set setbacks, and maximum lot coverage as specified in the underlying zoning district.
12. Maximum height of residential structures: 35 feet or two and one-half stories.
13. Principal structures housing nonresidential uses, in whole or in part, shall adhere to the following standards:
  - A. Maximum lot coverage: 70%.
  - B. Impervious surface coverage: 80%.

- C. Building standards shall comply with those cited in the bulk regulations of this Chapter.
  - D. The cumulative length of any building facing a front yard shall be limited to 150 feet, excepting groups of buildings with party walls, and shall adhere to the standards of §27-905.
  - E. Maximum height of nonresidential structures: 45 feet or three stories.
  - F. Side-yard setback: eight feet per story.
  - G. Rear-yard setback: 15 feet per story.
14. Principal structures housing nonresidential uses, in whole or in part, and separated by party walls shall adhere to the following standards:
- A. Lot coverage and setbacks cited in the §27-704.2(11) shall apply to the entire group of said structures and the parcel(s) upon which they are constructed as applied to one principal structure.
  - B. No group of said nonresidential structures shall exceed 225 feet in length.
  - C. Where flat roofs are provided, the front of the structure shall bear a decorate facade projecting above the roof.
  - D. The facade of each separate unit shall vary in either color or type, pattern, or offset by at least one foot.
15. Principal nonresidential structures bearing no party walls and standing independently shall adhere to the standards of §27-905, “Large Scale Building Standards” and the length of said structures directly or most nearly parallel to any public street shall not exceed 225 lineal feet facing each respective street.

3. **Type II: Residential TND Use Standards.**

- 1. **Permitted Uses.** All uses permitted in the underlying zoning district shall be permitted within the TND in the manner otherwise authorized. Additionally, townhouses, as defined and allowed within this Article, shall be permitted.
- 2. At least one single-family unit shall be provided for every three units consisting of townhouses or duplexes. Where nonresidential uses are approved and proposed in accordance with this Chapter and noted as such in the underlying zoning district, each 1,500 square feet of the floor area of said uses shall count as one townhouse unit for purposes of this Section’s requirements.
- 3. In no case shall the square footage of nonresidential use proposed exceed 750 square feet per dwelling unit proposed.

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4. Existing structures, which are adjacent to or within the area of the proposed development, may be incorporated, only under the following conditions, as part of said development for purposes of determining the preceding calculations (13). The subject structures shall exhibit multiple violations of the 2000 International Property Maintenance Code, the remedy of which shall exceed \$3,000 in cost. The municipal engineer shall determine said violations and costs. Covenants shall be placed on the aforesaid properties limiting the use of the property to the uses for which the properties were proposed and classified as part of the TND.
5. Maximum density of residential dwelling units: One per 5,000 square feet of land area, excepting street and alley rights-of-way.
6. All residential dwelling units having or proposing detached or attached garages shall construct said garages in a manner in which the garage door does not face the front yard.
7. **Townhouse Standards.**
  - A. The fronts of each unit shall be varied as follows. Each unit shall be offset from the abutting unit by at least one foot or shall provide changes in approved facade, such that each adjacent unit bears an alternating facade, as approved by the governing body in accordance with the purposes set forth in this Article. Each unit shall bear either a roof style varying from that of the adjacent unit (including facing the gable, hip, or similar style of roof in alternating directions, dormers, changes in the pitch of the roof, or similar variations). Flat roofs are prohibited.
  - B. No more than five adjacent units, sharing party walls, are permitted for each townhouse development.
  - C. Groups of townhouses shall not be located closer than 25 feet from any adjacent principle structure or group of townhouses.
8. In cases where single-family or duplex units are proposed on land under fee simple ownership of the unit owner, one principle structure shall be permitted on each lot. Said lots shall be subject to the standards for side and rear yard setbacks, and maximum lot coverage, as specified in the underlying zoning district.
9. Maximum principle building height: 35 feet or two and one-half stories.
10. All nonresidential uses shall adhere to the same setback and lot coverage standards to which single-family and duplex uses are limited under the TND II standards.

#### 4. **Type III: Mobile Home Park Use Standards.**

1. Total density shall be calculated as follows: 70% of the total square feet of site area/5,000 square feet. The preceding notwithstanding, shall be modified to 70% of the total square feet of site area/4,000 square feet where by covenant, the mobile home park is limited to either occupancy solely by persons aged 62 or older or the mobile home park

requires occupancy by at least one person 55 years of age or older in a least 80% of the units. The preceding conditions qualify as exemptions for elderly housing under the Federal Fair Housing Act. The purpose of this provision is to provide for the housing needs of the Borough's elderly, who while desiring to live independently may not possess the ability or desire to maintain a traditional single-family home.

2. **Permitted Uses.** Permitted uses are limited to the residential use of mobile homes whereby only one family occupies each unit.
3. A build-to line shall be established between 15 and 30 feet from the right-of way. Unenclosed porches may invade said build-to line by eight feet.
4. Side and rear yard setbacks shall be ten feet and shall be enforced from the mobile home lot line.
5. The minimum street frontage of each mobile home lot shall be 40 feet.
6. **Accessory Structures.** Accessory structures in the Type III TND shall be limited to 144 square feet and ten feet in height and shall not be placed in the front yard of the mobile home lot. Said structures may locate up to five feet from the mobile home lot line.

*(Ord. 935, 5/10/2018, §27-704)*



**ARTICLE VIII**  
**CONDITIONAL USES**

**§27-800. Purpose.**

Several uses, as specified in the district regulations of this Chapter, are deemed conditional uses. Said uses have been identified as having potential impacts and concerns which are, firstly beyond those and greater than those of permitted uses, and secondly having impacts which might vary considerably depending on the character of the facility, structure, or business proposed, and may require special conditions as recommended by the Planning Commission and approved by the governing body.

*(Ord. 935, 5/10/2018, §27-800)*

**§27-801. General Standards.**

1. The Planning Commission shall make recommendations and findings of fact based in the following general and specific criteria, wherein the governing body shall review said finding and conditional use application and shall issue a decision, which may contain reasonable conditions. Said findings, conditions, and recommendations shall consider the following.
2. The maximization of the public health, safety, morals, and welfare through adequate buffering and building location recognizing the need to adequately provide for a certain use or class of uses.
3. The safety and requirements of the clients, residents, or patrons of a potential use through the design of internal pedestrian and vehicular circulation, site ingress and egress, general manner of operation, signage, lighting, and related improvements.
4. The site design of the proposed use shall promote the least intrusive options in regards to signage, vehicular circulation, deliveries, and hours of operation as possible while accommodating the basic requirements of the use's regular business operations.
5. The overall costs versus the benefits in regards to public services, tax revenues, and benefits to the Borough's residents as related to reasonable site design or associated modifications provided by the applicant.

*(Ord. 935, 5/10/2018, §27-801)*

**§27-802. Application and Approval Process.**

1. The applicant shall submit the following items, including required filing fees, which shall be required in order to constitute a complete application.

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2. Where new structures, parking, or landscaping are required or proposed, the applicant shall submit a mylar and sufficient copies of a plan on 24 inch by 36 inch sized paper at a scale necessary to show all required details. Said plan shall be drawn by a registered surveyor and shall include all details necessary to demonstrate and evaluate compliance with this Chapter and the standards and criteria specified in this Article.
3. Where new structures are proposed, building elevations showing building facade treatments.
4. Conditional uses defined under §§27-803 and 27-804 shall submit a community impact analysis consisting of the following information:
  1. Information concerning the average number of daily vehicle trips estimated to be generated by such use, with peak-hour vehicle trip ends identified.
  2. Information concerning the estimated amount of tax revenue to be generated by such a use, broken down by revenue to paid to the Borough, the County, and the local school district.
  3. Information concerning the estimated cost of public services to be provided to such use, broken down by cost to be borne by the Borough, the County, and the local school district, including police, transportation, and other public services.
  4. Applicants shall submit a narrative detailing the proposed use including gross floor area, number of employees, operating hours, and a general synopsis of business or use activities.
  5. Required fee per the governing body's adopted fee schedule.
  6. The applicant shall indicate whether or not the applicant is willing to accept the decision of a hearing officer if the governing body, by majority vote, accepts the decision and findings of a hearing officer in lieu of its own decision and findings, as authorized in §913.2 of the MPC as amended.
5. Conditional uses applications for planned residential and traditional neighborhood developments may be submitted simultaneously with the tentative approval application, wherein the conditional use shall be reviewed based on materials submitted with the tentative application proposal. Where no proposal is submitted, the applicant shall submit drawings sufficient to demonstrate compliance with the standards outlined in the respective Sections of this Article. Such drawings and materials include, but are not limited to, approximate number and type of units and uses proposed, existing topography on five-foot intervals, the street network and cartway locations within 500 feet of the site.
6. A complete application shall be submitted to the Zoning Officer at least 21 days prior to the next regularly scheduled monthly Planning Commission meeting.
7. Filing fees and required copies of applications shall be determined by the Borough by resolution or ordinance.

8. All conditional uses relating to developments of regional significance and impact shall be forwarded to the Planning Commission for recommendation at least 30 days prior to the public hearing before the governing body. The Planning Commission may hold a public hearing on the matter. The Zoning Officer shall also submit the application to the local planning commission for their consideration. The local planning commission may discuss the matter at a public meeting and may provide a recommendation to the governing body.
9. The governing body shall hold a public hearing, per public notice, within 60 days of the filing of a complete application. Where a hearing officer has been designated, the officer shall preside over the hearing.
10. A decision and accompanying findings of fact shall be issued within 45 days after the conclusion of the aforesaid hearing. The governing body or hearing officer may attach conditions to any approval that either finds are necessary to permit the conditional use in a manner consistent with this Chapter and this Article in particular. A condition of approval shall include the receipt of the applicant's signature, indicating acceptance of the findings of fact and conditions, if any, within 30 days of approval, wherein the failure of the applicant to submit the aforesaid acceptance shall be deemed a denial of the conditional use. A copy of the decision shall be filed at the governing body's office. The decision shall be mailed to the applicant no later than one day following the date of the decision.
11. Where the governing body fails to render the decision within 45 days of the conclusion of the required public hearing or fails to commence the required hearing within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing in accordance with §908(1.2) of the Municipalities Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.

*(Ord. 935, 5/10/2018, §27-802)*

### **§27-803 Adult Uses.**

1. Adult uses shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed adult use. Said distance shall be measured from the lot line on which the preceding uses and facilities are situated.
2. Principal structures housing the adult use shall be set back a minimum of 200 feet from the lot line of any property bearing a residential zoning classification.

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3. The hours of adult uses may be restricted to 8:00 a.m. through 10:00 p.m. Restricted hours, if required as a condition of approval, shall be based upon findings of fact and factors relating to the location of the proposed facility with other businesses, residential areas, and public uses; and shall not be restricted more than the maximum stated herein.
4. **Application Requirements.** Applicants shall submit a plan prepared by a registered surveyor at a scale of at least one inch = one foot showing the general design of the site including building location, ingress and egress, parking, and locations of entrances. Applicants shall submit a narrative detailing the nature of the business proposed and anticipated hours of operation. Applicants shall submit a community impact statement as outlined in this Article.

(Ord. 935, 5/10/2018, §27-803)

### **§27-804. Psychiatric and Drug Abuse Facilities.**

1. Psychiatric and drug abuse facilities shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship within the Borough established prior to the proposed treatment facility. Said distance shall be measured from the lot line on which the preceding uses and facilities are situated.
2. Said facilities shall demonstrate compliance with all applicable state regulations as instituted by the Department of Health and the Department of Public Welfare.
3. Said uses shall be set back at least 50 feet from any lot line.
4. Applicants shall submit a plan prepared by a registered surveyor at a scale of at least one inch = 50 feet showing the general design of the site including building location, ingress and egress, parking, and locations of entrances. Applicants shall submit a narrative detailing the nature of the business and its consistency with applicable state requirements. Applicants shall submit a community impact statement as outlined in this Article.
5. Personnel licensed by the Pennsylvania Department of Health shall man such uses during all hours of operation.

(Ord. 935, 5/10/2018, §27-804)

### **§27-805. Communications Towers.**

1. The applicant shall demonstrate the following, the demonstration of which shall be evaluated by the Planning Commission and the Borough.
  1. Planned equipment will not exceed the structural capacity of existing communications towers considering existing and planned use of those communications towers, and existing communications towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

2. Planned equipment will not cause radio frequency (RF) interference with other existing or planned equipment for that communications tower, and the interference cannot be prevented at a reasonable cost.
3. Existing or approved communications towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned.
4. Other reasons make it impractical to place the equipment planned by the applicant on existing and approved communications towers.
5. The applicant shall also include a plan to indicate feasibility of locating additional communications antennas on the proposed communications tower.
6. Where a communications tower is proposed, the applicant shall similarly demonstrate the exhaustion or ineffectiveness of other options as well as the need for the tower proposed.
7. No tower permitted shall exceed 199 feet in height.
8. Towers shall be setback one foot for every one and one-half feet of the height of the tower or within the district setbacks which would otherwise apply to other principal structures, whichever is greater.
9. A solid fencing surrounded by low level landscaping shall screen all other associated structures or equipment. Said structures shall comply with all standards applying to principal structures within the district in which said structures are placed.
10. No tower shall be located closer than one mile to any other existing tower. In cases of telecommunications, the applicant shall demonstrate that a significant gap exists in the nationwide cellular network thus necessitating the erection of an additional tower.
11. Radio Frequency Emissions. A communications tower shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
12. Time Period for Municipal Response. Within 30 calendar days of the date that an application for a communications tower is filed with the Borough, the Borough shall notify the WCF applicant in writing of any information that may be required to complete such application. All applications for communications towers shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such communications towers and the Borough shall advise the WCF applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the 150-day review.

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2. The following regulations shall apply to communications towers located in the public rights-of-way.
  1. Location and development standards.
    - A. Height. Communications towers in the ROW shall not exceed 32 feet in height and are prohibited in areas in which all utilities are located underground.
    - B. Location. Communications tower shall not be located in the front façade area of any structure.
    - C. If co-location on existing utility poles, communications towers, or other tall structures is not possible, new communications towers in the ROW shall be permitted along the following streets and roads:
      - (1) 500 block of Victor Street
      - (2) 500 block of Playford Street
      - (3) 1100 block of Melrose Street
      - (4) 400 block of Leslie Street.
  2. Equipment Location. Communications towers and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
    - A. In no case shall ground-mounted related equipment, walls, or landscaping be located within 18 inches of the face of the curb.
    - B. Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
    - C. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
    - D. Any graffiti on the tower or on any related equipment shall be removed at the sole expense of the owner and or/operator of the tower within 30 days' notice from the Borough of the existence of such graffiti.
  3. Design regulations.
    - A. Stealth Technology. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.

- B. Design to Promote Other Users. Any proposed communications towers shall be designed structurally, electrically, and in all respects, to accommodate both the WCF applicant's antennae and comparable antennae for future users.
  - C. Signs. All communications towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
  - D. Lighting. No communications tower shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Secretary.
  - E. Noise. Communications towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
  - F. Engineer signature. All plans and drawings for a communications tower shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- 4. Gap in Coverage. A WCF applicant for a communications tower must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of communications tower.
  - 5. Radio Frequency Emissions. A communications tower shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
  - 6. *Timing of approval.* Within 30 calendar days of the date that an application for a communications tower is filed with the Borough, the Borough shall notify the WCF applicant in writing of any information that may be required to complete such application. All applications for communications towers shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such communications tower and the Borough shall advise the WCF applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the 150-day review period.

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7. Relocation or Removal of Facilities. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of communications tower in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - A. The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
  - B. The operations of the Borough or other governmental entity in the right-of-way;
  - C. Vacation of a street or road or the release of a utility easement; or
  - D. An emergency as determined by the Borough.
8. Insurance. Each person that owns or operates a communications tower shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each communications tower.
9. Reimbursement for ROW use. In addition to permit fees as described in this section, every communications tower in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each communications tower shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.
10. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all communications towers in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

### 3. **Communications Antennas.**

1. Communications antennas that fall under the Pennsylvania Wireless Broadband Collocation Act shall not be subject to conditional use proceedings.
2. Communications antennas that do not fall under the Pennsylvania Wireless Broadband Collocation Act shall be subject to the following regulations:

- A. Non-commercial usage exemption. Borough residents utilizing satellite dishes and antennae for the purpose of maintaining television, phone, amateur (HAM) radio, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance.
- B. Standard of care. All communications antennas shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
- C. Radio frequency emissions. A communications antenna shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- D. Historic Buildings. No communications antenna may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is listed on the official historic structures and/or historic districts list maintained by the Borough.
- E. Collocation. Communications antennas in the ROW shall be collocated on existing poles, such as existing utility poles or light poles. If collocation is not technologically feasible, the WCF applicant shall locate its communications antenna on existing poles or freestanding structures that do not already act as wireless support structures with the Borough's approval.
- F. Design Requirements:
  - (1) Height. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - (2) Stealth design. Antenna and related equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted. Borough Council shall have the discretion to approve or deny the applicant's final design choice.

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- G. Insurance for Facilities not in the ROW. Each person that owns or operates a communications antenna not located in the ROW shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications antenna.
- H. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all communications antennas in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- I. Removal, Replacement and Modification of Antennas not in the ROW.
- (1) The removal and replacement of a communications antenna and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall size of the wireless support structure or the number of antennae.
  - (2) Any material modification to an existing WCF shall require notice to be provided to the Borough, and possible supplemental permit approval to the original permit or authorization.
- J. Relocation or Removal of Facilities in the ROW. Within two months following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (1) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
  - (2) The operations of the Borough or other governmental entity in the Right-of-Way;
  - (3) Vacation of a street or road or the release of a utility easement; or
  - (4) An emergency as defined by the Borough.

*(Ord. 935, 5/10/2018, §27-805)*

**§27-806. Neighborhood Public and Semi-Public Uses.**

1. Where new construction is proposed, neighborhood public and semi-public uses shall be limited to a building footprint twice the size of the specified minimum building footprint, per the number of stories proposed.
2. While permitting handicap parking and forms of parking or drop-off necessary to the regular functioning of the use, required parking shall be located in the side or rear yards of the use, unless the character of an existing property does not permit such an arrangement.
3. All impervious surfaces shall be set back at least five feet from any property line.
4. Any parking lot which directly faces an abutting property containing a principle residential use or which faces a street, shall provide a continuous screen of low level landscaping such that the headlights of vehicles are not visible through said screening when screening has grown to maturity.
5. The hours of neighborhood public and semi-public uses may be restricted to 7:00 a.m. through 10:00 p.m. Restricted hours, if required as a condition of approval, shall be based upon findings of fact and factors relating to the location of the proposed facility with other businesses, residential areas, and public uses; and shall not be restricted more than the maximum stated herein.

*(Ord. 935, 5/10/2018, §27-806)*

**§27-807. Community Center.**

1. It is the intent of the Borough to provide for an adequate range and amount of recreational and community facilities. The remaining provisions of this Article notwithstanding, said facilities may consist of a combination of the following uses as principal or accessory uses.
  1. 61162 Sports and Recreation Instruction
  2. 71394 Fitness and Recreational Sports Centers
  3. 53112 Lessors of Nonresidential Buildings (except Miniwarehouses) Banquet Halls only
  4. 7221 Full-Service Restaurants
  5. 7222 Limited-Service Eating Places
2. Any structure housing these facilities shall be located at least 50 feet from the bounding property lines of all commonly owned properties which constitute a park and zoned neighborhood park. Likewise, impervious surface area for parking and access to said facilities shall be located no closer than 20 feet to said lines.

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3. Any parking lot or outside storage area which directly faces an abutting property containing a principle residential use or which faces a street, shall provide a continuous screen of low level landscaping such that the headlights of vehicles are not visible through said screening when screening has grown to maturity.
4. The maximum height of any approved structure shall be two stories or 35 feet.
5. The maximum building footprint of any approved structure shall be 25,000 square feet.
6. The maximum building coverage of structures approved to house community center activities in addition to all other structures located within the bounding property lines of all commonly owned properties which constitute a park and are zoned neighborhood park, shall not exceed 20% of said area. Where said area consists of multiple parcels, covenants shall be recorded stating that either no further building shall take place or no coverage beyond a percent determined by this Section and governing body shall be constructed. Also, a condition of approval may, if necessary, include limits on further building and zoning permits issued by the municipality.
7. Approvals of conditional uses shall include the condition that any change of use of approved facilities shall require subsequent conditional approvals.
8. The applicant shall submit a parking plan, to be evaluated in accordance with the parking standards of this Chapter, a general site plan showing the area of the buildings, proposed landscaping where required by the local subdivision ordinance, and building elevations showing general schematics and facade materials, and all other requirements associated with Section 709 of this Chapter.
9. Approval and findings of fact of the preceding uses and structures shall be based on the following.
10. The level of community and recreational need filled by the proposed facility versus the impact of the facility on vehicular circulation, surrounding neighborhoods, and the functionality of the park in which it is located.
11. The present character of the surrounding land shall be considered. The grounds shall be suited for and maintained such that the property provides for passive recreational uses in addition to the proposed facilities and uses.
12. The proposed facilities shall promote community activity in a manner that provides a focal point for cultural and recreational activities for all ages while presenting minimum impacts and nuisance potential for the Borough as a whole as well as adjacent properties.
13. The governing body may consider additional uses not cited above based on their adherence to the aforementioned criteria. The governing body may likewise restrict the above listed uses based on the preceding criteria.

*(Ord. 935, 5/10/2018, §27-807)*

**§27-808. Alternative Build-to Line.**

1. The applicant shall submit scaled drawings, sealed by a Pennsylvania Licensed Surveyor, depicting the location of the proposed structure, the subject right-of-way and cartway, and the location of existing structures sufficient to demonstrate compliance with the criteria listed herein as they relate to the applicant's request.
2. The applicant shall submit general information in terms of the height of the proposed structure.
3. Approval and findings of fact shall be based on the following:
  1. The proposed build-to line shall be consistent with the general character of the block on which it is proposed.
  2. The build-to line proposed shall vary from that of the most proximate structure only where that structure's location is found to be out of character with the remaining structures on a block.
  3. The general scale of the structure, in terms of the number of stories proposed, shall be consistent with that of existing structures on a block.
  4. The Borough may place conditions requiring landscaping and sidewalk placement that integrates the development with adjacent uses for the respective purposes of property value preservation and the facilitation of pedestrian access throughout the subject neighborhood or business district.

*(Ord. 935, 5/10/2018, §27-808)*

**§27-809. Drive-Through Facility.**

1. The drive-through facility shall comply with all standards cited in the Article VIII of this Chapter.
2. Minimum lot frontage shall be 150 feet.
3. Minimum lot size shall be 20,000 square feet.
4. The drive-through facility shall contain appropriate buffering in the form of landscaping or decorative fencing designed to block the effects of headlights and noise generated by associated vehicle operation.
5. The facility shall comply with all standards listed under §27-401 of this Chapter.

*(Ord. 935, 5/10/2018, §27-809)*

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### **§27-810. Large Scale Industrial, Warehouse, and Service Uses.**

1. The use shall be conducted on a minimum three-acre lot or parcel.
2. Principal structures shall be setback a minimum of 200 feet from side and rear property lines.
3. Any storage or display of materials within 100 feet of any property line or in front of the principal structure shall be screened by an opaque fence such that the materials stored are not visible more than five feet above said fence. Said fences shall be set back a minimum of 20 feet from any property line and shall be classified as a principal structure subject to those requirements as specified in §27-907, "Landscaping and Buffering."
4. The use shall meet all performance standards applicable including, but not limited to, noise, lighting, and parking.
5. No parking of construction equipment, commercial vehicles, loading, or storage of materials shall be conducted in the front yard of the facility.

*(Ord. 935, 5/10/2018, §27-810)*

### **§27-811. Large Scale Retail and Service.**

1. A continuous hedgerow or screening of low level plantings shall be installed around the perimeter of any parking, sales, or storage lot facing a street, access drive, or side lot line.
2. The area of impervious surface covered by access drives, loading areas; parking, storage, and sales lots shall be limited to twice that of the gross square footage of the principal structure or structures housing the use or establishment.

*(Ord. 935, 5/10/2018, §27-811)*

### **§27-812. Essential Services Buildings.**

1. The building shall be reasonably necessary for the satisfactory provision of services by the utility to the neighborhood or area in which the particular use is to be located.
2. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the enjoyment of property rights in the zoning district in which it is located.
3. The applicant shall demonstrate adequate screening through fencing, landscaping, or a combination thereof.

*(Ord. 935, 5/10/2018, §27-812)*

**§27-813. Type I and Type II Traditional Neighborhood Development.**

1. The proposed site shall contain a minimum of 75,000 square feet of contiguous parcels or parcels directly fronting an existing street or right-of-way in a parallel manner.
2. The site shall be located in proximity to an existing street network so that the site may be integrated into the adjoining network at least two access points.
3. Each phase of any such development shall contain a minimum of 30,000 square feet.

*(Ord. 935, 5/10/2018, §27-813)*

**§27-814. Type III Traditional Neighborhood Development (Mobile Home Park).**

1. Each tentative TND or phase thereof shall include at least eight mobile homes.
2. The proposed site shall be comprised of contiguous parcels or parcels.
3. Where mobile home lots front an existing street, the governing body may require the following based upon the location of the site and its subsequent impact on adjoining neighborhoods of differing character and housing type in order to protect the market values and existing neighborhood character:
  1. Continuous screening provided by a hedgerow or low-level plantings.
  2. A tree lawn up to ten feet in width between required sidewalks and or the subject right-of-way with high-level plantings every 50 feet or in a manner consistent with adjoining neighborhoods.
  3. Access to mobile home lots may be restricted to access drives within the mobile home park.

*(Ord. 935, 5/10/2018, §27-814)*

**§27-815. Planned Residential Development.**

1. The minimum site area shall consist of ten contiguous acres.
2. While planned residential development is intended to provide for the preservation of steep slopes and wooded hillsides, the site shall demonstrate a reasonable feasibility to construct the units proposed.
3. Each phase proposed shall include at least 25% of dwelling units approved.

*(Ord. 935, 5/10/2018, §27-815)*

## ZONING

### **§27-816. Planned Residential Development, Mixed Use.**

1. The minimum site area shall consist of ten contiguous acres. A minimum of three contiguous acres within the site shall bear an absence of steep slopes.
2. Each phase shall contain a minimum of three acres, excluding open space required or approved.

*(Ord. 935, 5/10/2018, §27-816)*

### **§27-817. Mineral Removal or Mining.**

1. A copy of all site plan information that will be required by the State DEP shall also be submitted as part of the zoning application.
2. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer.
3. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future use.
4. A 75-foot-wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of six feet and an average of one high level planting for each 50 feet of distance along the lot lines.
5. The area of excavation shall be set back from the exterior property lines of the parcel or parcels involved by a minimum of 100 feet, including 100 feet from any street.
6. Reasonable standards encouraging compliance with §27-401, “[Use] Performance Standards,” shall be imposed, including but not limited to hours of operation and points of primary access.
7. Bonding of all local roads within the Borough shall be a condition precedent to the commencement of operations on the site.

*(Ord. 935, 5/10/2018, §27-817)*

### **§27-818. Gas Wells.**

#### **1. Application Requirements.**

1. The applicant shall submit evidence that all required materials have been submitted to the Department of Environmental Protection.

2. The applicant shall submit a statement of understanding concerning the standards of this Section and the applicant's plan for compliance, namely in regards to the use of compression on the site.
  3. The applicant shall submit cross sections of the proposed access where it meets municipal streets.
  4. The applicant shall submit site distance measurements for the access, whether proposed or existing.
  5. The applicant shall submit a plan showing the access route (of municipal or State roads) over which heavy equipment will travel to the site.
2. The preceding items one through five, along with the required fee, shall constitute the minimum required to consider the request for conditional use complete.
  3. The applicant shall meet all current minimum driveway site distance standards and shall demonstrate that the point of access to any municipal street will not cause the erosion of mud or debris onto said street.
  4. Bonding of all local roads within the Borough shall be a condition precedent to the commencement of operations on the site.
  5. Noise limits shall, to the furthest extent practical in terms of well drilling, and in terms of compressor use, both short and long term, comply with the performance standards outlined under §27-401.

*(Ord. 935, 5/10/2018, §27-818)*

**§27-819. Local Public Use.**

1. Principal structures containing more than 8,000 square feet of gross floor area shall be setback at least 100 feet from the side and rear property lines.
2. Parking and access drives shall be set back a minimum of 50 feet from side and rear lot lines.
3. Accessory structures greater than 2,000 square feet of gross floor area shall be set back a minimum of 50 feet from side and rear lot lines.
4. Sufficient mounding and landscaping shall be installed to ensure the shielding of glare and general vehicular traffic.

*(Ord. 935, 5/10/2018, §27-819)*

**§27-820. Shared Parking.**

1. Parking shall be located within the distances specified elsewhere in this Chapter.

## ZONING

2. All establishments utilizing the parking area shall demonstrate the right to perpetually utilize said area through the recordation of easements or covenants that guarantee access. Leases may be accepted provided that the applicant can demonstrate the feasibility of parking alternatives upon lease expiration. The occupancy of the respective establishment, in such an instance, shall be conditioned upon the availability of said parking wherein the applicant shall sign a statement of understanding verifying said condition.
3. The timing and character of establishment usage shall provide for the proper amount of spaces per establishment utilizing the parking at any time of day. The occupancy of the respective establishment, in such an instance, shall be conditioned upon the operating hours or range of hours presented wherein the applicant shall sign a statement of understanding verifying said condition.
4. Proper signage and pedestrian safety designations and amenities, including sidewalks, shall provide for safe access from each establishment to the parking area.

*(Ord. 935, 5/10/2018, §27-820)*

### **§27-821. Similar Uses Not Specified.**

1. Similar uses not specified as otherwise defined in this Chapter shall be evaluated in accordance with the general standards set forth in this Article.
2. Said uses shall conform to the general character and purpose of the district in which they are proposed as well as the character of those uses otherwise authorized therein.
3. Said uses shall be determined as similar to uses otherwise permitted within the zoning district in which the use is proposed where:
  1. Uses are generally within the same three digit NAICS category as a use expressly authorized.
  2. Production, trip generation, pedestrian traffic generated, hours of operation, and display of products or services shall be reasonably similar to those of uses expressly authorized within the district where the use is requested.
  3. The use shall not be expressly authorized in any other district or location within the Borough.
4. Said uses shall be situated such that their proximity to abutting uses; especially dwellings, churches, and schools; does not compromise the safety and expected use and quiet enjoyment of their occupants, visitors, members, or students.

*(Ord. 935, 5/10/2018, §27-821)*

**§27-822. Normal Agricultural Operations.**

1. Normal agricultural operations shall take place on parcels of ten acres or greater, wherein operations on smaller parcels shall be considered a nuisance given the general topography of the Borough which would effectively limit the operation to a concentrated area of the property.
2. Boarding of horses shall be limited to one horse per every three acres of the parcel.
3. All principal structures shall be set back a minimum of 100 feet from any property line.
4. Greenhouses totaling not more than 5,000 square feet shall be permitted as accessory retail, where 80% of gross sales are derived from the sales of produce grown on site.
5. All patron parking shall comply with the provision of §27-907, "Yard and Buffering Standards."

*(Ord. 935, 5/10/2018, §27-820)*



**ARTICLE IX**

**SUPPLEMENTAL REGULATIONS**

**§27-900. Accessory Structures and Uses.**

1. The following standards shall apply to all accessory structures within the Borough:
  1. All accessory structures shall, at a minimum, adhere to the building setbacks in the zoning districts in which they are situated.
  2. Accessory structures shall not be located in the front yard.
  3. Accessory structures occupying building footprints less than 800 square feet may locate up ten feet from the rear property line.
  4. Sheds occupying less than 100 square feet of footprint may locate up five feet from the side and rear property lines.
2. The following standards shall apply to all accessory structures located within R-2 and P Districts and shall apply to all parcels of which single-family or duplex structures constitute the principle use:
  1. Maximum height from average grade of ground: 14 feet.
  2. Maximum square footage of building footprint: 500 square feet or the equivalent square footage of the principle structure's building footprint, whichever is greater; up to 1,200 square feet.
  3. Only one accessory structure in addition to one shed, as an accessory structure shall be permitted for each principle use.
  4. Accessory structures shall be located on the same lot as the principle use to which said structure is an accessory. Accessory structures may be permitted on lots immediately adjacent to the lot bearing the principle use when a zoning permit is issued conditioned upon the following statement which shall appear on said permit: "The lot on which the approved structure is to be constructed, if conveyed to subsequent ownership, shall be conveyed to the same ownership as the property on which the principle use rests. Where the subject lots are conveyed to separate ownership, the approved accessory structure shall be demolished or approved as a principle use by the Zoning Officer in accordance with the East Allegheny Joint Zoning Ordinance."
3. The following shall constitute accessory uses authorized within R-2 and P Districts and shall apply to all parcels of which single-family or duplex structures constitute the principle use:
  1. The use of no more than one accessory structure to be rented to an individual or individuals other than the occupant for purposes of storing materials customarily accessory to a residential use.

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2. Home occupations as authorized in §27-903.
3. Breeding and boarding of no more than one litter per year of dogs, cats, or other customary domestic pets.
4. Residential storage; garages; pools; decks; similar uses; and shelter for domestic pets and children's play equipment at a scale commensurate with accessory structures otherwise regulated within this Chapter and intended for private and noncommercial use.
4. The following standards shall apply to all accessory structures located within N, MU, and R-3 Districts where the parcels of which single-family or duplex structures do not constitute the principle use.
  1. Maximum height from average grade of ground: 20 feet.
  2. Only one accessory structure and one shed as an accessory structure shall be permitted for each principle use.
  3. All other structures permitted shall be classified as principal structures wherein the number or scale of said structures shall be determined to house principal or basic operations related to an establishment.
5. Swimming Pools as Accessory Structures.
  1. All swimming pools that serve as an accessory use to a dwelling unit may locate up to ten feet from the rear yard or side yard property lines.
  2. No swimming pool shall be permitted in the front yard.
  3. Swimming pools shall abide by all standards of §27-900.2, with the exception of those expressly modified herein.
6. No-impact home based businesses are permitted as an accessory residential use in all zoning districts.

*(Ord. 935, 5/10/2018, §27-900)*

### **§27-901. Signs.**

1. **PURPOSE** The purpose of this section is to provide standards for the regulations of the height, size, location and appearance of signs in order to:
  1. Protect and enhance property values and neighborhood character.
  2. Encourage sound signing practices to aid business and provide information to the public.

3. Encourage maintenance of signs that promote community pride.
4. Prevent excessive and confusing sign display.
5. Reduce hazards to motorists and pedestrians.

2. **CONFORMANCE**

1. **Conformance Required.** Any sign hereafter erected shall conform to the provisions of this Part, the provisions of the International Building Code and of any other ordinance or regulation within this jurisdiction. No sign whether permanent or temporary may be constructed, erected, moved, enlarged, altered, illuminated, or displayed unless in accordance with the provisions of this Part.
2. **Legal Non-Conforming Signs.** Any signs existing legally prior to the enactment of this part shall be considered a legal non-conforming sign or structure. In order to be considered a legally non-conforming sign, existing signs must have a sign permit issued by the Borough of East McKeesport prior to ordinance adoption and must pay the sign permit fee on yearly basis since the date of sign permit issuance. Legal non-conforming signs may remain until the sign is altered in any way. General repair and maintenance of a sign shall not be considered an alteration.
3. Any legal non-conforming sign damaged by fire, flood or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and the restored sign has no greater size or height than before such casualty.

3. **GENERAL REQUIREMENTS**

1. **Maintenance.** Every sign and signage structure permitted by this ordinance shall be adequately maintained so as to not show evidence of deterioration, which includes, but is not limited to peeling, rust, dirt, fading, discoloration or holes. All signs, excluding canopy, awning and window signs shall be constructed only from durable materials, such as wood, metal, stone, or other material with painted, engraved, or raised messages. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Part, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than ten days, make such sign conform to the provisions of this Part, or shall remove it. If within ten days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
2. **Signs in Rights-of-Way.** No sign other than an official traffic sign or similar sign shall be erected within two feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official. No sign shall be attached to any utility pole,

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light standard, street tree or any other public facility located within the public right-of-way.

3. **Projections over Public Ways.** Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of ten feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. No sign or portion thereof shall extend beyond the roof of a building.
5. **Traffic Visibility.** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
6. No sign shall include statements, words or pictures that are considered to be vulgar, obscene or pornographic.

## 4. SIGN REMOVAL

1. **Unlawful and Illegal Signs.** All existing signs which do not have an existing sign permit as of the date of the adoption of this Part shall be considered unlawful and illegal and shall be removed within 30 days. All existing conforming and nonconforming signs shall become unlawful and illegal if any of the provisions of §27-901.3.1 are not maintained or established. If any sign becomes unlawful or illegal, the property owner, or property occupant, must remove the sign within 30 days or make application for a new sign permit and conform with this Part.
2. **Obsolete Signs.** The faces of obsolete signs shall be removed within 30 days after the close of the business or establishment to which they relate. Panel cabinets, supports braces, poles, anchors and electrical equipment, pertaining to enterprises or occupants that are no longer using the building, structure or lot, shall be removed within one year after the owner or occupant has discontinued such use. If signs or their structure are not removed the code official shall notify the owner who shall have 30 days to remove the sign and/or the sign structure. Upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign and/or structure, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

## 5. PERMITS

1. **Permits Required.** Unless specifically exempted, a permit must be obtained from the code official and the required fee paid for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its

erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Part.

2. **Permit Application.** Application for permits shall include the following information on forms provided by the Borough of East McKeesport:
  - A. Name, address, and telephone number of the applicant. Name, address and telephone number of property owner, if different from the applicant. Address of property.
  - B. Written consent of the owner of the property on which the sign is to be located permitting the sign be erected.
  - C. Location of the sign including location to any buildings on the property, property boundary lines, and height above ground from bottom to top of the sign.
  - D. Construction drawing and specifics for the erection of the sign(s) showing dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data.
  - E. Engineering calculations signed and sealed by a registered professional engineer where required by the International Building Code.
  - F. Such other information as the code official shall require to show full compliance with this and all other Borough ordinances.
3. The code official may waive the requirement for engineering calculations when the sign does not affect the structural integrity of the building or structure in which it is affixed to.
4. Provided that the application is in order, the code official shall issue a building permit for the erection of the sign, construction of which shall be completed within 18 months. Any sign permit application not approved by the code official shall not be permitted unless approved by the Zoning Board of the Borough of East McKeesport. All appeals must be filed within 21 days of denial of application.
5. The code official shall not issue any sign permit to any sign permit applicant if there are any outstanding building code violations present at sign permit location at the sign location on the day of application as evidenced by a previously issued notice of violation, citation, or other directive of the code official. The code official shall not issue a sign permit until all code violations are corrected.
6. The code official shall not issue any sign permit until all Borough taxes, sewer fees, refuse fees, and other municipal claims are paid in full and are current with no delinquencies at sign permit location.
7. **Changes to Sign.** A permit shall be required for the replacement, enlargement, relocation, or structural alteration of any existing sign. The changing or maintenance

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of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

8. **Permit Fees.** Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction and are separate from any building permit fee. The governing council of the Borough of East McKeesport shall have the authority to amend sign permit fees as council determines is appropriate under separate ordinance or resolution.

### 6. MEASURING SIGNS

1. The sign area shall be measured by the smallest rectangle or other regular geometric shape which encompasses the entirety of the sign face.
2. Where a sign consists of an identical double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than 90 degrees, all sign faces shall be considered in the calculated total sign area.
3. If a sign is comprised of more than two sides, such as cylindrical signs, signs in the shape of cubes or other signs, 50% of the sum of the area of all faces of the sign shall be considered in calculating the sign area.
4. The square footage of wall signs shall include the entire area where illustrations and lettering is provided on material which is not part of the building's structure and is affixed thereto as signage.
5. The height of a sign shall be measured from the ground elevation nearest to the sign to the highest elevation of the sign.
6. The entire area of a ground or projecting sign shall be considered in calculating area permitted, including monuments to which signs are affixed and decorative features accompanying said signs.

### 7. LIGHTING

1. All sign lighting, if permitted, shall be placed so as to not illuminate any adjoining property areas. No sign shall emit more than .2 foot-candles of light at any property line.
2. Externally illuminated signs are permitted in Neighborhood Use and Mixed Use Districts provided that the cutoff angle of said illumination does not illuminate space beyond the area of the sign and does not, by the determination of the code official, present a safety hazard to vehicular traffic by distracting drivers.
3. Internally illuminated are permitted in Neighborhood Use and Mixed Use Districts. Any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.

4. Hours of illumination. No sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m., unless the establishment displaying the sign is open for business during those hours.

8. **PROHIBITED SIGNS**

1. The following signs shall be prohibited in the Borough of East McKeesport:
  - A. Abandoned signs.
  - B. Banners, balloons and streamers employed as promotional and advertising tools, except those displayed for temporary purposes authorized in §27-901 -10.
  - C. Beacon light signs.
  - D. Portable signs except as allowed for temporary purposes authorized in §27-901 -10.1.C.
  - E. Under canopy signs.
  - F. Signs advertising goods and services not sold or produced on the premise in which the sign is located.
  - G. Signs on vacant lots, except those authorized in §27-901 -11.2.
  - H. Signs painted on brick.
  - I. Signs bearing language or character that reflect traffic signals and emergency and traffic signage .
  - J. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
  - K. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
    - (1) The primary purpose of such a vehicle or trailer is not the display of signs.
    - (2) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
    - (3) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.

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- L. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
- M. Signs attached to trees, fences, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities.

### 9. PERMITTED SIGNS

1. Awning and canopy signs shall be permitted subject to the following requirements:
  - A. One awning or canopy sign shall be permitted above each entrance providing public access to a building.
  - B. One awning or canopy shall be permitted above each window.
  - C. The maximum coverage of all lettering and business logos is not to exceed 25% of the overall exposed surface.
  - D. Both fixed position and retractable/operable awnings are acceptable.
  - E. Awnings and canopy signs shall not be less than ten feet above the sidewalk.
  - F. Awnings and canopy signs should be attached to a building in accordance with the Pennsylvania Uniform Construction Code requirements and the Borough of East McKeesport Building Code Requirements and shall be made of weather resistant materials.
2. Ground signs shall be permitted subject to the following requirements:
  - A. Ground signs, including monument signs, are only permitted when the front wall of the building is set back more than ten feet from the front lot line.
  - B. Ground signs shall be set back at least five feet from the public right-of-way.
  - C. One ground sign shall be permitted per street front.
  - D. Neighborhood Uses districts ground signs shall not exceed a maximum height of five feet and a maximum sign area of 15 square feet.
  - E. In Mixed Use District ground signs shall not exceed a maximum height of 15 feet and a maximum sign area of 50 square feet, except for non-residential group development as determined in §27-901 -13.2.
3. Marquee signs shall be permitted subject to the following requirements:

- A. One marquee sign shall be permitted above the primary entrance providing public access to a building in Neighborhood Use and Mixed Use districts only.
  - B. The maximum coverage of all lettering and business logos is not to exceed 25% of the overall exposed surface.
  - C. Marquee signs shall not be less than ten feet above the sidewalk.
  - D. Marquee signs shall be attached to a building in accordance with the Pennsylvania Uniform Construction Code requirements and the Borough of East McKeesport Building Code Requirements.
4. Menu boards shall be permitted subject to the following requirements:
- A. Drive through menu boards shall be permitted in Mixed Use Zoning District only.
  - B. Two menu board signs per establishment shall be permitted.
  - C. Each sign shall not exceed a maximum height of eight feet and a maximum size of 50 square feet.
5. Pole signs shall be permitted subject to the following requirements:
- A. Pole signs are only permitted in Mixed Use District and when the front wall of the building is set back more than ten feet from the front lot line.
  - B. Pole signs shall be set back at least eight feet from the public right-of-way.
  - C. Pole signs shall not exceed a maximum height of 15 feet and a maximum sign area of 50 square feet.
  - D. Non-residential group development pole signs shall not exceed a maximum height of 25 feet and a cumulative maximum sign area of 150 square feet and in accordance with §27-901.13.2.
  - E. Maximum of one pole sign per property.
6. Projecting (hanging) signs shall be permitted subject to the following requirements:
- A. Projecting signs shall be permitted in lieu of freestanding signage in Neighborhood Use and Mixed Use Districts.
  - B. One projecting sign shall be allowed per occupancy on any street frontage with public entrance to such an occupancy.
  - C. Projecting signs shall be limited in area to ten square feet.
  - D. No such sign shall extend vertically above the highest point of the building façade.

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- E. Such signs shall not extend over a public sidewalk in excess of 30% of the width of the sidewalk.
  - F. Such signs and sign structures shall maintain a clear vertical distance above any public sidewalk a minimum of ten feet.
  - G. Swinging signs shall not be permitted.
7. Wall signs shall be permitted subject to the following requirements:
- A. One wall sign permitted per street front.
  - B. Such signs shall not project more than six inches from the wall of the building.
  - C. In Neighborhood Use districts the sign area of a wall sign shall not exceed a maximum of 30 square feet.
  - D. In Mixed Use districts the sign area shall not exceed a maximum of 100 square feet.
8. Permanent window signs shall be permitted subject to the following requirements:
- A. The aggregate area of all such signs shall not exceed 20% of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.
  - B. Window signs shall be included in the determination of allowable signs and area permitted by any occupancy under this Part.
  - C. One interior neon window sign shall be permitted per occupancy in Neighborhood Use and Mixed Use districts but shall be restricted to an overall dimension of two square feet.
  - D. Window signs shall not be used in a residential dwelling to promote any nonresidential use or product unless such residence is zoned for commercial use and a commercial occupancy certificate is obtained by the owner.
9. Changeable copy signs shall be permitted subject to the following requirements:
- A. Changeable copy signs, manually activated, are permitted for nonresidential uses as either wall signs or attached to ground signs, in all districts.
  - B. Changeable copy signs, electrically activated, are permitted as either wall signs or attached to ground signs, in Neighborhood Use and Mixed Use districts only.

10. **TEMPORARY SIGNS REQUIRING PERMITS**

1. The following temporary signs shall be allowed in the Borough of East McKeesport. No sign shall be displayed without first obtaining a sign permit from the code official and paying the required sign permit fee and any building permit fee for the erection of any sign, if structurally required.

A. **Special Promotion, Seasonal and/or Holiday Promotions, Event and Grand Opening Signs.** Signs temporarily displayed to advertise special promotions, seasonal and or holiday promotions, events and grand openings shall be permitted in all Neighborhood Use and Mixed Use zoning districts and subject to the following limitations:

- (1) Such signs shall be limited to one sign per street front.
- (2) Such signs except seasonal or holiday promotional signs, may be displayed for not more than 30 consecutive days in any two-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than ten days prior to the event or grand opening, and shall be removed no more than two days after the event or grand opening.
- (3) Seasonal and or holiday promotional signs may not be displayed more than 30 days total combined before or after the holiday period as determined by the sign permit application submitted by the applicant.
- (4) Any promotion sign issued with a permit shall not be included in the determination of permitted signs or aggregate square footage.
- (5) Seasonal, promotional, and holiday signs shall not exceed 30 square feet each.

B. **Special Event Signs in Public Ways.** Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public right-of-ways, or obstruct traffic visibility. Signs may not be displayed more than 30 days total combined before or after the event.

C. Sandwich board signs shall be permitted in Neighborhood Use and Mixed Use Districts. The following provisions also apply:

- (1) No more than one sandwich board sign allowed per occupancy.
- (2) Maximum sign area of eight square feet.
- (3) Sandwich board signs may not remain outside building after hours.
- (4) Such signs may not block sidewalks.

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- (5) Such signs may not be illuminated.
- (6) Signs must be kept on the side of the sidewalk closest to the operating business.

11. **TEMPORARY SIGNS, PERMIT NOT REQUIRED.** The following signs shall be permitted subject to the stated limitations. The following signs are exempt from the necessity of securing a permit, however, this shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Part.

- 1. Political signs shall be permitted in all zoning districts, subject to the following limitations:
  - A. Such signs shall not exceed eight square feet in Residential and Neighborhood Use districts.
  - B. Such signs shall not exceed 16 square feet in Mixed Use districts.
  - C. Such signs for election candidates or ballot propositions shall be displayed only for a period of six weeks preceding the election and shall be removed within five days after the election.
  - D. Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.
- 2. Real estate signs shall be allowed in all zoning districts, subject to the following limitations:
  - A. Such signs shall not exceed six square feet in Residential and Neighborhood Use districts.
  - B. Such signs shall not exceed eight square feet in Mixed Use districts.
  - C. Real estate signs shall only be placed on the property for sale.
  - D. Real estate signs shall be limited to one sign per street front.
  - E. Real estate signs shall be removed no later than ten days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
- 3. Signs denoting the developer, architect, engineer or contractor when placed upon property in which the individual or firm is employed are permitted in all zoning districts, subject to the following limitations:
  - A. Such signs shall not exceed six square feet in Residential and Neighborhood Use districts.

- B. Such signs are not to exceed ten square feet in area in Mixed Use districts.
  - C. Such signs shall be limited to one sign per street front.
  - D. Such signs be removed 30 days after the completion of the project.
4. Directional and parking signs are permitted and subject to the following limitations:
- A. Each business may erect signs directing and guiding traffic and parking on private property.
  - B. No more than two directional signs shall be permitted per street entrance to any lot.
  - C. There shall be no limit to the number of directional signs providing directional information interior to a lot.
  - D. Such signs shall not exceed a gross sign area of two square feet.
  - E. Not more than 20% of the area of any directional sign shall be permitted to be devoted to business identification or logo. Such signs shall be limited to such information or instructions as necessary for the convenience of vehicular traffic in reaching such business.
  - F. Directional signs shall not be included in the determination of allowable signs and area permitted by any occupancy under this Part.

**12. EXEMPT SIGNS**

- 1. The following signs are exempt from the necessity of securing a permit, however, this shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Part.
  - A. Flag or emblems of a government, political, civic, philanthropic, educational or religious organization displayed on private property.
  - B. Religious symbols and seasonal decorations within the appropriate public holiday season.
  - C. Signs placed by a governmental body, including but not limited to promotional activities, traffic, or directional devices, legal notices and warnings, instructional regulatory signs, and official notices placed by a court, public officers and/or employees.
  - D. Incidental signs up to five square feet displayed inside a window or a commercial establishment to advertise special sales of products sold, credit cards accepted, or those required by law or ordinance.

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- E. No trespassing signs.
- F. Directional, warning or information signs authorized by federal, state or municipal governments.
- G. Directional signs for hospitals, fire, schools, libraries, churches, and other similar occupancies.
- H. Address signs and nameplates, up to two square feet for residential principle uses and up to four square feet for nonresidential principle uses.

### 13. ADDITIONAL REQUIREMENTS

1. **Residential Uses.** Where residential use constitutes the principal use of a zoning lot and no principle nonresidential use exists, the maximum square footage of signage permitted shall be two square feet. Multi-family uses shall be permitted eight square feet of signage. All ground signs shall not exceed five feet in height. Residential properties shall be permitted either one ground sign per street front or one wall sign per street front. The maximum cumulative square footage of all signage permitted per zoning lot shall not exceed 16 square feet.
2. **Neighborhood Use District.** Where nonresidential use constitutes the principle use of a zoning lot, the maximum cumulative square footage of all signage permitted per zoning lot shall not exceed 100 square feet.
3. **Mixed Use Districts.** Where nonresidential use constitutes the principle use of a zoning lot, the maximum cumulative square footage of all signage permitted per zoning lot shall not exceed 150 square feet.
4. **Nonresidential Group Developments.** For purposes of this Section nonresidential group developments shall include all nonresidential groups that are located such that multiple principle uses are either accessed from a street by a common entrance or entrances, located on the same parcel, sharing party walls, or constituting a shopping center.
  - A. One ground sign or pole sign shall be permitted per each side of the nonresidential group development bordering a street, not including alleys, where the development bears an entrance to said street.
  - B. A property owner or group of owners controlling property on which a nonresidential group development is situated may allot proportions of permitted signage to certain tenants and establishments located therein. All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the provisions in this Part.

14. **ADDITIONAL PROVISIONS**

1. **Interpretations.** The interpretation and application of the provisions of this Part shall be made by the code official. An appeal of an interpretation by the code official shall be submitted to the Board of Zoning of the Borough of East McKeesport, who, unless otherwise provided, is authorized to interpret this Part or code, and such interpretation shall be considered final.
2. **Liability.** The code official, or designee, charged with the enforcement of this Part, acting in good faith and without malice in the discharge of the duties described in this Part, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Part or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by the jurisdiction. This Part shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this Part.
3. **Cooperation of Other Officials and Officers.** The code official shall be authorized to request, and shall receive so far as is required in the discharge of the duties described in this Part, the assistance and cooperation of other officials of the jurisdiction.
4. **Joint Agreements and Ordinances.** If in the event that the governing body of the Borough of East McKeesport enters into a joint agreement or ordinance with any other lawful governing body and said agreement or ordinance is in conflict with this Part, the code official or other designated person shall interpret and enforce the most restrictive terms and conditions of either this Part or the joint agreement or joint ordinance. This Section shall apply to any joint agreement or joint ordinance entered into prior to or after the adoption of this Part.

(Ord. 935, 5/10/2018, §27-901)

**§27-902. Parking Requirements.**

1. The following uses categories shall be interpreted based upon their basic meanings as defined and employed within the NAICS.

1.	Small Scale Retail:	One parking space per every 200 feet of gross floor area.
2.	Large Scale Retail:	One parking space per every 250 feet of gross floor area.

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3.	Warehousing and Storage, Manufacturing, and Wholesale:	One parking space per employee on peak shift.
4.	Administrative Services and Offices:	One parking space per every 200 feet of gross floor area.
5.	Miniwarehouses and Self-Storage Units:	One parking space per unit.
6.	Elementary and Secondary Schools:	One parking space per every 10 students.
7.	All Other Education Services:	One parking space per every six students.
8.	Food Services and Drinking Places:	One parking space per every three seats; or per 100 square feet of gross floor area where seating is not provided.
9.	Hospitals and Nursing and Residential Care Facilities:	One parking space per employee on peak shift and one parking space per every three beds.
10.	Child Day Care Services:	One parking space per employee and one parking space per every five students in the total enrollment capacity.
11.	Hotels and Motels:	One per employee and one per guest room.
12.	Personal Care Services and Funeral Homes:	One parking space for every 150 square feet of area designated for use by customers or the public.
13.	Residential:	Two parking spaces per dwelling unit. Garages, where an improved access to the garage is provided, shall fulfill the requirement of parking spaces equal to the amount of vehicles for which the garage is designed to accommodate.

2. The preceding parking requirements notwithstanding, any use which provides for public assembly including, but not limited to, churches, assembly halls, auditoriums, and theaters shall provide one parking space per every four seats or per every four persons of the total capacity of said space, as determined by the municipal engineer utilizing the requirements of the Uniform Construction Code and other applicable standards, whichever is less.
3. Parking requirements shall be provided for each principal use per the above standards and classifications, notwithstanding conditional uses authorized for shared parking.

4. **Dimensional and Access Standards for Nonresidential, Multi-family Uses, and Townhouse Uses.**

- 1. **Stall Size.** All parking spaces shall be no less than nine feet in width by 18 feet in length. Parallel spaces shall be no less than eight feet in width and 23 feet in length.
- 2. **Aisle Width.** Aisle widths for parking spaces shall be in accordance with the chart below. Where a parking lot serves less than 30 spaces, aisle widths for two- and one-way parking accessing 90-degree spaces shall be reduced to 20 and ten feet, respectively. Only one-way traffic is permitted for any parking space at an angle less than 90 degrees.

<b>Parking Space Angle</b>	<b>Aisle Width</b>
30	12
45	14
60	18
75	22
90	22 (two-way traffic) 12 (one-way traffic)

- 3. Access drives which do not serve as aisles for parking spaces shall provide the following lane widths:
  - A. Ten feet per lane where total parking spaces accessed by use of said drive is less than 30.
  - B. Twelve feet per lane where total parking spaces accessed by use of said drive is 30 or more.
- 4. Parking spaces, other than parallel parking spaces, shall not be oriented such that vehicles are forced to exit or back out directly into a street.
- 5. Parking lots shall, at a minimum, provide a dust free surface, as determined by the Borough Engineer.
- 6. The entrance width of all parking lots and access drives to abutting streets shall not exceed 28 feet.
- 7. The grade of parking lots shall be between 1% and 5%, and shall be designed according to provide proper stormwater drainage.
- 8. All parking spaces shall be delineated in the parking lot by a minimum of 3-inch wide line striping.

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9. Parking lots serving a principal use shall be located within 300 feet of an entrance to said use.
5. **Residential Standards for Single-Family and Duplex Units.** Residential driveways serving single-family and duplex structures are exempt from all other provisions of this Section and are subject only to the following standards:
  1. Driveways shall be maintained in a mud free condition.
  2. A maximum street opening of 24 feet is permitted for each driveway.
  3. A minimum of two parking spaces shall be provided on the property through a driveway, garage, carport, or a combination thereof.
  4. Parking lots within 150 feet of a single-family or duplex structure may provide for the required two space per unit parking where a recorded easement or covenant that guarantees usage of the lot by the subject property owner for purposes of parking at least two vehicles.
6. **Residential Standards for Multi-family and Townhouse Developments.** Driveways and parking lots shall be subject to all standards in the preceding sections with the following modifications:
  1. Driveways provided specifically for individual dwelling units shall fulfill parking requirements where driveways are capable of providing a minimum of two parking spaces, generally consistent with the minimum dimensions as specified in this Section. Garage shall fulfill the same.
  2. The maximum street opening of driveways servicing individual dwelling units shall be 24 feet.
7. **Commercial Vehicles.**
  1. The parking of commercial vehicles shall be expressly prohibited within all residential districts except where used on a temporary basis for construction activities on the site or parcel on which they are parked or stored.
  2. The parking or storage of commercial vehicles and equipment shall occur only in approved spaces. Said spaces shall be designed in a ratio of the vehicle to the space similar to that of the minimum required parking space dimensions to a vehicle classified or equipment under one ton.
8. **Vehicle and Equipment Sales.** The storage or display of vehicles and equipment for sale shall be subject to the parking and design standards of this Section including aisle widths, parking space dimensions, and permitted access to streets; and shall generally be considered parking lots.

(Ord. 935, 5/10/2018, §27-902)

**§27-903. Home Occupations.**

1. Home occupations, involving the following uses, shall be permitted:

<b>Code</b>	<b>Description</b>
5411	Legal Services
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
53121	Offices of Real Estate Agents and Brokers
6211	Offices of Physicians
6212	Offices of Dentists
6213	Offices of Other Health Practitioners
6244	Child Day Care Services*
8121	Personal Care Services

\* Child Day Care Services as Home Occupations shall be limited to the provision of said services to equal to or less than three children, unrelated to the operator, at any given time.

2. Home occupations shall abide by the following standards and restrictions:

1. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m., daily.
2. Only one additional employee, who does not reside within the household or dwelling unit operating the home occupation, shall be permitted to work on the site of the occupation at any given time.
3. At least two additional parking spaces, in general conformance with the parking requirements of this Chapter, shall be required. Parking shall be determined by the Zoning Officer in a manner consistent with the parking requirements applicable to the use proposed.

3. Other types of offices providing services generally consistent with those of offices listed in the preceding table, shall be permitted. Said offices shall generally include forms of consulting and professional services, the impact and scope of which is similar to that of those listed in the preceding table.

4. Home occupations shall not be permitted in association with dwelling units in multifamily structures.

5. No home occupation shall operate without an occupancy permit.

6. No more than one home occupation shall be permitted per dwelling unit.

*(Ord. 935, 5/10/2018, §27-903)*

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### **§27-904. Transient Retail Businesses.**

1. Transient retail businesses, for purposes of this Section, shall be defined as businesses of a retail nature, which operate within the Borough, at one or multiple locations, for a period of 90 days or less throughout a calendar year. Transient businesses may operate with a zoning permit as approved by the Zoning Officer, absent other requirement of this Chapter as may apply to permanent businesses and in accordance with the following standards:
  1. Said business shall be retail in nature and shall reflect retail uses otherwise permitted by right within the district in which it functions.
  2. Any temporary structures such as tents associated with said business shall adhere to the setback requirements of principal structures in the district in which they operate.
  3. The operation of the business shall not impede the flow of traffic in the area in which it operates; nor shall said operation and associated structures impede the site distance of adjacent intersections.
  4. Said businesses shall not operate within any right-of-way.

*(Ord. 935, 5/10/2018, §27-904)*

### **§27-905. Large Scale Building Standards.**

1. **Purpose.** The Township and Boroughs desire to accommodate an adequate mixture of business, industry, and residential and public uses while maintaining a scale, which is in conformance with current community character. Therefore, the following provisions shall be instituted in applicable zoning districts.
2. Large-scale buildings shall be defined as any building that bears more than 90 feet of building length that directly faces any street including the cumulative effect of buildings with party walls (except for townhouses).
3. Offsets in the footprint of the building, along any wall facing a street, shall be provided according to the following standards:
  1. Said wall shall not have a surface longer than 50 feet without a break.
  2. If only one break is provided, said break shall be offset by at least ten feet and shall comprise at least one-fourth of the length of said wall.
  3. If more than one break is provided, the setback shall be a minimum of four feet and the length of the wall which accompanies the setback should not be less than 10% nor more than 25% of the total length of the applicable wall.
  4. Recesses may be a minimum of one foot where the type of building facade differs from that of the adjacent portions of the wall.

*(Ord. 935, 5/10/2018, §27-905)*

**§27-906. Lighting Standards.**

1. Lighting in all districts shall be designed so as not to produce glare.
2. Lighting shall produce no more than .2 footcandles at any property line unless the adjoining property is under common ownership or is part of a shopping center.
3. No lighting shall be designed so as to emit colors, flashing, or animated effects so as to distract the motoring public and thus present nuisance to public safety.
4. Electrical feeds to lighting standards shall be underground.
5. **Lighting in Residential Districts, Neighborhood Use District, and Mixed Use District.**
  1. Maximum height of lighting, whether freestanding or mounted to a wall or building shall be 15 feet. Lighted wall signs shall be subject to the aforesaid.
  2. Lighting on properties where single-family or duplex residential use constitutes the principal use shall not exceed two footcandles at any location.
6. **Lighting in the General Retail and Office and Manufacturing Districts.**
  1. Maximum height of pole lighting shall be 25 feet.
  2. All lighting shall include a cutoff angle of at least 60 degrees to avoid glare.

*(Ord. 935, 5/10/2018, §27-906)*

**§27-907. Yard and Buffering Standards.**

1. Multi-family and townhouse structures shall be set back at least 60 feet from any property line adjoining a property in an R-2 District that is either vacant, or that bears single-family or duplex as a principal use.
2. All other nonresidential principal structures shall be set back at least 80 feet from any property line adjoining a property in an R-2 District that is either vacant, or that bears single-family or duplex as a principal use.
3. Parking and access drives associated with the above uses shall be set back at least 40 feet from the aforesaid property lines.
4. Lighting installed within the aforesaid yards or set backs shall adhere to standards for single-family or duplex residential uses otherwise specified in §27-906, "Lighting Standards."
5. Notwithstanding side and rear yard setbacks otherwise required in the respective zoning district, the setbacks or buffer areas required in this Section may be reduced through the granting of a conditional use where the following are demonstrated:

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1. Changes in topography and existing vegetation that provide a visual buffer or screening to the adjacent property.
2. A mixture of high and low level plantings and/or mounding that provides an effective visual buffer or screening to the adjacent property.
3. The arrangement of lighting within the set back area otherwise required shall be designed in a manner such that it is screened from the adjacent property.

*(Ord. 935, 5/10/2018, §27-907)*

### **§27-908. Exterior Facade Building Standards.**

1. Exposed exterior walls of structures shall be composed of brick, stone, stucco, fireproof precast stucco, glass, metal or marble, or with wood that is treated, finished with stain, paint, or a similar finish.
2. The walls of nonresidential structures which are two stories or less and which face a rear yard may contain exposed concrete block. Additionally, the walls of foundations facing a rear yard on any single-family or duplex structure may contain exposed concrete block.
3. The governing body, upon recommendation by the municipal engineer, may approve alternative materials as a conditional use if and only if such material is determined to be equal or superior in quality and aesthetic character compared to approved materials.
4. An addition to an existing structure which is nonconforming with respect to this Section may be constructed in conformance with the materials of original construction of the existing portion of the structure so long as the footprint of said addition does not exceed that of the nonconforming structure.
5. It is the intent of this Chapter to treat mobile homes, modular homes, and all preconstructed homes equally with traditionally constructed homes. As such, all preconstructed homes shall be placed on foundations that shall adhere to the requirements of this Section. Mobile homes in mobile home parks, meeting the standards of this Chapter, shall be placed on approved concrete pads and shall maintain skirting around their perimeters.

*(Ord. 935, 5/10/2018, §27-908)*

## ARTICLE X

### NONCONFORMING STRUCTURES, LOTS OF RECORD, AND USES

#### **§27-1000. Purpose.**

It is the intent of this Chapter to encourage the eventual removal or reconfiguration of nonconforming uses and structures while at the same time protecting the rights of property owners to utilize the current economic use and character of their property, as it was situated and utilized prior to the adoption of this Chapter.

*(Ord. 935, 5/10/2018, §27-1000)*

#### **§27-1001. Registration of Nonconforming Uses and Structures.**

Property owners may request the registration of uses or structures that do not conform to the provisions of this Chapter. The Zoning Officer, upon such request, shall issue or deny the issuance of such registrations based upon the provisions of this Section and evidence provided by the applicants for said registration.

*(Ord. 935, 5/10/2018, §27-1001)*

#### **§27-1002. Nonconforming Lots of Record.**

Where lots of record exist at the time of adoption of this Chapter, the following shall apply. Where adjacent nonconforming lots of record under common ownership, exist at the time of adoption of this Chapter, said lots shall be considered as one zoning lot, regardless of the transferring of one or more of said lots to subsequent or varying ownership. Therefore, the Zoning Hearing Board shall consider no hardship, which has a basis in the configuration of one of said lots. The Zoning Officer shall approve the construction of principal or accessory structures and uses on nonconforming lots of record where setbacks, lot coverage, uses, and all remaining requirements conform to this Chapter.

*(Ord. 935, 5/10/2018, §27-1002)*

#### **§27-1003. Nonconforming Structures.**

1. Owners of said structures shall have the right to repair, improve, or expand nonconforming structures only to the extent that the nonconformity is not increased.
2. Where a nonconforming residential structure, whether principal or accessory is demolished, whether by intent of the owner or by damage or destruction, said structure may be reconstructed within the same dimensions said structure may be reconstructed within the same dimensions or altered dimensions, which do not increase any nonconformity or noncompliance with this Chapter, within one year of the date of said demolition.

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3. Where a nonresidential structure, whether principal or accessory, is demolished by act of God, fire, or accidental damage, said structure may be reconstructed within the same dimensions within one year of the date of said demolition.
4. Where a nonresidential structure, whether principal or accessory, is voluntarily demolished, subsequent structures shall be reconstructed in accordance with this Chapter.
5. Nonconforming signs, unless demolished by act of God or accidentally, shall be reconstructed in a manner meeting the provisions of this Chapter. Demolition, for purposes of this Section, shall not include replacement of the sign's face.
6. Parking lots, accessory to nonresidential uses, which are nonconforming with respect to impervious surface coverage, setbacks, and number of spaces required, shall conform to the requirements of this Chapter upon one or more of the following circumstances:
  1. Voluntary demolition and subsequent reconstruction of the principal structure(s).
  2. Addition to the principal structure which requires reconfiguration or elimination of some or all of the parking lot area.
  3. Any change or expansion of the principal use which requires additional parking spaces in accordance with this Chapter.

*(Ord. 935, 5/10/2018, §27-1003)*

### **§27-1004. Nonconforming Uses of Structures or Land.**

1. Nonconforming uses shall bear the following rights and limitations:
2. Nonconforming uses shall have the right to expand to parts of the structure out which said uses operate that were expressly designed to accommodate said use.
3. Nonconforming uses shall be entitled to reasonable expansion necessary for said use to continue in operation. Said expansion shall be determined by the Zoning Hearing Board as a special exception wherein the applicant shall demonstrate the following:
  1. The expansion of the use is commensurate with changes in production processes, storage, or business operations which typify the principal use of the establishment.
  2. The expansion is necessary to maintain the economic viability of the subject establishment.
  3. The expansion represents the minimum impact to neighborhood character necessary to accommodate the reasonable expansion.
  4. In no case shall an expansion cumulatively exceed an additional 40% of the site or area currently occupied by the establishment or use since the adoption of this Chapter.

4. Nonconforming uses shall lose their status when said use ceases to operate for more than 12 consecutive months and where the structure and business are not actively marketing for sale for a period of more than 12 consecutive months. In said cases, the Zoning Officer shall not register said uses as nonconforming uses.
5. Where the structure in which a nonconforming use operates is completely demolished or destroyed and where a total loss of the ability to repair said structure occurs, the structure and land upon which said structures was situated shall lose its nonconforming use status. The phrase “completely demolished” shall be defined as a total loss of the structure’s value and the inability to repair the structure without rebuilding substantial structural portions of the structure, as determined by the municipal engineer.
6. **Change of Nonconforming Use.** A property owner may appeal to the Zoning Hearing Board for a change in nonconforming use, where a similar use is proposed. The Board shall evaluate the application in terms of the level of impact on surrounding properties, wherein the applicant shall demonstrate that the use proposed is generally within the same three digit NAICS classification or bears similar operational practices. The Board may attach any conditions as necessary to ensure that the level of impact does not exceed that of the existing nonconforming use.

(Ord. 935, 5/10/2018, §27-1004)



## ARTICLE XI

### ADMINISTRATIVE REGULATIONS

#### **§27-1100. Purpose.**

The Borough expressly adopts and institutes the powers of administration and enforcement as granted by the Municipalities Planning Code, as enacted and amended. Therefore, this Chapter adopts by reference and fully recognizes all requirements and rights cited in the Municipalities Planning Code regarding timelines, courses of action, rights of landowners, and duties and functions of the entities cited herein with the following specific requirements defined. The provisions of this Chapter shall be binding upon the Borough.

*(Ord. 935, 5/10/2018, §27-1100)*

#### **§27-1101. Zoning Officer's Duties, General Administration, and Enforcement Remedies.**

1. The governing body in the Borough shall appoint a Zoning Officer, whose duty is to enforce this Chapter through the citation of violations of which the Officer has discovered or been notified of; and to review and issue the required zoning permits based on the requirements of this Chapter. The Zoning Officer can delegate authorities within this Chapter upon approval of the Borough.
2. A zoning permit shall be required for all proposed principal structures and proposed additions to principal structures, including collocations on telecommunications towers, within the Borough. The permit application shall include the following:
  1. Name, address, signature, and contact information of the landowner, and of the applicant if different from the landowner.
  2. A copy of a survey of the parcel, on which the structure is proposed, denoting the location of the proposed structure and the distances from the abutting lot lines from which the structure is proposed. The survey shall also delineate existing principal and accessory structures located on the same parcel. The delineation of the required structures may be applied by the applicant and need not be drawn by a registered surveyor. However, the adherence to the aforementioned dimensions and delineations as presented by the applicant, once approved by the Zoning Officer, shall constitute a condition of approval.
  3. Drawings adequate to show the height of the structure.
  4. Where the construction of the proposed structures constitutes a land development, as defined by the local ordinance, the applicant shall submit necessary evidence demonstrating the adherence of the proposed activity to the land development as approved.

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5. A brief description of the proposed use of the structure.
3. A zoning permit shall be required for all proposed accessory buildings or structures or additions thereto within the Borough. The permit application shall include the following:
  1. Name, address, signature, and contact information of the landowner, and of the applicant if different from the landowner.
  2. A copy of a survey of the parcel, on which the structure is proposed, denoting the location of the proposed structure and the distances from the abutting lot lines from which the structure is proposed. The survey shall also delineate existing principal and accessory structures located on the same parcel. The delineation of the required structures may be applied by the applicant and need not be drawn by a registered surveyor. However, the adherence to the aforementioned dimensions and delineations as presented by the applicant, once approved by the Zoning Officer, shall constitute a condition of approval.
  3. Drawings adequate to show the height of the building.
  4. Where the construction of the proposed structures constitutes a land development, as defined by local ordinance, the applicant shall submit necessary evidence demonstrating the adherence of the proposed activity to the land development as approved.
  5. A brief description of the proposed use of the structure.
4. A zoning permit shall be required for a home occupation as defined in this Chapter. The permit application shall include the following:
  1. Name, address, signature, and contact information of the landowner, and of the applicant if different from the landowner.
  2. A sufficient description of the use, the square footage to be occupied by the use, the number of employees who do not reside within the principal residence, the average number of daily customers and trips expected and the number of parking spaces provided.
5. A zoning permit for nonresidential occupancy shall be required when a change of the principal use or tenancy of a property is proposed, where a nonresidential principle use is proposed, and for all nonresidential accessory uses excluding storage. The permit application shall include the following:
  1. Name, address, signature, and contact information of the landowner, and of the applicant if different from the landowner.
  2. A sufficient description of the use, the square footage to be occupied by the use including storage and non-storage areas, and the number of parking spaces provided.

6. A zoning permit shall be required for forestry activities, which shall be treated as a use permitted and defined herein. A condition of approval of forestry permits shall be interpreted to include compliance with the permit as determined by intermittent inspections and a final inspection conducted by the Zoning Officer. Failure to comply with submitted and approved plans, as well as the requirements of the Conservation District shall result in the issuance of an enforcement notice and the suspension of forestry activity.
  1. Name, address, signature, and contact information of the landowner, and of the applicant if different from the landowner.
  2. A survey of the property. The applicant shall delineate areas where forestry activities are proposed, access to said areas, and sedimentation controls.
  3. Evidence of review, comments, and concurrence from the Allegheny County Conservation District.
  
7. A zoning permit shall be issued for all wall, projected, and ground signs placed on properties containing nonresidential uses and associated with a nonresidential use (including home occupations); and shall be required for signs placed on all vacant properties, where authorized by this Chapter. Permits shall not be required for the replacement of a sign face where the association of the sign is already associated with a nonresidential use and the square footage does not change. The permit application shall include the following:
  1. Name, address, signature, and contact information of the landowner, and of the applicant if different from the landowner.
  2. A copy of a survey of the parcel, on which a ground sign is proposed, denoting the location of the proposed sign and the distances from the abutting lot lines from which the structure is proposed. The survey shall also delineate the locations of other ground signs on the same property. The delineation of the required structures may be applied by the applicant and need not be drawn by a registered surveyor. However, the adherence to the aforementioned dimensions and delineations as presented by the applicant, once approved by the Zoning Officer, shall constitute a condition of approval.
  3. The square footage of signage, itemized by each sign type, existing on a property, or associated with a particular establishment, which currently exists.
  4. The square footage and height of the proposed sign.
  5. Details of any proposed illumination of the sign.
  
8. A zoning permit shall be required for transient retail businesses. Said permit shall be effective for 30 consecutive days. Applicants may reapply to have the permit reissued thereafter. The permit application shall include the following:
  1. Name, address, signature, and contact information of the landowner or owners on which the business proposes to operate.

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2. Name, address, signature, and contact information of the operator of the transient retail business.
  3. A description of the business.
  4. The fee as required by the Borough's fee schedule.
9. The preceding zoning permit requirements shall not be construed as building permits as regulated and defined by Act 45, the Uniform Construction Code [Chapter 5, Part1].
10. Where a violation of this Chapter has been discovered or reported, the Zoning Officer, after inspecting and confirming the nature and existing of said violation(s) shall issue an enforcement notice which shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. In any appeal of an enforcement notice to the Zoning Hearing Board the governing body shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor. The enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the municipality intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
  4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed, which shall be 30 days from the issuance of the notice.
  5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed reasonable period of time in accordance with procedures set forth in the this Chapter.
  6. 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 as described in §27-1101.11.
11. **Enforcement Remedies.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the governing body, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant

neither pays nor timely appeals the judgment, the governing body 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 Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough.

(Ord. 935, 5/10/2018, §27-1101)

**§27-1102. The Zoning Hearing Board, Procedures, and Proceedings.**

1. **Membership.** The Borough of East McKeesport Zoning Hearing Board is hereby reestablished consisting of three qualified residents of the Borough who do not serve as elected officials and are not employees of the borough. Initial appoints of each member of the Zoning Hearing Board shall be staggered such that one term expires each year and all subsequent terms are three year terms with members appointed by resolution of the governing body.
2. **Removal of Members.** Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body appointing said member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing within the aforementioned time period.
3. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board shall also appoint a hearing officer from its own membership to conduct any hearing on its behalf where the parties agree to waive further action by the Board.
4. **Board Proceedings.**
  1. The Zoning Officer shall accept complete applications and shall provide them to the Zoning Hearing Board within five working days of receipt.
  2. The Board shall advertise each hearing stating the purpose thereof, the location of the subject property when applicable, the name of the applicant, a brief description of the appeal, and the date, time, and location scheduled. Advertisements shall occur in accordance with public notice. Where the hearing relates to property, said property shall be posted with the aforesaid information no later than one week prior to the scheduled hearing. The Zoning Officer shall notify the applicant and the governing body of the date, time, and purpose of the respective hearing.
  3. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the

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applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. Any applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

4. The Zoning Hearing Board shall conduct the hearings or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
5. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. Parties to every hearing shall be the governing bodies of the Borough the applicant(s), and any effected party that enters a verbal or written appearance or statement at the hearing. The Zoning Hearing Board may require attendees to enter a written appearance as a condition of being a party.
7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
8. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
9. The Zoning Hearing Board shall keep a stenographic record of each hearing.
10. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of

hearings with any party or his representative unless all parties are given an opportunity to be present.

11. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the MPC or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer. Excepting validity challenges, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence or complete the required hearing as provided herein, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
  12. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined, or may choose to mail a complete copy of the decision.
  13. The Zoning Officer shall keep written files or meeting transcripts, evidence presented, correspondence, applications, names and addresses of parties, evidence of delivery by certified mail of notice and decisions to all applicable parties, and other files which shall remain the property of the Borough.
5. **Variances.** The Zoning Hearing Board shall have exclusive power to hear appeals for dimensional and use variances from the provisions of this Chapter.
1. The landowner shall submit an application to the Zoning Officer including a survey showing existing structures and the location and detail of the proposed activity or

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structure for which the applicant requires a variance; the required fee for a variance as outlined in the Borough fee schedule and a completed application with all required contact information as well as additional information, if any, required by the Board.

2. The Board shall grant a variance, only when findings of fact are supported by all of the following where relevant in a given case and therefore constitute an unnecessary hardship inflicted by this Chapter.
  - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally' created by the provisions of this Chapter in the neighborhood in which the property is located.
  - B. 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 Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - C. That such unnecessary hardship has not been created by the appellant.
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood 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.
  - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
3. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this act and this Chapter.
6. **Special Exception.** The Board is authorized to consider special exceptions.
  1. Expansions and changes of nonconforming uses shall be evaluated as per the following standards cited in Article X and the general standards cited in this Section.
  2. The landowner shall submit an application to the Zoning Officer including a survey showing existing structures and the location and detail of the proposed activity or structure for which the applicant requires the special exception, including representations of parking and circulation; the required fee for the special exception fee as outlined in the Borough fee schedule, and a completed application with all required contact information as well as additional information, if any, required by the Board.
  3. Special exceptions for nonconforming uses shall be evaluated by the following criteria at a minimum.

- A. The impact of any proposed use on the neighborhood of which it is a part compared with the impact of the existing nonconforming use. A proposed use shall not present a greater adverse impact as compared with the existing use.
  - B. The impact of an expansion of the nonconforming use and the manner in which the expansion changes or redefines the impact of the current nonconforming use.
  - C. The extent to which a proposed expansion changes the scale of use such that the use itself may be changed such that it does not present an adverse impact on the neighborhood and district in which it is located. The expansion shall be considered a natural outgrowth necessary to the economic vitality and sustainability of the current nonconforming use.
  - D. The consistency of any proposed expansion with the current character of a neighborhood or district.
  - E. The change in parking required and traffic circulation associated with any proposed expansion or change in use.
- 4. In granting any special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this Chapter.
  - 5. Proposed additions shall conform dimensionally and otherwise to the standards of the present ordinance, or shall otherwise require a dimensional variance.
- 7. **Appeals from the Determination of the Zoning Officer.** The Board shall hear appeals from the determination of the Zoning Officer in matters concerning the denial of a permit, a cease and desist order, and all other matters outlined in §909.1 of the Municipalities Planning Code as amended. The aggrieved party shall make application to the Zoning Officer for the appeal of the disputed decision. The application shall include the fee as defined in the Borough's fee schedule, name and contract information, copies of the permit application, and any additional details relating to the denial or order issued.
  - 8. The Zoning Hearing Board recognizes its jurisdiction as defined above and as additionally defined within §909.1 of the MPC, as amended, including the challenge of this Chapter's validity within 30 days after its initial adoption based on procedural defects associated with the adoption process.
  - 9. **Validity Challenges.**
    - 1. Where a landowner desires to challenge the validity of the ordinance in regards to the application of the ordinance to a property within the Borough either under his ownership or other than his own, the landowner shall submit an application for a validity challenge to the Zoning Officer. The application shall include the section of ordinance, of which validity is challenged, the property to which the challenge relates, the landowner's basis for challenge, and proposals by the landowner concerning

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amendments that would cure the alleged defect. Additionally, the required fee shall be submitted in accordance with the Borough's fee schedule.

2. Upon acceptance, the Zoning Officer shall forward the application to the Zoning Hearing Board for consideration within five business days of receipt.
3. The Board shall conduct a hearing pursuant to public notice within 60 days of the application submission. The Board shall issue a decision within 45 days of the close of the last hearing on the application.
4. The Zoning Hearing Board's decision shall be based on the following:
  - 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 the ordinance or map.
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
  - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - E. The impact of the proposal on land uses which are essential to public health and welfare.
5. If the Board fails to act on the landowner's request within the time limits referred to in §27-1102.9(3), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing. The request shall also be deemed denied when the Board fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Board.
6. Where the Zoning Hearing Board rules in favor of the landowner, the Board shall draft proposed amendments to the ordinance which the Board, in its decision, believes will cure the validity challenge and associated defects. Said amendments shall be forwarded to the Township and Boroughs.
10. The Zoning Hearing Board shall hear any variance or special exception with regard to Article XII, "Floodplain Regulations."

*(Ord. 935, 5/10/2018, §27-1102)*

**§27-1103. The Planning Commission and the Governing Body.**

1. Planning Commission. [Repealed by Ord. 913]
2. The Zoning Officer shall accept applications cited as PRD's, conditional uses, or TND's and shall forward the applications to the Planning Commission for consideration at their next regularly scheduled meeting when complete applications are received within 21 calendar days prior to said meeting.
3. The Planning Commission and Borough Council shall consider applications for zoning changes of properties and shall adhere to the following requirements:
  1. A landowner or holder of equitable title to a parcel or parcels within the Borough may request a change of zoning classification for said parcel(s) or portion thereof. The applicant shall submit the fee required by the Borough along with the amount of copies required by resolution and shall include the deeds to all properties, a metes and bounds description of the area proposed to be reclassified if said area represents a portion of the parcel(s) owned, proof of equitable title where applicable, and a statement detailing the conformance of the request to the East Allegheny Joint Comprehensive Plan's goals and objectives or subsequently adopted comprehensive plans. The landowner shall file an application with the Zoning Officer, wherein the Zoning Officer shall forward a copy thereof to the Planning Commission at least 30 days prior to holding a public hearing. The governing body shall follow the procedures set forth in §27-1103.7 in addition to those outlined herein.
  2. The Zoning Officer shall forward a copy of the application and request to the Allegheny County Economic Development and the Planning Commission and shall allow 30 days for comment.
  3. The Zoning Officer shall schedule a public hearing before the governing body, advertised according to public notice, 30 days or more after the submission to the County planning agency, and the Borough Planning Commissions. The other municipalities within the Borough shall submit comments prior to the public hearing.
  4. The Zoning Officer shall mail correspondence stating the date, time, and purpose of the public hearing to all property owners of record within the Borough, as identified in the tax records, within 200 feet of the lot lines of the subject parcel or parcels.
  5. The Zoning Officer shall post the subject property or properties at points noticeable to the general public and/or effected property owners where the parcel does not border a public street.
  6. The Planning Commission shall provide a recommendation to the full Council, which after holding a public hearing or hearings pursuant to public notice may approve or deny the request.

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### 4. Curative Amendments.

1. Where a landowner desires to challenge the validity of the ordinance in regards to the regulations involving the use of his property, the landowner shall submit an application for a curative amendment to the Zoning Officer. The application shall include a description of the activity or structure proposed in lieu of that permitted by thereon by the ordinance. A survey of the subject property showing existing structures thereon shall be submitted. The application shall also include a proposed amendment that the landowner presents as a cure for the perceived defect in the ordinance. Additionally, the required fee shall be submitted in accordance with the Borough's fee schedule.
2. Upon acceptance, the Zoning Officer shall forward the application to the Planning Commission for consideration at their next regularly scheduled meeting or if accepted later than 21 days prior thereto, at the following regularly scheduled meeting.
3. The governing body shall conduct a hearing pursuant to public notice within 60 days of the application submission. The governing body shall issue a decision within 45 days of the close of the last hearing on the application that may include acceptance, denial, or modified acceptance of the curative amendment.
4. The decision shall be based on the following:
  - 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 the ordinance or map.
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
  - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - E. The impact of the proposal on land uses which are essential to public health and welfare.
5. Where the governing body decides to amend the ordinance, the procedures of §27-1103.7 and those otherwise outlined in the Municipalities Planning Code shall apply.
6. If the governing body fails to act on the landowner's request within the time limits referred to in §27-1103.5(3), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing. The request shall also be deemed denied when:

- A. The governing body notifies the landowner that it will not adopt the curative amendment.
- B. The governing body adopts another curative amendment, which is unacceptable to the landowner.
- C. The governing body fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Borough.

5. **Municipal Curative Amendments.** Where the Borough Council determines that the Zoning Ordinance or any portion thereof is substantially invalid, each shall take the following actions:

- 1. Declare by formal action, that this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal, each governing body of the Borough shall by resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
  - A. References to specific uses which are either not permitted or not permitted in sufficient quantity.
  - B. Reference to a class of use or uses which require revision.
  - C. Reference to the entire ordinance which requires revisions.
  - D. The governing bodies of the Borough shall begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity as per the resolution.
- 2. Within nine months from the date of the declaration and proposal, the governing body shall enact the amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the procedures required by §27-1103.7 of this Chapter and the Municipalities Planning Code for ordinance amendments, in order to cure the declared invalidity of this Chapter.

6. The governing body may not again utilize the above procedures and associated protections offered by the Municipalities Planning Code for a period of 36 months following the enactment of the curative amendment.

- 1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or

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amendment shall include either the full text thereof or the title and a brief summary, prepared by the solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- A. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other county office designated by Allegheny County.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least ten days prior to enactment, readvertise, in one newspaper of general circulation in the respective governing body, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments. The governing body shall notify the remaining municipalities of same at the time of advertising.
  3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

*(Ord. 935, 5/10/2018, §27-1103)*

**ARTICLE XII**

**FLOODPLAIN REGULATIONS**

**§27-1200. Purpose.**

1. The purpose of these provisions is to prevent the loss of property and life, the protection of health and safety, to prevent the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
  1. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
  2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
  3. Requiring all those uses, activities, and developments that do occur in floodprone areas to be protected and/or flood-proofed against flooding and flood damage.
  4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

*(Ord. 935, 5/10/2018, §27-1200)*

**§27-1201. Applicability.**

1. These provisions shall apply to all lands within the jurisdiction of the Borough and shown as being located within the boundaries of the designated floodplain districts which shall be considered to be a part of the official Zoning Map.
2. There is hereby established and approved a map as part of the official Zoning Map of the Borough, which is incorporated and made part of this Chapter as an overlay district, modifying the provisions of the underlying districts. Said map shall be referred to as the Floodplain Overlay Map, as amended. Said map shall include the Floodway, Flood-Fringe, and General Floodplain Districts, the delineation of which is defined herein.

*(Ord. 935, 5/10/2018, §27-1201)*

**§27-1202. Compliance.**

1. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the

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terms and provisions of this Article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Article.

*(Ord. 935, 5/10/2018, §27-1202)*

### **§27-1203. Warning and Disclaimer of Liability.**

1. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.
2. This Article shall not create liability on the part of the Township, or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision.

*(Ord. 935, 5/10/2018, §27-1203)*

### **§27-1204. Basis of Districts.**

1. The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for the governing body prepared by the Federal Insurance Administration dated August 15, 1979, effective February 15, 1980, as amended.
2. The FW (Floodway District) is delineated for purposes of this Article using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100-year flood more than one foot at any point. The areas included in this area are defined in the floodway data table contained in the Flood Insurance Study as prepared by FEMA and shown on the recorded FIRM. Where no floodway has been delineated in the FIS, such information contained in any other available Federal, State or other acceptable source should be used.
3. The FF (Flood-Fringe District) shall be that area of the 100-year floodplain not included in the floodway. The basis for the outermost boundary of this area shall be the 100-year flood elevations contained in the flood profiles provided in the FIS. Where elevation information is not provided in the FIS, such information provided in any other available Federal, State or other acceptable source should be used.
4. The General Floodplain District (FA) shall be that floodplain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIS prepared by FIA. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Floodplain Information Reports, U.S. Geological Survey FloodProne Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance

with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the governing body.

(Ord. 935, 5/10/2018, §27-1204)

**§27-1205. District Standards.**

1. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half feet above the 100-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by U.S. Army Corps of Engineers (June, 1972) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
2. **District Boundary Changes.** The delineation of any of the floodplain districts may be revised by the Borough where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
3. **Interpretation of District Boundaries.** Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
4. Within any identified floodplain district, fully enclosed spaces below the lowest floor of any new or substantially improved structure shall be prohibited.
5. All uses, activities and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Part and with all other applicable codes and ordinances such as the Uniform Construction Code, and the local subdivision and land development ordinance. In addition, all such uses, activities and development shall be undertaken only in compliance with Federal or State law including §404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. §1334.
6. Under no circumstance shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

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7. Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the Borough, a permit shall be obtained from the Department of Environmental Protection, Dam Safety, Obstructions and Stormwater Management Division. Further, notification of the proposal by the Borough shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development.

(Ord. 935, 5/10/2018, §27-1205)

### **§27-1206. Floodway District.**

1. **Floodway District (FW).** In the Floodway District no development shall be permitted except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above.
2. **Permitted Uses.**
  1. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas, not including buildings related thereto.
3. **Special Exceptions.**
  1. Essential services.
  2. Essential service building.
  3. Water-related uses and activities such as marinas, docks, wharves, piers, etc., as an accessory to any principal use permitted within the underlying district.
  4. Extraction of sand, gravel, and other materials where permitted within the underlying district.
4. Within any identified floodplain district, fully enclosed spaces below the lowest floor of any new or substantially improved structure shall be prohibited.

(Ord. 935, 5/10/2018, §27-1206)

### **§27-1207. Flood-Fringe District (FF).**

1. In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses,

activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances.

*(Ord. 935, 5/10/2018, §27-1207)*

**§27-1208. General Floodplain District (FA).**

1. In the General Floodplain Conservation District, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances.

*(Ord. 935, 5/10/2018, §27-1208)*

**§27-1209. Special Exception and Variances, Additional Criteria.**

In passing upon applications for special exceptions and variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other Sections of this Chapter and the following:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the Floodway District.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access to the property in times of flood of ordinary and emergency vehicles.

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11. The expected heights, velocity, duration, rate of rise; and sediment transport of the flood waters expected at the site.
12. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
13. Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.
14. In considering the presence of a hardship on a subject property, extraordinary justification shall be required for properties over one and one-half acres.

*(Ord. 935, 5/10/2018, §27-1209)*

### **§27-1210. Definitions.**

The following definitions shall apply to this Article:

1. **DEVELOPMENT** - any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
2. **FLOOD** - a temporary inundation of normally dry land areas.
3. **FLOODPLAIN** - (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
4. **FLOODPLAIN DISTRICTS** - those floodplain districts specifically designated in this Chapter as being inundated primarily by the 100-year flood. Included would be areas identified as Floodway District (FW), Flood-Fringe District (FF), and General Floodplain District (FA) .
5. **ONE HUNDRED-YEAR FLOOD** - a flood that, on the average, is likely to occur once every one hundred years (i.e. that has a 1% chance).
6. **SUBSTANTIALLY IMPROVED** - any alteration, repair, reconstruction or expansion to a structure existing at the time of this Chapter's enactment, the costs of which equals or exceeds 50% of the market value of the existing structure.

*(Ord. 935, 5/10/2018, §27-1210)*

**§27-1211. Hazardous Materials.**

1. **Uses Concerning Hazardous Materials.** In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions:
  1. Acetone.
  2. Ammonia.
  3. Benzene.
  4. Calcium carbide.
  5. Carbon disulfide.
  6. Celluloid.
  7. Chlorine.
  8. Hydrochloric acid.
  9. Hydrocyanic acid.
  10. Magnesium.
  11. Nitric acid and oxides of nitrogen.
  12. Petroleum products (gasoline, fuel oil, etc.).
  13. Phosphorus.
  14. Potassium.
  15. Sodium.
  16. Sulphur and sulphur products.
  17. Pesticides (including insecticides, fungicides and rodenticides).
  18. Radioactive substances, insofar as such substances are not otherwise regulated.

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2. Within any floodway area any structure of the kind described in this Section, shall be prohibited.
3. Within any general floodplain area, any structure of the kind described in subsection 1 above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
4. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

*(Ord. 935, 5/10/2018, §27-1211)*

**ARTICLE XIII**

**AIRPORT DISTRICT OVERLAY**

**§27-1300. Purpose.**

The purpose of this Article is to create an Airport District Overlay that considers safety issues around the Allegheny County Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

*(Ord. 935, 5/10/2018, §27-1300)*

**§27-1301. Relation to Other Zone Districts.**

The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

*(Ord. 935, 5/10/2018, §27-1301)*

**§27-1302. Definitions.**

The following words and phrases when used in this Article shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

**AIRPORT ELEVATION** - the highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Allegheny County Airport is 1,250 feet above mean sea level.

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

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

**APPROACH SURFACE (ZONE)** - an imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1 at the end of this Article, is derived from the approach surface.

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**CONICAL SURFACE (ZONE)** - an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to 1 foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

**DEPARTMENT** - Pennsylvania Department of Transportation.

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

**HEIGHT** - for the purpose of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**HORIZONTAL SURFACE (ZONE)** - an imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

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

**NONCONFORMING USE** - any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

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

**OBSTRUCTION** - any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Article.

**PRECISION INSTRUMENT RUNWAY** - a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE (ZONE)** - an imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

**RUNWAY** - a defined area of an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE** - an object, including a mobile object, constructed or installed by man including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

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

**TREE** - any object of natural growth.

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

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

*(Ord. 935, 5/10/2018, §27-1302)*

**§27-1303. Establishment of Airport Zones.**

There are hereby created and established certain zones within the Airport District Overlay ordinance, defined in Section 3 and depicted on Figure 1 and illustrated on the Allegheny County Airport (AGC) Airspace Plan (Drawings 6, 7, & 8 of 14 of the AGC Airport Master Plan, as amended), hereby adopted as part of this Article, which include:

1. Approach Surface Zone.
2. Conical Surface Zone.
3. Horizontal Surface Zone.
4. Primary Surface Zone.
5. Transitional Surface Zone.

*(Ord. 935, 5/10/2018, §27-1303)*

**§27-1304. Permit Applications.**

As regulated by Act 164 and defined by 14 CFR, Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA

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returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Article. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in §27-1305.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

*(Ord. 935, 5/10/2018, §27-1304)*

### **§27-1305. Variance.**

Any request for a variance shall include documentation in compliance with 14 CFR, Part 77, Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. **No Objection.** The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. **Conditional Determination.** The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in §27-1308, "Obstruction Marking and Lighting."
3. **Objectionable.** The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Article.

*(Ord. 935, 5/10/2018, §27-1305)*

### **§27-1306. Use Restrictions.**

Notwithstanding any other provisions of this Article, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create

bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Allegheny County Airport.

*(Ord. 935, 5/10/2018, §27-1306)*

**§27-1307. Pre-Existing Nonconforming Uses.**

The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.

*(Ord. 935, 5/10/2018, §27-1307)*

**§27-1308. Obstruction Marking and Lighting.**

Any permit or variance granted pursuant to the provisions of this Article may be conditioned according to the process described in §27-1305 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

*(Ord. 935, 5/10/2018, §27-1308)*

**§27-1309. Violations and Penalties.**

Subject to that in the underlying Zoning Ordinance [this Chapter].

*(Ord. 935, 5/10/2018, §27-1309)*

**§27-1310. Appeals.**

Subject to the process in the underlying Zoning Ordinance [this Chapter].

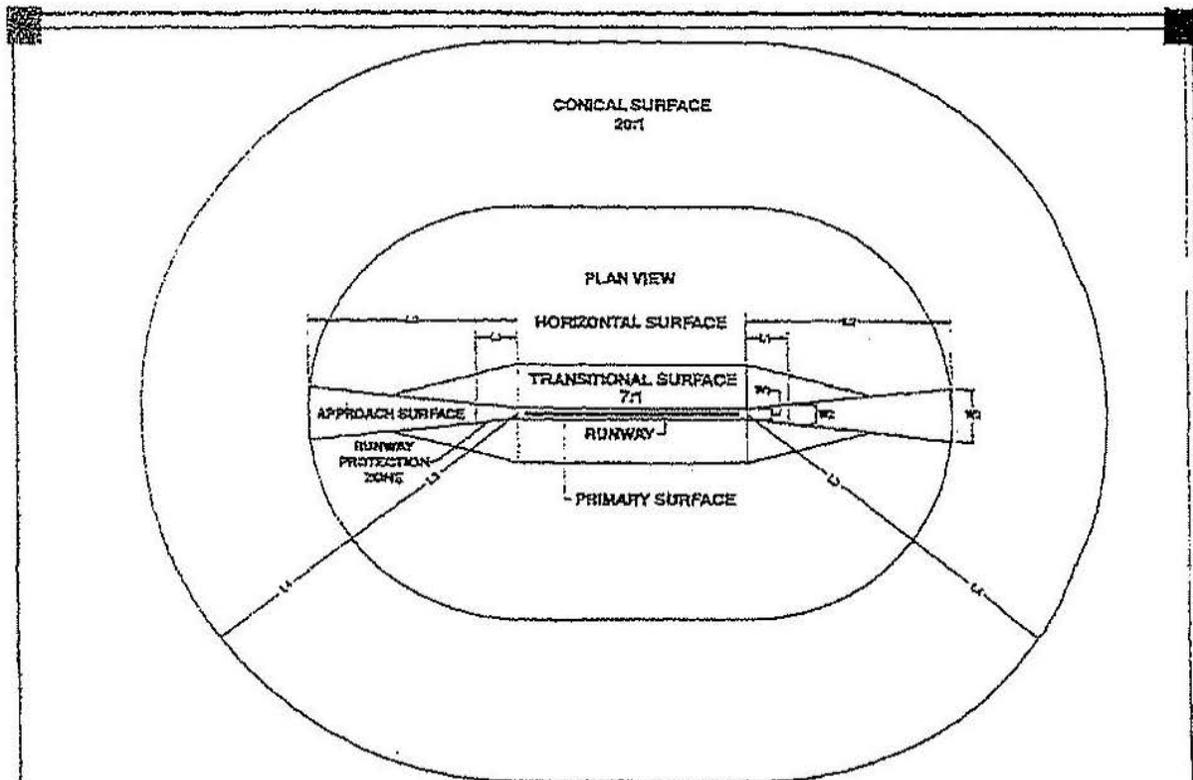
*(Ord. 935, 5/10/2018, §27-1310)*

**§27-1311. Conflicting Regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

*(Ord. 935, 5/10/2018, §27-1311)*

Figure 1: Part 77 Surface Areas



**FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS**

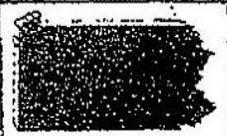
Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L3)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Outer Width (W2)			
Small Airplanes <sup>1</sup>	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	800	2,000	20:1	800	7:1
Large Airplanes <sup>2</sup>	V	NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
	NP	NP	4,000	10,000	10,000	900	3,500	34:1	900	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	50:1/40:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet  
 2 - Less than 12,500 lbs maximum certified takeoff weight  
 3 - Greater than 12,500 lbs maximum certified takeoff weight

V = Visual approach 20:1  
 NP = Nonprecision approach 34:1  
 NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute mile 34:1  
 P = Precision approach 50:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration



Pennsylvania Land Use Compatibility Guidelines

**FAR PART 77 SURFACES AND DIMENSION REQUIREMENTS**

Exhibit 3

