

## **Chapter 27**

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**Part 1****General Provisions****§27-101. Short Title.**

This Chapter shall be known and may be cited as the "Borough of Swissvale Zoning Ordinance," and the zoning district map shall be known and may be cited as the "Official Borough of Swissvale Zoning Map."

(*Ord. 91-12, 10/9/1991, §101*)

**§27-102. Statement of Purposes.**

The purposes of this Chapter are to promote the safety, health, convenience and general welfare; encourage the most appropriate use and reuse of land throughout the Borough; conserve and stabilize the value of property; prevent overcrowding of land and buildings; avoid undue concentration of population; lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate open spaces for light and air; facilitate adequate provision of roads, water, sewerage, drainage and other public facilities; conserve life, property natural, scenic and historic resources; and conserve the expenditure of funds earmarked for public improvements.

(*Ord. 91-12, 10/9/1991, §102*)

**§27-103. Community Development Objectives.**

This Chapter is adopted in accordance with the Borough's Statement of Community Development Objectives, adopted by *Res. 91-15* by Borough Council on October 9, 1991.

(*Ord. 91-12, 10/9/1991, §103*)

**§27-104. Application of the Regulations.****1. Compliance.**

A. No building, structure or land, or part thereof, shall hereafter be erected, constructed, reconstructed, moved, structurally altered, used or occupied except in conformity with all applicable provisions of this Chapter.

B. No grading, earthmoving, removal of topsoil, trees or other vegetative cover preparatory to any construction or alteration requiring a certificate of zoning compliance by this Chapter shall be undertaken prior to the issuance of said certificate.

**2. Future Annexations.** All territory which may hereafter be annexed to the Borough of Swissvale shall be considered to be in the S-1 Special Facilities District until otherwise classified.

**3. Reclassification of Public Facility If Use Ceases.** Whenever a public agency intends to cease use of a public facility or land area, such as a school, recreation area, community center or municipal building, the agency shall send written notice to Borough Council. The Planning Commission shall then initiate a study of suitable reuses of the property and within 90 days submit its recommendations to Council

concerning any appropriate changes to existing zoning requirements.

4. *Pending Building Permits.*

A. Nothing in this Chapter shall require any change in construction or use of any structure for which a building permit was lawfully issued prior to the effective date of this Chapter, or any amendment thereto, provided construction has begun or a contract or contracts have been let pursuant to the permit issued prior to the effective date of this Chapter.

B. Any building permit which was issued subsequent to the first public hearing on this Chapter, or any amendment to it, but prior to the ordinance, or amendment's, effective date shall be declared void at the time of adoption of this Chapter, if the structure or use does not conform to the provisions of this Chapter, or amendment, and if no construction (other than excavation) has begun or contract(s) let.

(*Ord. 91-12, 10/9/1991, §104*)

**§27-105. Interpretation of Regulations.**

1. Wherever the regulations within this Chapter are at variance with other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, those which impose the most restrictive requirements shall govern.

2. No structure or use which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that said unlawful structure or use is in conflict with the requirements of this Chapter, said structure remains unlawful hereunder.

3. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

4. In judging whether or not the requirements of this Chapter have been met, the responsible approval agent shall be guided by generally accepted standards and practices for sound site planning and development, building design and construction. The Borough shall maintain, and make available upon request, a list of reference sources which it uses in applying the standards contained in this Chapter.

(*Ord. 91-12, 10/9/1991, §105*)

**§27-106. Exemptions to the Regulations.**

This Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

(*Ord. 91-12, 10/9/1991, §106*)

**§27-107. Validity.**

Should any Section or provision of this Chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Chapter as a

whole or any other part hereof; the Parts or Sections remaining shall remain in effect as if the Part or the Section declared unconstitutional had never been a part of this Chapter.

*(Ord. 91-12, 10/9/1991, §108)*



**Part 2**

**Schedule of District Regulations**

**§27-201. Establishment of District Classifications.**

The Borough of Swissvale is hereby divided into the following zoning districts:

Residential:	R-1A	Single-family Residential
	R-1B	Single-family Residential
	R-2	Residential
	R-3	Residential
Mixed use:	RB	Residential/Business
Commercial:	C-1	General Commercial
	C-2	Planned Commercial [Ord. 05-02]
Industrial:	I-1	General Industrial
Special:	S-1	Special Facilities

(Ord. 91-12, 10/9/1991, §201; as amended by Ord. 05-02, 6/1/2005)

**§27-202. Zoning District Map and Boundaries.**

1. *Boundaries Established.*

A. The boundaries of the various zoning districts are hereby established on the map entitled “Official Zoning Map” on file in the office of the Zoning Officer. This map with all explanatory matter thereon is hereby made part of this Chapter. The Official Zoning Map shall be dated and signed by the Borough Secretary certifying that it is the true map adopted by Borough Council. All amendments shall be identified on the map and similarly certified.

B. The boundaries between districts are, unless otherwise indicated, either the centerline of streets or such lines extended, or parallel lines thereto, or property lines or other physical boundaries and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by scale shown on the Official Zoning Map.

2. *Interpretation.* Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not specifically covered above, the Zoning Hearing Board shall interpret the district boundaries.

3. *Future Street Vacation.* In the event that a street, alley or other way shown on the Zoning District Map is vacated, the property formerly in said street right of way shall be included within the zoning district of the adjoining property on either side of

said vacated street or way. Where said street forms a zoning district boundary, the new district boundary shall be the new property line created by the former centerline of said vacated street.

(*Ord. 91-12, 10/9/1991, §202*)

### **§27-203. Statement of Purpose for Zoning Districts.**

1. *R-1 A and B Single-family Districts.* These districts identify portions of the Borough where the major objective is to maintain established neighborhoods with single-family homes built on larger lots. Certain other residentially related uses are also authorized, subject to certain criteria.

2. *R-2 Residential District.* This district designates a neighborhood consisting primarily of Single-family homes on moderately sized lots but may also including a mix of other housing types. The intent of this district is to preserve its predominately single-family character. Certain residentially related uses are also authorized, subject to certain criteria.

3. *R-3 Residential District.* This district provides for higher density residential areas with a variety of housing types. Certain specialized housing types along with other residentially related uses are also authorized in this district.

4. *RB Residential/Business District.* This district provides for areas of the borough where a mixture of residences, business and professional offices and limited commercial uses is allowed according to appropriate planning and development standards.

5. *C-1 General Commercial District.* This district designates areas suitable for the development of a diversity of retail and service commercial uses to serve the need of area residents and businesses.

6. *C-2 Planned Commercial District.* This district designates areas suitable for development of specialized entertainment and other facilities. [*Ord. 05-02*]

7. *I-1 General Industrial District.* This district provides for a wide range of manufacturing, industrial and compatible commercial uses along with transportation services.

8. *S-1 Special Facilities District.* This district designates those portions of the Borough best suited for recreational facilities, schools, libraries and similar public and quasi-public institutions.

(*Ord. 91-12, 10/9/1991, §203; as amended by Ord. 05-02, 6/1/2005*)

### **§27-204. District Regulations.**

1. *Authorized Uses.* Except as provided by law or this Chapter, in each district a building, structure or lot shall be used or occupied only for the purposes specified in Table 200-1, "Authorized Uses by Zoning District," which follows and is hereby adopted by reference and declared to be a part of this Chapter.

A. Uses listed in Table 200-1 as "permitted" are those authorized by right provided they comply with all applicable requirements contained in this Chapter.

B. Uses listed in Table 200-1 as "conditional uses" are permitted in a zoning district subject to the provisions of Part 3 of this Chapter and after receiving

approval from Borough Council.

C. Uses listed in Table 200-1 as "special exception uses" are permitted in a zoning district subject to the provisions of Part 3 of this Chapter and after receiving approval from the Zoning Hearing Board.

2. *Area and Dimensional Requirements.* The area and dimensional standards which shall apply to permitted, conditional and special exception uses within each zoning district are set forth in Table 200-2, "Area and Dimensional Standards by Zoning District," which follows and is hereby adopted by reference and declared to be a part of this Chapter.

(Ord. 91-12, 10/9/1991, §204)

### **§27-205. Lot, Yard and Height Regulations and Exceptions.**

1. *Required Lot Area.*

A. Any lot together with the required yards and open areas on it shall be equal to or exceed the minimum lot area established for the zoning district in which it is located. In case of a subdivision or combination of lots, no lot shall be created which does not meet the requirements of this Chapter.

B. Any portion of a lot once designated as a yard or as lot area per dwelling unit in compliance with the lot area requirements of this Chapter, shall not be counted again as a required yard or lot area per dwelling unit for another lot or building, nor shall it be sold as a separate lot.

C. Any portion of a lot which is recorded or otherwise reserved for future streets shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.

2. *Lots with On-Lot Sewage.* Where an on-lot sewage disposal system is to be used, the minimum lot size shall not be less than required by percolation tests.

3. *Access to Public Street.* All lots shall have access either directly or via a driveway to a public street. Such driveway shall have a uniform width of not less than 12 feet.

4. *Front Yards on Corner Lots.* Lots which abut on more than one street shall provide the required front yards along every street.

5. *Front Yard Exceptions.* Where a dwelling is proposed to be built on a lot which is situated between two lots on which the existing principal dwellings have maintained a lesser front yard setback since the enactment of this Chapter, then the front yard of the proposed dwelling may be reduced to the average of the front yard of the two abutting structures. This exception shall not apply to townhouse or multi-family dwelling units.

6. *Projections into Required Yards.* All structures, whether or not attached to the principal structure and whether open or enclosed including porches, balconies, or other platforms above normal grade level, shall not project into any minimum front, side, or rear yard with the following exceptions:

A. A buttress, chimney, cornice, pier, or pilaster which does not project more than 18 inches from the wall of a building may project into a required yard.

B. Balconies or other above-ground platforms and access steps to a structure,

not exceeding 6 feet in width, may extend up to 3 feet into a required yard.

C. A porch may extend into a required yard provided it is located no closer than 10 feet to any side or rear lot line or 15 feet to the front lot line.

D. A patio may be located in a required yard provided it is no closer than 3 feet to any side or rear lot line or 10 feet to any front line.

7. *Height Exceptions.* Church spires and towers, water towers and tanks, utility poles and towers, cupolas, penthouses, domes not for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, silos, and necessary mechanical or ornamental appurtenances may exceed the maximum height for the zoning district in which they are located. However, the required side yards shall be increased 1 foot for each 5 feet over 45 feet in height.

(Ord. 91-12, 10/9/1991, §205)

### §27-206. Additional Standards.

1. *Off-street Parking and Loading.* In each zoning district all uses shall provide off-street parking and/or loading spaces in accordance with the provisions of §§27-408 and 27-409 of this Chapter.

2. *Townhouse and Multi-family Developments.*

A. Townhouse or multi-family developments with more than one principal building shall be arranged so as to:

(1) Ensure adequate light and air exposures for buildings with walls containing main window exposures or main entrances. In no case shall any structure be located closer than 15 feet to any other structure when having a side-to-side (wall), rear-to-side, or rear-to-rear orientation; or closer than 25 feet when having a front-to-front, front-to-rear, or front-to-side orientation.

(2) Minimize exposure to concentrated loading or parking facilities.

(3) Provide adequate access for emergency vehicles to all buildings as approved by the Borough Fire Chief.

B. Multi-family dwellings which are accessory to a commercial structure shall comply with the standards for conversions in subsection .3 except no minimum lot area per dwelling shall be required.

3. *Conversions.* Where allowed by this Chapter, conversions of existing single or two family dwellings to multi-family dwellings shall comply with the following:

A. A minimum lot area of 1,000 square feet per dwelling shall be provided, and off-street parking requirements for multi-family dwellings shall be met.

B. No off-street parking shall be permitted in a front yard; parking may be provided in a side or rear yard, provided it is visually screened from the street and adjacent properties (see §27-408).

C. No individual dwelling unit shall contain less than 800 square feet of floor area and shall include kitchen and bath facilities.

D. All units shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry regulations.

E. No dwelling unit shall be located in a cellar which is wholly below grade.

F. All dwelling units shall have adequate light and air exposure.

G. Any outdoor trash or garbage storage shall be screened from a public street or adjacent property.

4. *Commercial Uses.*

A. In mixed use and commercial districts, all uses shall be conducted wholly within an enclosed building. Temporary sale of merchandise in front of the premises may be permitted only as a seasonal sale or seasonal sidewalk sale, subject to the provisions of §27-410 of this Chapter.

B. There shall be no manufacturing, compounding, processing or treating of products other than that which is clearly incidental and essential to a retail/service business; any products so manufactured on the premises shall be sold at retail on the premises only.

C. With respect to those commercial establishments which the Borough of Swissvale Zoning Hearing Board has determined to be legal non-conforming uses entitled to operate in residential zoning districts R-1A, R-1B, R-2 and R-3 only during "reasonable hours," the phrase "reasonable hours" shall be defined as Monday through Saturday from 8 a.m. to 8 p.m. [Ord. 95-9]

D. Sexually oriented businesses shall not be permitted within 500 feet from any school, playground, day care center or place of worship. [Ord. 05-02]

5. *Industrial Uses.*

A. In an industrial district, all operations and activities shall be conducted wholly inside a building, or buildings, except for authorized truck, railroad or public transportation services and salvage yards. Storage of materials, products or equipment may be maintained outside a building in a side or rear yard if such storage area is separated from any public street or abutting property by a buffer yard in accordance with the provisions of this Chapter.

B. No building on an industrial property shall be used for residential purposes, except that a security guard or custodian may reside on the premises.

6. *Buffer Yards.*

A. *Purpose.* A buffer yard is intended to separate land uses which differ in terms of visual, functional or operational characteristics and, therefore, may negatively impact one another.

B. *Approval.* For permitted uses, any required buffer yards shall be approved by the Planning Commission. For any conditional or special exception use, requirements for buffer yards shall be determined by Borough Council or the Zoning Hearing Board, as appropriate, as part of the special use approval.

C. *Rules for Providing Buffer Yards.*

(1) Buffer yards will typically be required along side and rear lot lines only. However, a buffer yard may be required at any location on the lot where the approving agent determines it necessary to achieve the purposes of this Section.

(2) Buffer yards shall be in addition to the yard requirements otherwise applicable to the lot (see Table 200-2).

(3) The developer of a use shall be responsible for providing the required

buffer yard according to the following rules:

(a) If a use is proposed adjacent to an existing use or vacant land of a different zoning classification, the proposed use shall provide all of the required buffer yards.

(b) If two uses are proposed for adjacent sites being developed at the same time, each shall provide half of the required buffer yard.

(c) If a use is proposed for a site which is a part of a larger area for which a land development plan has been approved, then the proposed use shall provide half of the buffer yard between it and the proposed uses shown adjacent to it on the approved plan.

D. *General Standard.* A buffer area shall provide a year-round visual screen and may consist of one or a combination of the following:

(1) Evergreen and deciduous plant material of varying species.

(2) A natural or artificial land form or wooded area, provided such area is preserved from future development by easement, deed restriction, covenant or similar measure.

(3) A fence or wall between 5 and 8 feet in height with at least 60% of the-surface being opaque.

E. *Minimum Size.* In establishing the minimum width or depth of a buffer yard, the following standards shall apply:

Adjacent Use Classification	Proposed Use Classification		
	Commercial	Industrial	Institutional <sup>1</sup>
Residential	6 ft.	15 ft.	10 ft.
Commercial	–	10 ft.	10 ft.
Industrial	15 ft.	10 ft.	15 ft.
Institutional	10 ft.	15 ft.	–

F. *Size Variations.*

(1) Where the applicant proposes to use a fence or wall as part of the buffer yard, the minimum required width of the buffer yard may be reduced by 25% provided the proposed fence and/or wall adequately accomplishes the purposes of this Section.

(2) The approving body may authorize a modification in the otherwise applicable buffer area requirements where it determines that:

(a) A greater buffer area, or an element thereof, is required to accomplish the purposes of this Chapter.

(b) The changes in elevation between abutting properties or other natural features exist such that they decrease or eliminate the need for the buffer area at the points where the buffer area is required by this

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<sup>1</sup>This category covers public and semi-public use: including schools, churches, hospitals, nursing homes, recreational facilities, public buildings and public/essential services.

Chapter.

G. *Uses in Buffer Yards.* No structure shall be permitted within a required buffer area (except an authorized fence, wall or sign), nor shall a buffer area be used for parking, loading, vehicular circulation, storage or any other purpose. A driveway providing direct access to the use may transverse the buffer yard.

H. *Design and Maintenance.* The design, construction and maintenance of a required buffer yard shall comply with the standards contained in the Borough Subdivision and Land Development Chapter [Chapter 22].

(*Ord. 91-12*, 10/9/1991, §206; as amended by *Ord. 95-9*, 11/8/1995, §1; and by *Ord. 05-02*, 6/1/2005)



**Table 200-1  
Authorized Uses by Zoning District**

<b>Permitted Uses</b>	<b>Conditional Uses</b>	<b>Special Exceptions</b>
<b>R-1 A and B Residential Districts</b>		
Single-family Detached	None	Place of Worship
Customary residential accessory uses		Home occupation Public/essential services
<b>R-2 Residential Districts</b>		
Single-family Detached Dwelling	None	Townhouse dwelling (not to exceed & individual dwelling units)
Two Family Detached Dwelling		Day care center (children or adults) ancillary to a school or place of worship
Customary residential accessory uses		Place of worship Home occupation Public/essential service
<b>R-3 Residential Districts</b>		
Single-family detached dwelling	Group residence	Place of worship
Two-family detached dwelling	Personal care home	Home occupation
Multi-family dwelling	Board home	Public/essential services
Townhouse dwelling	Day care center (Adults or children)	
Customary residential accessory uses		
<b>RB Residential/Business Districts</b>		
Single-family detached dwelling	Day care center (Adults or children)	Business or professional office
Two-family detached dwelling	Group residence	Funeral home
Multi-family dwelling	Personal care home	Medical facility
Townhouse dwelling	Nursing home	Commercial school (art, etc.)
Customary accessory uses	Public use/building	Place of worship Home occupation Public/essential services
<b>C-1 Central Business Districts</b>		
Retail business	Shopping center	Place of worship
Service business	Personal care home	Recreational facility, public or private

Permitted Uses	Conditional Uses	Special Exceptions
Business or professional office	Nursing home	Multi-family dwelling (individual building or accessory to a commercial building)
Financial institution (no drive-thru)	Medical facility	Boarding home
Funeral home	Public parking facility	Retail nursery or greenhouse
Eating/drinking establishment (conventional)	Public use/building	Veterinary office, animal hospital or kennel
Commercial, vocational school	School	Convenience market
Day care center (adults or children)	Railroad or public transportation	Gasoline service station
Contractor's office (no exterior storage)	Sidewalk Café [Ord. 98-11]	Vehicular repair garage
Medical equipment sales and service		Photo processing
Customary accessory uses		Commercial recreation
		Theater
		Private club
		Hotel/motel/inn
		Eating/drinking establishment (fast food)
		Drive-through facility
		Automobile sales and service
		Public/essential service

**C-2 Planned Commercial District**

Sexually Oriented Businesses  
[Ord. 05-02]

**I-1 General Industrial Districts**

Any production, fabricating, processing, cleaning, servicing, repair or storage of goods or products provided the use complies with all standards of this Chapter	Research/development facility	Car wash
Printing and publishing	Testing Laboratory	Public/essential services
Wholesale business	Salvage yard	
Warehouse establishment	Wholesale distribution or warehouse handling hazardous/toxic materials	

Permitted Uses	Conditional Uses	Special Exceptions
Contractor's office/showroom (including exterior storage)	Truck terminal	
Building materials sales	Railroad facility including trackage, passenger station, maintenance facility or freight yard	
Nursery or greenhouse	Public transportation facility including right of way, passenger or maintenance facility	
Vehicular repair garage		
Customary accessory uses		
<b>S-1 Special Facilities Districts</b>		
None	School	Public/essential services
	Recreation, public or nonprofit	
	Public use or building	
	Nursing home	
	Hospital	
	Customary accessory use	

(Ord. 91-12, 10/9/1991, Table 200-1; as amended by Ord. 98-11, 10/14/1998, §1; and by Ord. 05-02, 6/1/2005)

**Table 200-2  
Area and Dimensional Standards by Zoning District**

District	Type of Use	Lot Area (sq.ft)	Minimum Yards				Minimum Lot Width (Ft.)	Maximum Lot Coverage (%)	Maximum Height	
			Front	Side (feet)	Rear	Princp. (Feet)			Access.	
R-1A	Single Fm.	6,000	25	8	25	50	35	35	*	
	Other uses	7,000	30	10	30	60	30	35	*	
R-1B	Single Fm.	5,000	25	8	25	45	35	35	*	
	Other uses	7,000	30	10	30	60	30	35	*	
R-2	Single Fm.	3,500	20	4	25	35	45	35	*	
	Two Fm.	4,000	20	4	25	35	60	35	*	
R-3	Townhouse	2,000/unit	20	6	25	25/unit	50	35	*	
	Other uses	7,000	30	10	30	60	35	35	*	
R-3	Single Fm.	3,500	20	4	25	35	60	35	*	
	Two Fm.	4,000	20	4	25	40	60	35	*	
RB	Townhouse	2,000/unit	20	6	25	40	60	35	*	
	Multi-family	1,500/unit	25 <sup>1</sup>	10 <sup>1</sup>	25 <sup>1</sup>	70	50	60	*	
RB	Other uses	5,000	25	8	25	70	50	60	*	
	Single Fm.	2,500	20	4	20	25	65	35	*	
	Two Fm.	3,000	20	4	20	35	65	35	*	

	Townhouse	2,000/unit	20	6	20	25/unit	60	35	*
	Multi-family	1,200/unit	20 <sup>1</sup>	10 <sup>1</sup>	25 <sup>1</sup>	–	50	60	*
	Other uses	5,000	20	10	25	45	50	35	*
C-1	Multi-family <sup>2</sup>	1,500/unit	25 <sup>1</sup>	10 <sup>1</sup>	25 <sup>1</sup>	–	60	60	*
	Other uses	none <sup>3</sup>	–	–	10	–	75	60	*
I-1 [Ord. 05-02]	All uses	20,000	25	15	35	100	60	50	*
S-1	All uses	10,000	(See Pt.3)						

Notes: \* See §27-403-3 for height requirements.

1. Each yard shall be increased 1 foot for each 2 feet the structure exceeds 45 feet.
2. §27-206-28 shall apply to multi-family that is accessory to a commercial building.
3. The minimum lot area shall be sufficient to comply with the provisions for yards, lot coverage, parking and loading, buffer yards and any other applicable requirements.

(Ord. 91-12, 10/9/1991, Table 200-2; as amended by Ord. 05-02, 6/1/2005)



**Part 3****Conditional Uses and Special Exceptions****§27-301. General Provisions.**

1. *Purpose.* Conditional or special exception use designation indicates that the use is generally compatible with the permitted uses in the zoning district but requires a determination of appropriateness at a specific location in order to reduce any potential impacts on the surrounding area and municipality.

2. *Approval.* Conditional or special exception uses shall be approved or denied by Borough Council or the Zoning Hearing Board, as appropriate, in accordance with the standards and criteria of this Chapter and all other applicable requirements of this Chapter.

3. *Limitations.* Conditional or special exception approval may only be granted for those uses which are expressly authorized for the zoning district in which the proposed use is located.

4. *Status.*

A. Any use which receives conditional or special exception use approval shall not be deemed to be a nonconforming use; it shall be deemed a lawful conforming use.

B. Where a use exists at the effective date of this Chapter and is permitted by this Chapter only as a conditional or special exception use in the zoning district in which it is located, then it shall be deemed to be a lawful conforming use in such zoning district.

(*Ord. 91-12, 10/9/1991, §301*)

**§27-302. Application Procedure.**

1. *Application Content.* Applications for conditional or special exception uses shall be submitted to the Zoning Officer in the form prescribed by the Borough. The application shall contain or be accompanied by such copies, information and plans as required by the application form, which shall include, a site or plot plan drawn to scale showing the proposed development activity and other information necessary to evaluate the application under the provisions of this Chapter.

2. *Complete Application.* Within 5 days of receiving an application, the Zoning Officer shall determine if the application is complete. If it is not, the Zoning Officer shall notify the applicant of any deficiencies and shall take not further actions to process the application until the deficiencies are remedied.

3. *Review Procedure.*

A. *Conditional Use Application.*

(1) Within 10 days after receiving a complete application, the Zoning Officer shall forward a written report to the Planning Commission, Borough Council and the applicant, describing the extent to which the proposed use

complies with the applicable requirements of this Chapter.

(2) The Planning Commission shall review the application and submit its recommendations in writing to Council, with a copy to the applicant.

(3) Following the Planning Commission's review, Council shall hold a public hearing pursuant to public notice on the application.

(4) Within 40 days after the hearing, Council shall act to approve or deny the application. In approving an application, Council may impose reasonable conditions and safeguards, in addition to those expressed in this Chapter, which it determines necessary to accomplish the objectives of this Chapter.

(5) If an application is approved with conditions or denied, within 10 days of its action, Council shall provide the applicant with a written decision. This report shall specify any conditions of approval and identify the reasons for its determination, making reference to the facts, ordinance provisions, rules or regulations upon which Council based its decision.

(6) If Council fails to render a decision within the 90 days after filing a complete application, the application shall be deemed to be approved, unless an extension of time has been agreed to by the applicant.

B. *Special exception use.* Once an application is complete, the Zoning Officer shall forward it to the Zoning Hearing Board. The Board shall approve or deny an application in accordance with the provisions of Part 6 of this Chapter.

#### 4. *Expiration or Revocation of Approval.*

A. Approval of a conditional or special exception use application shall expire after 1 year from date of approval if the applicant fails to obtain a certificate of zoning compliance and start construction. The applicant may request in writing an extension of this time limit of up to 1 year where good cause can be shown.

B. If at any time after a conditional or special exception use is approved, the applicant is found to be in violation of any of the conditions of approval, the standards of this Chapter or other requirements of this Chapter; the recipient of the approval shall be subject to the penalties described in Part 7 of this Chapter, including a revocation of the special use approval.

(Ord. 91-12, 10/9/1991, §302)

### **§27-303. Cooperation of Conditional or Special Exception Use Approval With Other Approvals and Ordinances.**

1. Where an application for development requires more than one approval, either under the terms of this Chapter, the Subdivision and Land Development Ordinance [Chapter 22] or other Borough ordinance, the Borough shall endeavor, to any reasonable extent, to provide simultaneous processing of the application for different approvals. Such possibilities for concurrent filing and review of applications include, but are not limited to, a conditional/special exception use along with a zoning amendment, variance request, and preliminary subdivision or land development plan.

2. However, some approvals may require the applicant to obtain another approval previously or to take a particular action within a given time. Therefore,

concurrent processing of different approvals may not always be possible. The applicant should note the timing and sequence of approval procedures required by this Chapter or other ordinances and take these into consideration in planning the development.

(*Ord. 91-12, 10/9/1991, §303*)

**§27-304. General Standards and Criteria.**

Before approving a conditional or special exception use application, Council or the Zoning Hearing Board, as appropriate, shall determine that the proposed use meets the following general standards.

A. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Chapter, unless a variance to any provision is granted by the Zoning Hearing Board, and with other applicable Borough ordinances and regulations.

B. The proposed use is generally in accord with any comprehensive plan or other official plan adopted by the Borough.

C. The proposed use will not alter the established character and use of the neighborhood or district in which it is located and will not hinder or discourage the appropriate development and use of adjacent properties.

D. The proposed use will not adversely impact the surrounding area or municipality in terms of health or safety, air and water quality, noise, potential hazards, illumination and glare, and restrictions to natural light and circulation.

E. The proposed use is located on a suitable site in terms of size, topography, soils conditions and similar physical features.

F. The proposed use and site provides for safe, adequate vehicular and pedestrian access. Access will be from a street capable of handling the traffic generated by the proposed use, and the use will not result in undue traffic congestion or hazards. The use will also have safe, efficient internal circulation and sufficient off-street parking and loading.

G. The proposed use provides for adequate sanitary sewage disposal, water supply, storm drainage, solid waste disposal, fire and police protection and similar services.

H. The proposed use/development generally conforms to the scale, character and exterior appearance of existing structures and uses in neighborhood in which it is located.

(*Ord. 91-12, 10/9/1991, §304*)

**§27-305. Special Standards and Criteria.**

For the types of uses listed in this Section, Council or the Zoning Hearing Board, as appropriate, shall also determine that the proposed use complies with the following standards which shall be in addition to all other applicable requirements in this

Chapter.<sup>2</sup>1. *Automotive Sales and/or Services.*

A. The business shall include a permanent building on site for offices, display and/or repair. A trailer shall not meet this requirement.

B. Areas for vehicular display and customer parking shall be paved or otherwise improved with a dust-free surface.

C. A minimum 5-foot, landscaped setback shall be provided along all street lines.

D. A gasoline service station may be an accessory use provided it meets all conditions of this Chapter for such use.

E. A vehicular repair garage may be an accessory use provided it meets all conditions of this Chapter for such use.

F. No strings of lights, pennants, flags, flashers or any other display paraphernalia shall be permitted. Lighting from spot or flood lights shall be oriented away from adjacent highways and properties.

G. No vehicle shall be displayed or offered for sale outdoors which does not have all mechanical and body components necessary for safe and lawful operation in this State.

2. *Car Wash.*

A. All operations, including brushing, steaming and polishing, shall take place in an enclosed building. Final spot wiping may be done as the cars exit the wash.

B. All access drives and waiting areas shall be paved and large enough to accommodate all traffic at peak operating periods so that the operation shall not conflict with normal street operation. A traffic study in accordance with §27-411 of this Chapter shall be required.

C. *Parking.* One space for each two employees on a peak shift.

3. *Convenience Market.*

A. No vehicular repair or maintenance services shall be provided in conjunction with the sale of gasoline.

B. Gasoline service areas shall comply with the applicable provisions for gasoline service stations with the exception of required spacing between similar facilities.

4. *Day Care Center.*

A. All day care centers must be licensed by the appropriate State agency and must operate in accordance with the requirements of the agency. This requirement is a condition of occupancy.

B. Any outdoor recreational areas on the property shall be no closer than 25 feet to an abutting street or 10 feet to any property lines. They shall be fenced with

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<sup>2</sup>Uses are listed in alphabetical order.

a self-latching gate or otherwise secured.

C. Safe vehicular access and off-street areas for discharging and picking up children or adults shall be provided.

D. One parking space shall be provided for each staff member plus one for each six children or adults cared for at the center. Parking areas for four or more vehicles shall be screened in accordance with §27-408 when located in a residential or mixed use district.

5. *Gasoline Service Station.*

A. No gasoline service station shall be located within 1,000 feet of another gasoline station.

B. Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.

C. Fuel pumps, air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than 10 feet of any property line.

D. Any repair or maintenance services shall be conducted entirely within an enclosed building. Paint spraying or body and fender work shall not be permitted.

E. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than 5 feet from the pumps.

F. All refuse shall be stored in compliance with the Borough fire code and other applicable ordinances.

G. No vehicle shall be parked or stored on a public right of way or property at any time. Non-operable vehicle or vehicles awaiting repairs may be parked or stored on the premises, provided they do not exceed the number of available off-street parking spaces for the service station.

H. Rental of automobiles, vans (less than 20 feet long) or utility trailers is an authorized accessory use, provided that no more than three vehicles are visible on the premises at any time.

6. *Group Residence.*

A. The maximum number of occupants for a group residence (including resident staff members) shall be:

(1) R-3 districts: six persons.

(2) RB districts: eight persons.

B. In order to prevent the concentration of group residences in a neighborhood and to avoid impacting existing residences, no group residence may be located within the same block or within 2,500 feet, whichever is more, of another group residence or personal care home.

C. One off-street parking space is required for each staff member (on a peak shift), and one space per two residents where they are allowed to own and operate a motor vehicle.

D. Only nameplate signs as authorized in §27-407.3 of this Chapter shall be

permitted for group residences.

E. If licensed or certified by a governmental agency or an agent of government, a current license/certificate from the appropriate agency(s) is necessary for initial and continued approval. Suspension and revocation of the license/certificate shall automatically revoke the occupancy permit and the conditional or special exception use approval.

F. The facility must comply with any and all applicable building, fire, health and/or safety codes. Smoke detectors shall be installed in, or the immediate vicinity of, each bedroom or sleeping area of the home and in the basement or cellar if there is one. When activated, the detector shall provide an alarm suitable to warn all occupants. Where more than one detector is required to be installed, the detectors shall be wired so that the activation of one alarm will activate all the alarms in the group residence.

G. Change of ownership or sponsorship or of any other condition contained in the original approval of the group residence shall constitute a new use, and the procedure for obtaining conditional/special exception use approval of a new facility shall be executed.

H. On June 1 of each year following the original approval, the owner or sponsor shall file information with the Zoning Officer, indicating that the facility continues to satisfy the conditions of original approval. If the facility is shown to be operating in compliance with the terms of the original approval, the Zoning Officer shall renew the occupancy permit for another year. If the information indicates that there is any change in operation, or any written complaint has been lodged with the Borough against the facility, the Zoning Officer shall forward the information to the Zoning Hearing Board for a decision on the renewal of the occupancy permit.

#### 7. *Home Occupation.*

A. A homeowner shall obtain approval from the Zoning Hearing Board prior to making any exterior renovations designed to accommodate a home occupation. Such renovation shall not reduce the suitability of the building to be used for expressly residential purposes in the future. An example of an acceptable renovation might be handicap access.

B. There shall be no exterior evidence of such use other than a nameplate sign that complies with §27-407 of this Chapter.

C. There shall be no retail sales of products directly to customers on the premises. This provision shall not exclude telemarketing or similar telephone sales occupations.

D. The floor area devoted to a home occupation shall not exceed 25% of the ground floor area of the principal residential structure, excluding garage.

E. There shall be no exterior display of goods or interior display which is visible from the outside.

F. There shall be no storage of materials or products outside the dwelling unit unless in an enclosed structure which complies with the requirements of this

Chapter.

G. There shall be no greater traffic volume generated by such home occupation than would normally be expected in a residential area. Frequent and repetitive servicing by commercial vehicles for supplies and materials shall not be permitted. Off street parking spaces may be required as a condition of approval.

H. No equipment or process shall be used as a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot.

I. No equipment or processes shall be used which creates visual or audible interference on any radio or television off the premises or causes fluctuations in line voltage off the premises.

J. No more than one person other than family members occupying the dwelling shall be employed.

K. Permitted home occupations shall not include:

(1) Nursery schools, dancing schools, exercise or health centers, day care centers, unless specifically permitted by the district regulations.

(2) Funeral homes.

(3) Eating and drinking establishments.

(4) Animal kennels, hospitals or veterinarian offices.

(5) Boarding houses, group residences, personal care homes.

(6) Medical or dental laboratories or hospitals.

(7) Vehicle or boat repair, sale or rental facilities.

(8) Theaters and other entertainment and commercial recreation facilities.

[Ord. 98-3]

8. *Hospital.*

A. The facility shall be licensed by the Commonwealth and have the required approvals of all regulatory agencies or accreditation organizations.

B. The minimum lot area shall be 5 acres.

C. The property shall have its principal traffic access to an arterial or collector street with sufficient capacity to handle the traffic to be generated. A traffic impact study shall be required in accordance with §27- 411 of this Chapter.

D. Where the use adjoins existing residential uses, a minimum 25-foot buffer area shall be provided. Care shall be taken to locate emergency, loading and service entrances where they are not offensive to adjoining properties.

E. A landscaped area, at least 15 feet in depth, shall be provided along the entire front property lane, except for approved entrances.

9. *Hotel/Motel/Inn.*

A. If such facility includes eating and drinking facilities to serve both overnight guests and the general public, then it must provide off street parking for

such facilities in accordance with §27-408 of this Chapter.

B. Areas not occupied with buildings and parking areas shall be landscaped and planted with lawns, trees, shrubs and similar materials.

C. Sleeping units shall contain a bedroom and bath and have a floor area of not less than 250 square feet.

D. The facility shall have access from a public street of sufficient size and capacity to accommodate the projected traffic. A traffic study shall be required in accordance with §27-411 of this Chapter.

10. *Kennel.*

A. No animal shelter or run shall be located closer than 100 feet to any residential building other than the kennel's owner's.

B. No disposal of dead animals shall occur on the premises.

C. One off-street parking space shall be provided for each employee plus one space for each eight animals in capacity, except for training where one space for each three animals is required.

D. A minimum 5-foot buffer yard may be required, in accordance with §27-206.6 of this Chapter, in order to prevent undue disturbance to adjacent properties.

11. *Nursing Home.*

A. The minimum lot area shall be 1,500 square feet per resident.

B. The facility shall be duly licensed by the Commonwealth and shall operate in accordance with the regulations of the licensing agency.

C. The facility shall provide on-site all required off-street parking and loading spaces.

D. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. A traffic study shall be required in accordance with §27-411 of this Chapter.

E. Ambulance, delivery and service areas shall be obscured from the view of adjacent residential properties by fencing, screening or planting as approved by the Borough.

F. Buffer yards in accordance with §27-206.6 may be required along side and rear yard where necessary to provide visual and audible privacy for the nursing home and/or adjacent uses. A landscaped area, at least 10 feet in depth shall be provided along the entire front property line except for approved entrances.

12. *Personal Care Home.*

A. A full or provisional license from the Commonwealth is necessary for initial and continued approval. Loss of the license automatically revokes the occupancy permit and conditional/special exception approval.

B. Change of ownership, sponsorship or any other condition contained in the original approval of the home shall constitute a new use, and the procedure for obtaining a special use approval of a new facility shall be executed.

C. The maximum number occupants for a personal care home (including

resident staff members) shall be:

- (1) R-3 districts: eight persons.
- (2) RB districts: fifteen persons.
- (3) C-1 districts: twenty-five persons.

D. No personal care home shall be located within 2,500 feet of another personal care home or group residence.

E. The facility shall comply with local, County and State building, fire, health, or safety codes. An automatic fire suppression system shall be required in home having six or more occupants. The system shall be installed in accordance with Borough ordinances. Smoke detectors shall be installed in, or in the immediate vicinity of, each bedroom or sleeping area of the home and in the basement or cellar if there is one. When activated, the detector shall provide an alarm suitable to warn the occupants. When more than one detector is required to be installed within the home, the detectors shall be interconnected so that the activation of one alarm will activate all the alarms.

F. One off-street parking space shall be provided for each staff member, operator or employee plus one for each four residents in the home.

G. A buffer yard in accordance with the provisions for institutional uses in §27-206 may be required for a use in an RB or C-1 district.

H. On June 1 of each year following the original approval, the owner or sponsor shall file information with the Zoning Officer, indicating that the facility continues to satisfy the conditions of original approval. If the facility is shown to be operating in compliance with the terms of the original approval, the Zoning Officer shall renew the occupancy permit for another year. If the information indicates that there is any change in operation, or any written complaint has been lodged with the Borough against the facility, the Zoning Officer shall forward the information to the Zoning Hearing Board for a decision on the renewal of the occupancy permit.

### 13. *Place of Worship.*

A. If a residential facility (e.g., a convent, monastery) is part of the complex within an R-1 or R-2 district, it shall not house more 10 persons.

B. The place or worship shall have direct access to a public street of sufficient capacity to handle the traffic generated by the proposed use.

### 14. *Private Club.*

A. The use of the club shall be exclusively for members and their guests.

B. Food and beverages may be served, provided kitchen and dining areas comply with all Borough and County ordinances and regulations.

C. Alcoholic beverages may be served or sold to members and guests provided such service is secondary and incidental to the promotion of some other common objective of the organization and complies with all applicable State, County and Borough laws and regulations.

### 15. *Public/Essential Services.*

A. The proposed use shall be essential to serve the immediate community.

B. No business office, storage yard or building shall be located in a residential district. In other districts, any storage area or building shall comply with the applicable provisions for the district in which it is located.

C. The location, design and operation of such use shall not adversely affect the character of the surrounding neighborhood.

D. No minimum lot area is required, but the proposed use shall comply with standards for lot coverage, yards and building height for the zoning district in which it is located.

E. A buffer yard is required in accordance with §27-206 of this Chapter.

16. *Recreation, Commercial.*

A. No outdoor active recreation area shall be located closer than 25 feet to any lot line. Buffer yards may be required to protect adjacent properties from undue noise or disturbance.

B. Facilities serving food or beverages are allowable as an accessory use provided they only serve patrons of the recreational facility and are only open when the facility is operating.

C. Any outdoor lighting from buildings or facilities shall be directed away from any residential uses or public streets.

17. *Recreation, Public or Nonprofit.*

A. No outdoor active recreation area shall be located closer than 25 feet to any lot line or 50 feet if abutting a residential use or district.

B. All principal structures, such as clubhouses or bath houses, shall be set back at least 50 feet from any lot line.

C. Facilities serving food or beverages are allowed provided they are only open when the facility is operating.

D. Any outdoor lighting from buildings or facilities shall be directed away from any residential uses or public streets.

18. *Research / Development Use or Testing Laboratory.*

A. All activities shall be conducted within an enclosed building.

B. The facility shall provide evidence of compliance with all applicable County, State and Federal laws and regulations regarding the handling of any hazardous substances.

C. A written description of all hazardous materials typically used or stored by the proposed use shall be submitted with the application.<sup>3</sup> Upon approval of the application, this listing shall be updated annually and submitted to the Borough Fire Chief and Emergency Management Coordinator; failure to do so may result in the occupancy permit and special use approval being revoked.

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<sup>3</sup>This requirement may be met by submitting copies of the Federal/State Hazardous Substance Survey Forms and/or Material Safety Data Sheets.

19. *Salvage Yards.*

A. The minimum lot area for a salvage yard shall be 5 acres. The business shall have a permanent building on site for offices, etc.; a trailer shall not meet this requirement. All structures shall comply with the applicable provisions of the zoning district in which it is located.

B. There shall be no exterior storage of any materials or equipment within 35 feet of any front lot line or within 25 feet of any side or rear lot line.

C. The entire perimeter of the salvage yard shall be fenced with a solid fence, a planted screen, or a combination of both, at least 8 feet in height. The owner or operator of the salvage yard shall be responsible for maintaining the fence or screen in good repair.

D. The acceptance, handling and/or storage of any item or material on the premise of the salvage yard shall comply with the environmental performance standards of this Chapter (see Part 5).

20. *School.*

A. The minimum lot area shall be 5 acres.

B. Access to the facility shall be from a public street with sufficient capacity to handle the traffic generated by the proposed use without creating undue traffic congestion or hazards. A traffic impact study shall be required in accordance with §27-411 of this Chapter.

C. Outdoor play areas shall be set back a minimum of 40 feet from any lot line. Additional setbacks or buffer yards may be required where necessary to provide safety for the students or protect adjacent properties from inappropriate noise and disturbances.

D. Any outdoor lighting of facilities shall be directed away from any neighboring residential uses and public streets.

21. *Sidewalk Café.*

A. Such use must be accessory to an existing functioning restaurant (conventional) which directly abuts the sidewalk or right of way to be utilized and must be within the same frontage as the restaurant with which it is to be associated.

B. The portion of the sidewalk or right of way to be used shall be no greater than one-half of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than 6 feet shall be provided between the curb and the café area. The unobstructed area shall be clear of utility poles, traffic meters, water hydrants, street trees, planter boxes, trash receptacles, etc.

C. The sidewalk café area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately 3 feet and shall be removed when the café is closed. The hole in the sidewalk shall be capped when the barrier is not in place. The barrier shall be of material and design in keeping with the character of the neighborhood.

D. No obstruction shall be placed within 18 inches of the face of any curb, within 5 feet of any fire exit, fire hydrant, building entry, building exit, or building corner or within 10 feet of any bus step.

E. The hours of operation of the café service shall be determined by Council.

F. Council shall determine whether the proposed café service in any way endangers the health, safety or welfare of the public or is detrimental as surrounding property values.

G. The café area shall be properly maintained and the entire sidewalk kept free of litter.

H. No additional signage shall be permitted on the sidewalk.

I. The certificate of occupancy for a sidewalk café shall be issued only after approval by Council of the conditional use.

[*Ord. 98-11*]

22. *Theater.* (See standards for “Recreation, Commercial.”) [*Ord. 98-11*]

23. *Vehicular Repair Garages.* [*Ord. 98-11*]

A. All repair services shall be conducted within an enclosed building which complies with State and Borough regulations for such uses.

B. All automotive parts and supplies shall be stored within an enclosed building.

C. All debris, used parts and other refuse must be stored in compliance with Borough fire code and other applicable ordinances and so that it is not visible from adjacent properties or a public street.

D. No vehicle shall be parked or stored on a public right of way or property at any time. No more than four vehicles awaiting repairs shall be parked or stored outdoors at any one time. All others must be stored within a building or totally screened from view by a solid fence.

E. If a vehicular repair garage includes gasoline and/or other petroleum sales, all requirements for a gasoline service station shall be met.

24. *Wholesale, Warehousing Businesses Handling Hazardous or Toxic Substances.* [*Ord. 98-11*]

A. The property shall have direct access to a public street with sufficient capacity to handle the amount and type traffic generated by the proposed use. A traffic study may be required in accordance with §27-411 of this Chapter.

B. Access driveways shall be adequately designed to accommodate anticipated truck traffic without causing congestion on public streets.

C. Buffer yards, in addition to those required by §27-206.6, may be required along any lot line in order to prevent negative impacts on any adjacent use or property.

D. The facility shall comply with all applicable Federal, State, County and local laws and regulations regarding the handling of hazardous or toxic substances. All necessary licenses and permits shall be obtained and maintained as a condition

of occupancy.

E. A written description of all hazardous materials stored or distributed by the proposed facility shall be submitted with the application and transmitted to the Borough's Emergency Management Coordinator and Fire Chief and the County Fire Marshall.<sup>4</sup> This information shall be updated annually and resubmitted to all parties; failure to do so may result in the occupancy permit and special use approval being revoked.

(*Ord. 91-12*, 10/9/1991, §305; as amended by *Ord. 98-3*, 6/10/1998, §§1-11; and by *Ord. 98-11*, 10/10/1998, §§2-3)

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<sup>4</sup> See Note 3.



**Part 4****Supplemental Regulations****§27-401. Intent.**

The regulations contained in this Chapter are intended to apply to all uses, structures or lots within all zoning districts except as otherwise provided in this Chapter.

(Ord. 91-12, 10/9/1991, §401)

**§27-402. General Standards and Exceptions.**

1. *Dwelling in a Cellar.* No dwelling unit or units shall be located in a cellar that is wholly below grade.

2. *Clear Sight Distances at Intersections.*

A. A clear sight triangle, as defined by this Chapter, must be maintained at all intersections of public and/or private streets and driveways. Required sight distances along intersecting streets shall be determined in accordance with the applicable PennDOT standards.

B. The Zoning Officer shall have the authority to direct the removal, modification or trimming of any structure or vegetation which obstructs the clear sight triangle.

3. *Animals.* Domestic farm animals such as chickens, cows, horses or pigs or exotic animals such as lions, tigers, bears, large or poisonous snakes, alligators and similar animals shall not be permitted in any zoning district.

(Ord. 91-12, 10/9/1991, §402)

**§27-403. Accessory Uses and/or Structures; General Provisions.**

1. *Permit and Maintenance Requirements.* A permit shall be obtained from the Zoning Officer for any new, expanded or altered accessory use or structure. The owner is responsible for maintaining the accessory use or structure in safe condition according to all applicable regulations.

2. *Use Limitations.*

A. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.

B. No accessory structure shall be used for dwelling purposes unless expressly authorized by this Chapter.

C. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

D. In any zoning district other than industrial, none of the following shall be parked or stored on a public right of way or any lot except in an enclosed garage

or carport:

(1) Trucks or vans exceeding 7,000 pounds in gross vehicle weight or designated as Class III or above by the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

(2) Construction vehicles or equipment.

(3) Motor vehicles without a current inspection sticker.

E. Construction vehicles or equipment may be parked on a lot while construction is underway provided a permit has been duly granted for the construction activity.

F. Outdoor storage of equipment, supplies or other materials shall not be permitted as an accessory use in any zoning district unless specifically authorized by Part 2.

3. *Maximum Height.* No accessory structure shall exceed 15 feet in height unless otherwise authorized by this Chapter.

4. *Location and Spacing.*

A. *Front Yard.*

(1) Except for authorized signs and fences, no accessory use/structure shall be permitted in a required front yard of any residential property or in any special district.

(2) In commercial, industrial districts, and for commercial uses authorized in an RB District, signs, fences and off street parking (but not loading) areas may be permitted in a required front yard provided any front yard parking area shall maintain a minimum 3-foot, landscaped setback from any street right-of-way or sidewalk line.

B. *Side Yards.* Unless otherwise specified by this Chapter, accessory uses/structures may be permitted provided they are no closer than 3 feet to any lot line in any residential district and 5 feet in all other districts.

C. *Rear Yards.* Unless otherwise specified by this Chapter, accessory uses/structures shall not occupy more than 50% of any required rear yard nor be located closer than 3 feet to any property line.

D. On a corner lot in any zoning district, an accessory use/structure located in a side or rear yard shall maintain the same setback from the street right of way as the principal structure on the lot.

E. No part of any accessory structure shall be located closer than 10 feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than 5 feet to another structure (other than a fence) on an abutting property.

(*Ord. 91-12, 10/9/1991, §403*)

**§27-404. Accessory Uses and/or Structures; Specific Types.**

1. *Swimming Pools, Ponds.* As accessory structures, such facilities shall be located, fenced and operated in accordance with *Ord. 74-4, 8/14/1974* [Chapter 23] and

the Borough Building Code [Chapter 5, Part 1].

2. *Air Conditioning Systems.*

A. In a residential district, any outdoor installation constructed or placed on a lot in connection with an air conditioning system designed to cool all or part of a residence shall be located to the rear or side of the residence and no closer than 8 feet to any principal structure on an adjacent lot. The Planning Commission may approve a lesser setback for units located on lots less than 18 feet in width.

B. Room air conditioners designed to cool a single room of a residence shall be placed in a rear window, wherever possible.

(Ord. 91-12, 10/9/1991, §404)

**§27-405. Fencing, Screening, and Retaining Walls.**

Unless otherwise specified by this Chapter, the following standards shall apply:

A. *Height.* Fences, walls, hedges or other planted screens may be erected in any yard subject to following height restrictions:

(1) Located in a front yard: 3 feet maximum or up to 12 feet in an I-1 district.

(2) Located in a side or rear yard: 6 feet maximum or up to 12 feet in an I-1 district. There shall be no maximum applied to hedges or planted screens (e.g., trees) located along the rear property line.

(3) Located in any yard of a public school, recreational facility, building or a public/essential service: 10 feet maximum provided that the ratio of solid to open portion does not exceed 1:4.

(4) The height of a fence, wall or hedge shall be measured from the existing natural grade to its top, regardless if the fence, hedge or wall is situated on a structure above grade.

B. *Placement.*

(1) A fence or screen cannot be erected in a public or dedicated right of way.

(2) A fence, wall or hedge in a front yard shall be placed at least 1 foot back from the sidewalk but not within any public right of way.

(3) Fences, walls or hedges, whether publicly or privately owned, shall comply with §27-402.2, "Clear Sight Distances at Intersections."

(4) A retaining wall may be erected along any property line or in any yard where it is required to prevent a landslide or other hazardous conditions.

C. *Materials.*

(1) The finished side of the fence or wall shall always face the abutting properties or street.

(2) A fence erected in a front yard shall be no more that 50% opaque.

(3) The following fencing materials are prohibited:

(a) Barbed wire.

- (b) Pointed fences less than 4 feet in height.
- (c) Canvas fences.
- (d) Cloth fences.
- (e) Electrically charged fences.
- (f) Poultry fences.
- (g) Turkey wire.
- (h) Temporary fences such as snow fences.
- (i) Expandable and/or collapsible fences except during the construction of a building.

(Ord. 91-12, 10/9/1991, §405)

**§27-406. Radio, Television or Satellite Dish Antennas.**

1. *Radio or Television Antenna.*

A. A radio or television antenna structure is a permissible accessory structure in any zoning district subject to the requirements of this Section.

B. Such structure may be mounted on a roof or installed in a rear yard area only, provided that no ground level structure shall be located within 10 feet on any property line.

C. The maximum height for such structure shall not exceed the otherwise allowable height in the zoning district by more than 20 feet. If placed on a roof, any antenna exceeding 8 feet in height shall be mounted with guide wires.

D. Any such structure shall comply with any applicable airport zoning and Federal regulations.

E. Radio or television antenna structures located on the ground shall be screened from adjacent properties by trees or other suitable materials, as approved by the Planning Commission.

2. *Satellite Dish Antenna.*

A. A satellite dish antenna is a permissible accessory structure in any zoning district subject to the requirements of this Section.

B. Such antenna may be installed in a rear area only provided that no such structure shall be located within 15 feet of any property line.

C. When installed on the ground, the maximum height of a satellite dish antenna shall not exceed 14 feet when positioned vertically and shall have a maximum diameter of 10 feet.

D. A satellite dish antenna may be roof-mounted in commercial and industrial districts, provided that the maximum height shall not exceed 15 feet above the roof line, when positioned vertically and the maximum diameter shall not exceed 12 feet.

E. When installed on the ground, the satellite dish antenna shall be screened from adjacent properties by trees or other suitable materials as approved by the Planning Commission, provided that the Borough shall not require screening

which obstructs the line of sight to the transmitting satellite.

3. *Exceptions to Requirements.* The Zoning Hearing Board may modify requirements for the height, size or placement of a radio, television, or satellite dish antenna in cases where the applicant can demonstrate that any requirement effectively precludes reception. Should the Zoning Hearing Board require expert technical assistance in making such determination, the cost of such assistance shall be borne by the applicant.

(Ord. 91-12, 10/9/1991, §406)

### **§27-407. Signs.**

#### 1. *Applicability of Standards.*

A. Any sign hereafter erected, altered, painted, relocated, remodeled, enlarged, or maintained shall comply with the provisions of this Section, Borough Building Code [Chapter 5, Part 1], and other applicable ordinances.

B. The following signs shall be exempt from the requirements of this Section, provided that the provisions of §27-402.2, "Clear Sight Distances at Intersections," shall apply:

(1) Address numerals.

(2) Traffic, directional legal notices, or similar instructional or regulatory signs erected by a unit or agency of government.

(3) Flags or similar emblems of a governmental, educational, religious, philanthropic or corporate organization, which are displayed on private property, provided the flag pole or other supporting structure shall not exceed the applicable height limitations of the zoning district.

C. All signs shall require approval prior to their placement or installation. The Planning Commission shall approve all permanent signs; the Zoning Officer shall approve temporary signs in accordance with §27-407.8.

#### 2. *General Regulations.*

A. *Prohibited Signs.* The following types of signs are prohibited in all zoning districts:

(1) Flashing or animated signs.

(2) Signs painted directly onto a building or structure.

(3) String pennants or banners, other than as temporary signs.

(4) Bare bulb or light strings or search lights.

(5) Sandwich board signs, other than as temporary signs.

(6) Signs which by reason of color, shape, location, or other characteristics or signs that use admonitions such as "stop," "go," "slow," or "danger" which might be confused with legitimate traffic-control devices.

(7) *Signs Attached to Autos, Trucks, Vans, Trailers or Similar Vehicles, Other than as Temporary Signs.* This Section is not intended to prohibit any form of vehicular signage such as a sign lettered on or attached to a vehicle where the basic purpose of the sign is not to serve as the principal

identification sign for the business or to advertise any special promotion or sale of products sold on the premises.

*B. Location/Placement.*

(1) All signs shall be located on the same lot containing the use or structure to which the sign relates except for authorized billboards and off-lot directional signs.

(2) No sign mounted on a building or roof shall project above the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.

(3) No sign shall be attached to a utility pole or tree whether on private or public property unless specifically authorized by this Chapter.

(4) All signs shall comply with §27-402.2, "Clear Sight Distances at Intersections."

(5) No sign shall be erected in or projecting over, any public right of way unless specifically authorized by this Chapter.

*C. Illumination.*

(1) Illuminated signs shall be designed and placed so as not to interfere with, distract, or blind operators of motor vehicles or to create glare on adjacent properties.

(2) Signs may be illuminated in the following ways as specified in the sign regulations for the zoning district.

(a) *Directly Illuminated Sign.* A sign designed to give forth artificial light directly (or through a transparent or artificial material) from a source of light internal to the sign, including exposed lamp signs.

(b) *Indirectly Illuminated Sign.* A sign with a light or lights external to the sign, such that the light shines on or illuminates the sign and in such way that no direct rays therefrom are visible elsewhere on the property.

(c) *Neon Tube Illumination.* Consisting of a light source supplied by a neon tube which is bent to form letters, symbols or other shapes.

*D. Design Criteria.* In order to encourage high quality and variety in design of permanent signs, particularly in the Borough's business districts, the Planning Commission will consider the following criteria:

(1) The sign is expressive of the establishment's unique identity and type of use.

(2) It is legible in the circumstance in which it is seen.

(3) It is appropriate to the specific building on which it is located, and compatible with surrounding uses, in terms of type, placement, size, color and lighting.

(4) It does not cover or interrupt significant or traditional architectural features of the building on which it is located.

(5) It complies with all specific requirements of this Chapter.

E. *Double Frontage, Corner Lots.* Where a use fronts on more than one public street, it may locate one sign on each street frontage. Each sign shall comply with size and other applicable requirements. The permissible sign size for one frontage shall not be combined with that for the other frontage for the purpose of placing the combined sign area on one frontage.

F. *Double-Face Signs.* In computing the square-foot area of a double-face sign, only one side shall be considered provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign.

G. *Materials and Maintenance.* Permanent signs shall be constructed of durable materials, maintained in good condition and repair and kept clean. If a sign deteriorates to an unsightly, unclean or hazardous condition, the Zoning Officer shall order it repaired, replaced or removed in accordance with §27-707 of this Chapter.

H. *Removal.* If a use ceases operation for a period of 6 months, all signs, including any supporting structures, shall be removed. If the signs are not removed, the Zoning Officer shall order them removed within 30 days according to the procedures of §27-707 of this Chapter.

I. *Multiple Occupancy Buildings.*

(1) Where several businesses or uses occupy a building, each business shall be entitled to a share of the building's allowable sign area, which share shall be equal to the proportionate amount of the floor area that the business occupies to gross floor area of the building.

(2) In any commercial or industrial district, nameplates, not exceeding 5 square feet in area, identifying building occupants may also be attached to a wall of the structure adjacent to the principal entrance or permanently painted or applied to a window in the door of the structure.

(3) The owner/agent shall develop guidelines which promote the use of signs by individual occupants that are similar or compatible in terms of size, type, style, color, lighting and other design characteristics. A copy of these guidelines shall be filed with the Borough.

(4) It shall be the responsibility of the owner or management agent of a multiple occupancy building to provide all occupants with suitable sign space in accordance with the provisions of this Section. Failure of the owner/agent to do so shall not constitute a basis for granting a variance to any sign requirements.

3. *Permitted Signs; All Districts.*

A. The following signs are permitted in any zoning district:

(1) Nameplate or identification sign not exceeding 2 square feet and attached to a wall of the structure, indicating the occupants of the structure, a permitted home occupation, or in the case of a multiple occupancy structure, the name of the owner and/or management agency.

(2) Memorial or historical sign or tablet placed by a public or nonprofit organization, not exceeding 15 square feet.

(3) Warning, no trespassing, private property or similar signs displayed on private property, not exceeding 5 square feet per sign. More than one sign is permitted on a zoning lot. [Ord. 98-3]

(4) Temporary signs, as authorized by §27-407.8. [Ord. 98-3]

B. The above-listed signs shall be non-illuminated in any residential district but may be indirectly illuminated in any other zoning district.

4. *Residential and Mixed Use Districts.*

A. *Types of Signs Authorized.*

(1) Wall sign.

(2) Free standing sign.

B. *Maximum size.*

(1) Multi-family structure or development, subdivision (plan of lots): 16 square feet.

(2) Authorized conditional/special exception use: 20 square feet in a residential district or 32 square feet in a mixed use district.

C. *Illumination.* Signs shall be non-illuminated or indirectly illuminated.

D. *Other Requirements.*

(1) A free standing sign shall be set back at least 10 feet from any property line or public right of way and shall not exceed 8 feet in height (including sign and supporting structure).

(2) Signs for legal nonconforming uses in these districts shall conform to the standards for conditional/special exception uses.

5. *C-1 Districts.*

A. *Authorized Types of Signs and Maximum Size.*

(1) A wall sign, not to exceed 1 square foot for every 1 foot of building frontage but not more than 40 square feet in area. [Ord. 98-3]

(2) An awning or canopy sign.

(3) A window graphic sign, not exceeding more than 20% of the total window area.

(4) A free standing sign, not to exceed 40 square feet.

(5) Incidental signs may be displayed in any window provided they do not cover more than 15% of the window's area. This provision does not apply to temporary signs announcing special promotions, sales and similar activities of limited duration.

(6) Off-lot directional signs, not to exceed 9 square feet in area. Such signs may be erected on public property, subject to the approval of the property owner. If located along a public street, the location and spacing of such signs shall be approved by PennDOT, the County and Borough, as

applicable. [Ord. 98-3]

(7) On-lot directional signs displayed on private property, not exceeding 6 square feet in size or 6 feet in height per sign. More than one such sign is permitted on a zoning lot. [Ord. 98-3]

B. *Illumination.* Except as otherwise provided, signs in this district may be illuminated in any manner authorized by this Chapter.

C. *Other Requirements.*

(1) Unless otherwise allowed by this Chapter a single business establishment shall have no more than one principal identification sign.

(2) A shopping center or similar unified complex may have one free standing sign which identifies the name of the center or complex and/or individual business occupants, not to exceed 100 square feet. In addition, each business within the center or complex may have an identification sign which complies with the provisions of this Section.

(3) A free standing sign shall:

(a) Only be authorized if:

(i) The business fronts on a public street.

(ii) The principal structure is set back 20 feet or more from the street right of way.

(iii) The zoning lot has a frontage of 100 feet or more.

(b) Be set back at least 6 feet from a street right of way and at 5 feet from any side lot line.

(c) Not exceed 12 feet in height (including sign and supporting structure).

(d) Not be located within 40 feet of another free standing sign 12 square feet or more in area.

(4) Wall signs shall be located in a continuous portion of a building facade unbroken by doors, windows or major architectural details. Typically, the signable wall area of a building will be the area between the lintel bar and the parapet of a one-story building or between the lintel and the floor level of the floor above in the cases of a multi-story building. A wall sign which pertains to an establishment located above the first floor may extend as high as the window sill of the third story but no higher. Wall signs shall not project more than 12 inches from the building wall.

(5) Signs shall only be placed on awnings or canopies which are made of canvas or canvas-like material, retractable and sloping rather than rounded. Such signs shall only be indirectly illuminated.

6. *I-1 Districts.*

A. *Authorized Types of Signs and Maximum Size.*

(1) A wall sign, not to exceed 1 square foot or every 1 foot of building frontage but not more than 120 square feet.

(2) An awning or canopy sign.

(3) A window graphic sign, not exceeding more than 50% of the total window area.

(4) A free standing sign, not to exceed 1 square foot for every 1 foot of building frontage but not more than 120 square feet.

(5) Off-lot directional signs, not to exceed 9 square feet in area. Such signs may be erected on public property, subject to the approval of the property owner. If located along a public street, the location and spacing of such signs shall be approved by PennDOT, the County or Borough, as applicable.

(6) On-lot directional signs, displayed on private property, not exceeding 6 square feet in size or 6 feet in height per sign. More than one such sign is permitted on a zoning lot. [Ord. 98-3]

B. *Illumination.* Signs may be illuminated in any manner authorized by §27-407.2.

C. *Other Requirements.*

(1) An industrial park or similar unified complex may have one free standing sign which identifies the name of the center or complex and/or individual business occupants and does not exceed 200 square feet. In addition, each business within the park or complex may have a principal identification which complies with the provisions of this Section.

(2) For a single business establishment, a free standing sign shall only be authorized if:

(a) The business fronts on a public street.

(b) The principal structure is set back 30 feet or more from the street right of way.

(c) The zoning lot has a frontage of 100 feet or more.

(3) When authorized, a free standing sign shall be set back at least 10 feet from a street right of way or side lot line, and shall not exceed 25 feet in height (including sign and supporting structure).

7. *Billboards.*

A. *Permitted Location and Size.*

(1) Billboards, as defined by this Chapter, shall be permitted in I-1 Districts only provided no billboard shall be placed adjacent to, or so that it is visible from, the Monongahela River.

(2) The size of any one billboard shall be limited to a maximum area on one square foot for every foot of property frontage on the street right of way but in no case shall exceed 400 square feet.

B. *Regulations.*

(1) A sign structure shall contain no more than one billboard.

(2) No billboard shall project above the ridge line of a sloping roof or the

eave line of a flat roof, if attached to a building.

(3) No billboard shall exceed 35 feet in height if free standing, as measured at ground level at the base of the sign.

(4) No billboard shall be closer than 500 feet to any other billboard, place of worship, school, recreational facility (public or nonprofit), residential district or located in such a way that the advertising face is visible from a residential district.

(5) No billboard shall be painted directly on the wall of any building.

(6) There shall be no more than one billboard structure placed on a zoning lot.

(7) No billboard shall be located within 100 feet of the nearest edge of any street right of way. Any billboard located along and visible from a highway which is designated as part of the Federal interstate or primary aid system, shall comply with State regulations for outdoor advertising signs and shall obtain the required permits from PennDOT.

(8) All applications for the erection of a billboard shall be accompanied by evidence of property ownership or a lease or other permission from the landowner to erect the billboard.

(9) Billboards may be illuminated subject to the following:

(a) Flashing, moving, or intermittent lights are prohibited.

(b) Lighting shall not cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with a driver's operation of a motor vehicle, not shall it interfere with the effectiveness or obscure an official traffic sign, device or signal.

8. *Temporary Signs.* Temporary signs, such as those advertising real estate for sale or rental, contractor or other professional services during construction or remodeling, grand openings, sales, exhibits, cultural or religious activities, political campaigns, private residential garage/yard sales, or similar events are permitted subject to the following requirements:

A. *Permit.* A permit for a temporary sign shall be obtained from the Zoning Officer, specifying its duration, location, type and the parties responsible for its removal.

(1) Permits are not required for a real estate, construction, political campaign or private garage/yard sale signs, but such signs shall comply with the provisions of this Section.

B. *Duration.* The period of the temporary sign shall not exceed 30 days, unless otherwise authorized herein, and the sign shall be removed immediately upon expiration of the permit. Permits for temporary signs for the same use or lot shall not be issued more than four times in any calendar year.

C. *Off-lot Directional Signs.*

(1) Such signs directing persons to a temporary event, exhibit, show, or similar activity sponsored by a nonprofit organization shall not exceed 20 square feet in area. They shall not be posted earlier than 4 weeks before the

event and shall be removed within 1 week of its conclusion.

(2) Such signs directing persons to a new real estate development, in which units or lots currently being sold or leased, shall not exceed 6 square feet in area and shall not be posted for longer than 6 months.

(3) Such signs may be located on public or private property provided written permission of the property owner is submitted with the permit application.

D. Real estate signs advertising the premises on which they are located for sale or lease, shall not exceed 12 square feet in residential districts or 32 square feet in other districts. One sign may be placed on each street frontage of the property. Signs shall be removed within 15 days of the sale or lease of the premises, or when the last unit of a multi-unit development is sold or leased.

E. Construction signs advertising the services of professionals or building trades during sale, construction or alteration of a premise are permitted, provided only one such sign shall be located on a development site. The sign shall not exceed 12 square feet and shall be removed within 15 days of the completion of work.

F. Political campaign signs posted on private property shall have the permission of the owner. No such signs shall be displayed more than 30 days before the election and shall be removed within 7 days following the election.

G. Signs announcing a garage or yard sale, not exceeding 4 square feet, may be placed on the premises where the sale is to be held. Signs shall not be erected more than three days prior to the sale and must be removed within 24 hours of its completion. Signs advertising a garage or yard sale shall not be posted on the same property more than two times in any calendar year.

(*Ord. 91-12, 10/9/1991, §407; as amended by Ord. 98-3, 6/10/1998, §§12-20*)

#### **§27-408. Off-street Parking Requirements.**

##### *1. Application.*

A. Unless specifically exempted by the provisions of this Chapter, all structures built and all uses established hereafter shall provide off street parking areas in accordance with this Chapter.

B. When an existing structure or use is expanded, parking spaces for the area or capacity of such expansion shall be required in accordance with this Chapter.

C. An expansion or alteration of an existing use, or a subdivision or combination of zoning lots, shall not result in the elimination of any existing required off street parking spaces.

##### *2. General Provisions.*

A. *Open Parking.* Open-air parking areas shall be located on a zoning lot in accordance with the provisions of the district regulations and applicable regulations for accessory uses (§27-403).

B. *Enclosed parking.* Enclosed parking facilities containing off street parking shall be subject to the area and bulk requirements applicable in the district in which they are located, unless otherwise specified in this Chapter.

C. *Location.* Required off street parking spaces shall be located on the same zoning lot as the structure or use that they serve unless a joint use or off-site parking plan is approved (see paragraphs .H or .I below).

D. *Design and maintenance.*

(1) *Size.* The minimum dimensions for a conventional parking space will be 9 feet in width by 18 feet in length, exclusive of curbs and maneuvering space. For a handicapped parking space, the size shall be 12.5 feet in width by 20 feet in length.

(2) *Design.* Each parking space shall open directly onto an aisle or driveway with a minimum dimension of not less than 25 feet. Driveways and aisles for other than single, Two-family or individual townhouse dwellings shall be designed so that each vehicle may have ingress and egress from the space without moving any other vehicle. All accesses shall be designed so as to provide safe exit and entrance from the public street, in accordance with applicable Borough standards or PennDOT specifications.

(3) *Surfacing.* All parking areas, including those for single and two-family dwellings, shall be graded and paved or otherwise improved with an all-weather, dustless material of asphalt, concrete, grouted brick, paving blocks or similar materials approved by the Borough.

(4) *Striping.* Parking areas providing for 5 or more vehicles shall be stripped to outline the entire parking space with a durable paint and maintained in said manner.

E. *Screening.* Open off-street parking areas containing more than 15 spaces shall be screened on each side by a wall, fence, earthen mound or densely planted compact evergreen hedge not less than 3 feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Open parking areas for 50 or more cars shall be interspersed with land forms or other appropriate landscape or planted area approved by the Planning Commission.

F. *Lighting.* Any lighting used to illuminate off street parking areas and driveways shall be directed away from residential properties or public street in such a way as not to interfere with such uses. The lighting system shall furnish minimally an average of 1 foot candle during hours of operation.

G. *Repair and Service.* No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facility, other than for a single- or two-family dwelling.

H. *Joint Use of Parking Spaces.*

(1) Two or more uses may share a common parking area provided the total spaces equal or exceed the sum of the spaces required for each use individually. However, the Planning Commission may approve a joint parking plan which permits a reduction in this total subject to the following:

(a) A written report shall be prepared by the applicant which clearly demonstrates that one or more uses require parking at times when other uses in the building or complex are not normally in operation and,

therefore, the uses could share parking, thus reducing the total spaces that otherwise would be required for all uses.

(b) Not more than 50% of the required parking spaces for any one use shall be supplied jointly with other uses, except that up to 100% of the spaces for a place of worship or school may be supplied jointly with another use.

(c) All uses shall be located within 350 feet of the joint parking spaces and connected by safe pedestrian access.

(d) A written agreement shall be executed with the Borough assuring the continued availability of the joint parking spaces to all proposed uses.

(2) This joint parking provision shall not apply to shopping centers.

(3) Any change or expansion of the uses sharing the joint parking area shall require a new review by the Planning Commission and may result in additional spaces being required and a revised agreement with the Borough.

(4) Continued compliance with approved joint parking plan is a condition of occupancy; any violation thereof may result in the suspension or revocation of the occupancy permit.

I. *Off-site Parking Facilities.* The Planning Commission may approve a plan for providing all or some of the required off-street parking spaces on a lot other than where the principal use is located, provided that:

(1) Both lots are held in the same ownership, or a lease has been executed for the spaces which guarantees their availability for as long as the use exists. Evidence of ownership or a copy of the lease shall be filed with the Borough.

(2) The off-site parking spaces are located within 350 feet distance from the principal use and connected by a safe pedestrian walkway.

(3) The continued availability of the approved off-site parking shall be a condition of occupancy for the principal use which they serve; any violation thereof may result in the suspension or revocation of the principal use's occupancy permit.

J. *Parking for Recreational Vehicles.* A recreational vehicle shall be parked or stored in an off-street parking space complying with the applicable requirements of this Chapter.

### 3. *Required Spaces by Type of Use.*

A. When calculating the required number of spaces, a fractional space of one half or over shall be considered an entire space while a fraction below one half may be disregarded.

B. In the case of a single- or two-family residence or townhouse unit, a driveway for the dwelling may count as one off street parking space, provided such parking does not block access to parking for another dwelling.

C. Wherever employee parking is required by this Section, it shall be calculated based on the number of employees on a peak shift.

D. The following shall be the minimum number of parking spaces required;

additional spaces may be required by the Borough as a result of the development application review:

<b>Use Type</b>	<b>Minimum Required Spaces</b>
Single-, Two-family, Townhouse, Multi-family Dwellings (see §27-408.4)	Two per dwelling unit
<b>Commercial Uses</b>	
Retail or Service Commercial unless specifically listed	One per 300 sq. ft. gross floor area (GFA)
Bank, Financial Institution	One per 200 sq. ft. GFA
Business and Professional offices other than medical or dental	One per 300 sq. ft. GFA
Eating and Drinking Establishments	Conventional: One per 2.5 seats at tables and one per two seats at a bar or counter, plus one per two employees  Fast Food: one per 2 seats plus one per 100 sq. ft. GFA.
Funeral Home/Mortuary	One per three seats in any chapel or seating area and not less than 5 spaces for each viewing area or room
Gasoline Service Station, Vehicular Repair Garage	Two spaces per service bay or station, plus one per employee
Hotel/Motel/Inn	One per guest room plus parking requirements for any restaurant, bar or other facilities as required by this Chapter
Medical or Dental Office	One per examining room, plus one for each two chairs in waiting room, plus one per physician and staff member
Private School for Art, Music, Crafts, Dance, etc.	One per staff member plus one per three students
Theater	One per four seats
Veterinary Office, Clinic or Hospital	One per 150 sq. ft. GFA, plus one per staff member
<b>Shopping Center</b>	
under 400,000 sq. ft. Gross Leaseable Area (GLA)	One per 250 sq. ft. GLA
400,001 to 600,000 GLA	One per 220 sq. ft. GLA
over 600,001 sq. ft. GLA	One per 200 sq. ft. GLA
<b>Commercial Recreation</b>	
Bowling Alleys	Five per alley
Swimming Pools and Clubs	One space per 38 sq. ft. of water area

<b>Use Type</b>	<b>Minimum Required Spaces</b>
Tennis, Racquetball Courts, etc.	4.5 spaces per court
<b>Industrial Uses</b>	
Manufacturing, Warehouse and Wholesale	One per two employees on the two largest shifts combined
<b>Other uses</b>	
Places of worship	One per 3.5 fixed seats
Hospitals	One per three beds plus one for each staff physician and one for each two other employees on a peak shift
Nursing Homes	One per four beds plus one for each two other employees on a peak shift
Private Clubs and Lodges	One per 200 sq. ft. GFA
Recreation, public or nonprofit	One per four persons of maximum design capacity for the facility
<b>Schools</b>	
Elementary	One per 15 classroom seats
High school	One for each two teachers and staff plus 1 for each 10 students
<b>All Others</b> , not specifically listed	Based on review by the Planning Commission

4. *Reduction of Required Parking Spaces.*

A. *Elderly Housing.* Parking for such units may be reduced to one space for every five dwellings upon approval by the Planning Commission. For purposes of this Chapter, elderly housing shall be a building or portion thereof with units designed and reserved specifically for the occupancy by persons 62 or more years of age.

B. *C-1 District.* The off-street parking requirements may be waived or modified by the Planning Commission for any new or expanded use located in this district if:

(1) The proposed use is located in a building which predates the adoption of this Chapter and for which off-street parking was not provided prior to this Chapter’s effective date.

(2) The applicant demonstrates that parking spaces are available on-street or in publicly owned lots equal to the number of off-street parking spaces required by this Chapter for the proposed use.

(Ord. 91-12, 10/9/1991, §408)

**§27-409. Off-street Loading Requirements.**

1. *Application.*

A. In any zoning district, all structures and uses which require the receipt or distribution of materials or products by trucks or similar delivery vehicles, shall provide accessory off-street loading spaces as required by this Chapter.

B. When an existing structure or use is expanded, accessory off street loading spaces shall be provided for the area of such expansion. No existing required off street loading spaces shall be eliminated or reduced by an expansion or alteration of an existing use, or subdivision or combination of zoning lots.

C. Off-street loading requirements may be modified or waived by the Planning Commission where the applicant can show that:

(1) Existing site constraints affect the application of these standards.

(2) The proposed use or uses for a structure need fewer loading spaces than required by this Chapter or that uses can share loading spaces thus reducing the total required for the structure.

2. *General Provisions.*

A. *Location.* All required loading spaces shall be located on the same lot as the use served and be sited so that no portion of a vehicle projects into any traffic lane. All loading spaces that abut or are adjacent to a residence district or use shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, door, planted screen, or any combination thereof, not less than 6 feet nor more than 8 feet in height. No loading space shall be located within 50 feet of the nearest point of intersection of any two public streets or within a required front yard. Any loading space located in a required rear yard shall be open to the sky.

B. *Area.* Unless otherwise specified, each loading space shall be 14 feet in width by at least 55 feet in length, exclusive of aisle and maneuvering space, with a minimum vertical clearance of 16 feet. The length may be reduced by 10 feet, if the applicant certifies that all loading/unloading use will be from single-unit trucks or smaller.

C. *Access.* Each loading space shall be designed with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.

D. *Surfacing.* An open off-street loading area shall be improved with a compacted select gravel base, not less than 7 inches thick, surfaced with an all-weather, dustless material.

E. *Repair and Service.* No vehicular repair work or service of any kind shall be permitted in any off street loading facility.

F. *Utilization.* Space allocated for any off-street loading berth shall not be used to satisfy the space requirements for any off street parking facilities or portions thereof.

5. *Required Off-street Loading Spaces.*

A. Use exceeding 2,500 square feet GFA shall provide off-street loading areas in accordance with the following:

Use	Required Berth (Based on gross floor area)
Manufacturing, Wholesale, Warehouse, Other Industrial Uses	One berth for every 10,000 sq. ft. up to a maximum of three berths, then one berth for each additional 25,000 sq. ft. or fraction thereof
Business and Professional Offices	One berth for 10,000 sq. ft. not exceeding a total of two required stalls
Food Stores and Other Retail Stores	One berth for every sq. ft. Up to a maximum of two stalls and then one berth for every 20,000 sq. ft. or fraction thereof

B. Uses for which off street loading facilities are required by this Section, but which are located in buildings that have a floor area that is less than the minimum for which off-street loading facilities are required, shall still provide readily accessible receiving facilities from any adjacent alley, service drive or open space on the same lot, in accordance with the provisions of this Chapter.

(Ord. 91-12, 10/9/1991, §409)

**§27-410. Temporary Uses.**

1. *Permit Required.* An occupancy permit is required for any temporary use of land and/or a structure.

2. *Authorized Temporary Uses.*

A. *Residential Districts.*

(1) Model home in a plan of homes used temporarily as a sales office which shall terminate upon the sale or rental of the last unit.

(2) Rental or sales office in a multi-family residential complex.

(3) Outdoor fair, exhibit, show, other special event sponsored by a nonprofit organization.

(4) Private garage/yard sale.

(5) Other temporary uses, as approved by the Planning Commission.

B. *All Other Zoning Districts.*

(1) Flea market.

(2) Outdoor fairs, exhibits.

(3) Temporary sales events.

(4) Rental or sales office in a development complex.

(5) Other temporary uses, as approved by the Planning Commission.

3. *Conditions of Approval for Temporary Uses.*

A. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.

B. Any licenses and permits required to sell products or food or approvals from other governmental agencies shall be submitted prior to the issuance of the occupancy permit.

C. The Borough Chief of Police and Fire Chief shall be notified in writing of the temporary use.

D. If the applicant does not own the land on which the temporary use is to be located, a letter of agreement and/or permission between the applicant and the landowner shall be submitted.

E. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the Borough. This includes, but is not limited to, provisions for security, trash pick-up, daily maintenance of the grounds.

F. The Zoning Officer may refer any application for a temporary use to Planning Commission for review and recommendation prior to issuance of the occupancy permit.

G. The provisions of this Section in no way shall be deemed to authorize the outdoor display or sale of automobiles, trailer or equipment rentals, used furniture, appliances, plumbing or building materials, or similar display or sale in any district except as specifically authorized by this Chapter.

4. *Temporary Construction Structures.* Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within 30 days after the completion of construction. Permits for such temporary structures shall not exceed 1 year but up to three annual renewals of the permit may be obtained.

(Ord. 91-12, 10/9/1991, §410)

#### **§27-411. Site Development Standards.**

1. *General Provisions.* All uses, lots and structures within all zoning districts shall comply with the applicable requirements of Part 3, "Design Standards and Required Improvements," of the Borough Subdivision and Land Development Ordinance [Chapter 22] for the design, location, installation or provision of: streets, driveways, traffic circulation, parking, sidewalks and pedestrian ways, public utilities, stormwater management, erosion/sedimentation controls, lot grading and natural feature preservation.

2. *Landscaping.* All portions of a lot, excluding a lot for a detached single- or two-family dwelling, not covered with buildings, streets, drives, parking and loading areas shall be suitably landscaped in accordance with the standards contained in the Subdivision and Land Development Ordinance [Chapter 22].

3. *Traffic Study.* For any application for zoning approval, the Borough may require that a traffic study in accordance with the provisions of the Subdivision and Land Development Ordinance [Chapter 22] be submitted. If reduction in level of service or hazards would result, a mutually agreeable improvement program shall be developed as a condition for approval.

(Ord. 91-12, 10/9/1991, §411)

#### **§27-412. Nonconformities.**

1. *Continuation.*

A. Any lot, structure, uses of land and structure and characteristics of use which were lawful before this Chapter was adopted or amended, but which would be prohibited or restricted by this Chapter or amendment to it, may continue as a legal nonconformity subject to the provisions of this Section.

B. The Zoning Officer shall keep and maintain a list of all nonconformities existing at the time of the passage of this Chapter and which may come to exist in the future.

C. The owner of a lawful nonconformity may secure a Certificate of Nonconformity which shall document the owner's right to continue the nonconformity. The certificate shall be issued by the Zoning Officer and shall detail the exact nature of the nonconformity. A copy of the certificate shall be retained by the Zoning Officer.

2. *Unlawful Use Not Authorized.* Nothing in this Section shall be interpreted as authorization for or approval of the continuance of the use of structure or premises in violation of zoning regulations in effect at the time of the effective date of this Chapter.

3. *Alterations, Repair, Enlargement, Reconstruction, Moving of Nonconforming Structures (Excluding Signs).*

A. Nothing in this Section shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

B. A nonconforming building or structure may be altered, repaired, enlarged or reconstructed provided it is not made more nonconforming and complies with otherwise applicable requirements of this Chapter.

C. If a nonconforming structure or use thereof is damaged by fire, collapse, explosion or other disaster, it may be reconstructed (and the nonconforming use thereof continued) provided:

(1) The amount of the damage does not exceed 60% of the structure's fair market value.

(2) Reconstruction commences within one year of the date of destruction and is completed within 18 months of issuance of the building permit. However, reconstruction shall not make the building or structure more nonconforming, in any aspect, than it was prior to destruction and shall comply with State and local building codes.

D. A conforming use in a nonconforming building or structure may expand within the existing building.

E. A nonconforming structure or building shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof and the lot shall be in conformity with all provisions of this Chapter.

4. *Alteration, Enlargement or Expansion of Nonconforming Uses.*

A. In order to allow for reasonable economic growth, a nonconforming use may expand in terms of gross floor area, or lot coverage (measured in square feet) if there is no building, in accordance with the following limits:

(1) Residential, Mixed Use or Special Districts: up to 30% increase.

(2) Commercial, Industrial Districts: up to 50% increase.

B. Such expansion shall:

(1) Comply with the area and dimensional requirements in the district in which it is located.

(2) Not make an existing conforming building or structure nonconforming.

(3) Not involve the extension of the nonconforming use onto any lot other than that which it presently occupies.

(4) Not eliminate any required off street parking and/or loading spaces.

C. The Zoning Hearing Board may authorize an expansion or enlargement exceeding the otherwise allowable percentages where the expansion is to provide required off-street parking or loading space or to correct a hazardous or unsafe condition in violation of a local, County, State or Federal law, and the expansion is not materially detrimental to surrounding properties or the interests of the municipality.

5. *Change of Nonconforming Use.* When a nonconforming use is changed to a conforming or more conforming one, it shall not be subsequently changed to a nonconforming or less nonconforming use. A nonconforming use may be changed to a similar nonconforming use or one which more closely conforms to the uses authorized in the zoning district. The Zoning Hearing Board shall approve a change of one nonconforming use to another according to the following:

A. The proposed use is within the same type of use category as the original nonconforming use, such as one personal service business to another, or is a use that more closely conforms to the current district regulations. In making a determination of similar uses, the Board shall be guided by the Standard Industrial Classification Manual, Federal Office of Management and Budget (current edition).

B. The proposed use will not be any more objectionable than the original nonconforming use in terms of congestion; traffic generation and requirements for off street parking and loading; outdoor storage of wastes, materials, supplies and equipment; height, area and bulk of all structures.

6. *Abandonment of Nonconforming Use.* If a nonconforming use is discontinued for a period of 12 consecutive months, or a total of 12 months within a period of 18 consecutive months, or is changed to more restricted or conforming use for any period of time; it shall be considered to have been abandoned. Thereafter, such nonconforming use shall not be revived.

7. *Nonconforming Lot of Record.*

A. Notwithstanding the regulations imposed by any other provision of this Chapter, a single- or two-family dwelling may be erected on any lot of record in any residential or mixed residential district, provided that the following requirements are met:

(1) The lot is shown by a recorded plot or deed to have been owned

separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, at such location, was not prohibited by any zoning ordinance then in effect.

(2) The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or ordinances.

B. Construction permitted by the above shall comply with all otherwise applicable regulations, except lot area and lot width.

8. *Termination of Nonconforming Signs.*

A. Upon adoption of this Chapter, the Zoning Officer shall prepare a list of all nonconforming signs.

B. If the existing use ceases, any new use shall replace the nonconforming sign with a conforming one.

C. If the Zoning Officer orders repairs on any nonconforming sign, which equal 60% or more of the sign's replacement value, then the sign shall be brought into conformance as part of the repairs.

D. A nonconforming sign cannot be enlarged or altered in any aspect, except to make safety improvements or changes which will make the sign conforming, or more conforming, to the provisions of this Chapter.

9. *District Changes.* Whenever the boundaries of a district change so as to transfer an area from one district to a district of a different classification, the foregoing provisions shall apply to any nonconforming use, structure or lot of record existing therein.

(Ord. 91-12, 10/9/1991, §412)

**Part 5****Environmental Performance Standards****§27-501. Applicability.**

All new and existing uses established within the Borough shall comply with the performance standards contained in this Chapter. The standards shall apply to an existing use or structure, or portion thereof, when it is extended, enlarged, moved, structurally altered, or reconstructed.

(*Ord. 91-12, 10/9/1991, §501*)

**§27-502. Floodplain Management.**

1. *Intent.* The intent of these provisions is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- E. Comply with Federal and State floodplain management requirements.

2. *Applicability.* It shall be unlawful for any person to undertake or cause to be undertaken, any construction or development anywhere within a floodplain area, as established by this Chapter, unless a certificate of zoning compliance and building permit has been obtained in accordance with this Chapter and the Borough Building Code [Chapter 5, Part 1].

3. *Liability.*

A. The degree of flood protection sought by the provisions of this Chapter 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 Chapter does not imply that areas outside the floodplain areas or that land uses permitted with such areas will be free from flooding flood damages.

B. This Chapter shall not create liability on the part of the Borough or any office or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder. [*Ord. 05-02*]

4. *Delineation of Floodplain Areas.*

A. *Overlay Concept.* The floodplain areas described in this Section shall be overlays to the underlying zoning districts shown on the Official Zoning Map. The provisions for the floodplain districts shall serve as a supplement to the underlying

district provisions. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying districts, the more restrictive provisions.

B. *Description of Floodplain Areas.* The various floodplain overlay districts shall include areas subject to inundation by waters of the 100-year flood. These areas are shown on the most current Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) prepared for the Borough by the Federal Emergency Management Agency.

C. *Changes in Floodplain Area Delineations.* The identified floodplain area may be revised or modified by Council where studies or information by a qualified agency or person documents the need or possibility for such revision. Prior to any such change, approval must be obtained from FEMA.

D. *Interpretation of Area Boundaries.* Initial interpretations of the boundaries of the floodplain areas shall be made by the Zoning Officer. Should a dispute arise concerning any boundary, the Zoning Hearing Board shall make the determination. The burden of proof shall be on the appellant.

#### 5. *Floodplain Provisions.*

A. No construction or development shall take place within any identified floodplain area of the Borough.

B. Repairs, improvements or modifications to an existing structure which amount to less than 50% of the market value are permitted provided such work does not result in the expansion or enlargement of the structure.

#### 6. *Variances.*

A. If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered in accordance with the provisions of Part 6 of this Chapter.

B. Notwithstanding the provisions of this Section, no variance shall be granted for any of the following:

(1) The construction, enlargement or expansion of any structure used, or intended to be used for a hospital, nursing home, jail or prison.

(2) A new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

(3) A new salvage yard or any expansion to an existing one.

(4) Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances. The following list of materials and substances are considered dangerous to human life:

- (a) Acetone.
- (b) Ammonia.
- (c) Benzene.
- (d) Calcium carbide.
- (e) Carbon disulfide.
- (f) Celluloid.
- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel oil, etc.).
- (m) Phosphorus.
- (n) Potassium.
- (o) Sodium.
- (p) Sulphur and sulphur products.
- (q) Pesticides (including insecticides, fungicides and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

C. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

- (1) That there is good and sufficient cause.
- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will:
  - (a) Not result in any increase in flood levels during the base flood discharge.
  - (b) Create and additional threats to public safety, or extraordinary public expense.
  - (c) Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulations, or local ordinance or regulation.

D. If granted, a variance shall involve only the least modification necessary to provide relief. If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations (§60.3(a) and (b)), including the requirements for elevation, flood proofing and anchoring. The applicant shall submit a document, certified by a registered professional engineer or architect., which states that the proposed construction or development has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces

associated with the 100-year flood.

E. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

F. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

(2) Such variances may increase the risks to life and property.

G. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall, be included in the annual report to the Federal Emergency Management Agency.

H. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

(*Ord. 91-12, 10/9/1991, §502; as amended by Ord. 05-02, 6/1/2005*)

### **§27-503. Fire and Explosive Hazards.**

1. All activities and all storage of flammable solid, liquid and gaseous substances and explosive materials shall comply with all applicable Federal, State and local laws and regulations including the provision of adequate firefighting equipment as specified by any law or regulation. All buildings and structures and activities within such buildings and structures shall conform to the Borough building and fire codes and other applicable ordinances.

2. Storage tanks or facilities for flammable liquids shall be located at least 50 feet from any lot line.

(*Ord. 91-12, 10/9/1991, §503*)

### **§27-504. Toxic, Hazardous and Radioactive Materials.**

Any activity which involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable Federal and State requirements regarding the use, storage, transportation, emission, and disposal of such materials. Any such use or activity shall obtain and maintain all necessary licenses and permits from appropriate Federal and State agencies as a condition of occupancy.

(*Ord. 91-12, 10/9/1991, §504*)

### **§27-505. Air Pollution and Odors.**

1. There shall be no emission of smoke, ash, dust, fumes, particulate matter, or other air pollutant which violates applicable Federal, State, County or Borough laws and regulations. Any use or activity in the Borough shall obtain and maintain all necessary licenses and permits from the appropriate County, State and Federal agencies as a condition of occupancy.

2. There shall be no emission of odorous gases or other matter in such quantities as to be offensive on adjoining streets or adjacent lots. Odor thresholds shall be measured in accordance with ASTM d-1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

(Ord. 91-12, 10/9/1991, §505)

**§27-506. Glare.**

1. No direct reflected glare whether from any lighting source or production operation shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Glare shall be defined as direct or indirect light from such activities of greater than ½ foot-candle at habitable levels.

2. When any street lighting produces illumination in excess of 1 foot-candle at a particular point in a residential zoning district, the contribution by light sources from any property in a nonresidential zoning district, as measured at the same point, shall not exceed 50% of the street lighting.

3. No outdoor lighting shall be of such intensity or brilliance as to cause glare which would impair the vision of drivers.

(Ord. 91-12, 10/9/1991, §506)

**§27-507. Noise.**

1. No operation or activity shall cause or create noise in excess of the sound levels prescribed below at any point on or beyond a lot boundary. For the purposes of this Chapter, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighing network corresponding to the A-scale on a standard sound level meter.

A. *Residential Districts.* Not to exceed a maximum of 60 dBA for more than 1 hour per 24 hours.

B. *Commercial Districts.* Not to exceed a maximum of 65 dBA for more than 8 hours per 24 hours.

C. *Industrial Districts.* Not to exceed a maximum of 75 dBA.

D. Where two zoning districts in which different noise levels are prescribed, share a common boundary, the most restrictive of the noise level standards shall govern.

2. The preceding noise standards shall not apply to the following:

(1) Noises emanating from construction and/or maintenance activities between 7 a.m. and 9 p.m.

(2) Noises caused by safety signals, warning devices and other emergency-related activities or uses; and transient noises emanating from moving sources, such as trucks, automobiles, airplanes and trains.

3. In addition to these regulations, all uses or activities within the Borough shall conform to any applicable Borough, County, State or Federal noise regulations.

(Ord. 91-12, 10/9/1991, §507)

**§27-508. Vibration.**

1. Vibration shall be measured at or beyond any adjacent lot line as indicated in Table A below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

2. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P. V. = 6.28 F \times D$$

P. V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum particle velocity shall be the vector sum of the three individual components recorded. Such particle velocity shall not exceed the values given in Table A. Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of 100 per minute, then the values in Table A may be multiplied by two.

**Table A  
Maximum Ground Transmitted Vibration by Zoning District**

Vibration Measured in:	Adjacent Lot Line	Residential Districts
Residential Districts	0.02	0.02
Commercial Districts	0.06	0.02
Industrial Districts	0.10	0.02

(Ord. 91-12, 10/9/1991, §508)

**§27-509. Storage.**

All garbage, trash and rubbish shall be stored in covered, vermin-resistant containers and shall be screened from public view.

(Ord. 91-12, 10/9/1991, §509)

**§27-510. Determination of Compliance.**

1. If during the review of a zoning application, it appears than the proposed use or activity may not comply with the performance standards contained in this Section, the Borough may initiate an investigation and may require the applicant to submit such data and evidence as is needed to make an objective determination. Where the Borough must obtain technical assistance in determining compliance with any provision, the cost of such assistance shall be added to the required application fees for the proposed use.

2. For any existing use, the Zoning Officer shall investigate any purported

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violation of the performance standards and, if necessary, request that Borough Council employ qualified experts to assist in the determination of a violation. If the facility is found to be in violation, the Borough shall be reimbursed for the costs for such technical assistance experts in addition to any other fines and penalties contained in this Chapter. [*Ord. 05-02*]

(*Ord. 91-12*, 10/9/1991, §510; as amended by *Ord. 05-02*, 6/1/2005)



**Part 6****Zoning Hearing Board****§27-601. Membership of the Board.**

1. The membership of the Board shall be five residents of the Borough, who shall hold no other office in the Borough, appointed by resolution by Borough Council in accordance with the provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

2. Council may appoint by resolution at least one but no more than three Borough residents to serve as alternate members of the Board. An alternate member's term of office shall be 3 years. When seated pursuant to the provisions of §27-602.3, an alternate shall participate as a Board member in all proceedings and discussions of the Board, including voting, and shall have all the powers and duties provided by law to a Board member. Alternates shall hold no other office in the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member unless designated as a voting member pursuant to §27-602.3.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Council, taken after the member has received 15 days 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.

(*Ord. 91-12, 10/9/1991, §601*)

**§27-602. Organization of the Board.**

1. *Officers.* The Board shall elect its officers from its own membership, who shall serve annual terms and may succeed themselves.

2. *Quorum.* For the conduct of any hearing and the taking of any action, a quorum shall be a majority of all the members of the Board.

3. *Designation of Alternates.* If by reason or absence or disqualification of a member, a quorum is not reached, the Board chair shall designate as many alternate members as may be needed to provide a quorum. Any alternate member shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternatives.

4. *Procedural Rules.* The Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of the Borough and laws of the Commonwealth.

5. *Records.* The Board shall keep full public records of its business; all records and files of the Board shall be kept in the Borough offices and shall be the property of the Borough.

6. *Report to Council.* Upon request by Council, the Board shall submit a report of its activities.

7. *Compensation.* Members and alternate members of the Zoning Hearing Board shall receive no compensation for the performance of their duties.

8. *Expenditures for Services.* Within the limits of funds appropriated by Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and any other technical and clerical services. The Board's legal counsel shall be an attorney other than the Borough Solicitor.

(Ord. 91-12, 10/9/1991, §602)

### **§27-603. Applications to the Board.**

1. *Submission.* All applications for hearings shall be filed with the Zoning Officer on the form provided by the Zoning Officer. The application shall contain or be accompanied by such copies, information and plans as required by the application form, including a site or plot plan drawn to scale showing the proposed activity and other information necessary to evaluate the application under the provisions of this Section.

2. *Determination of Completeness.* Within 5 days after receiving an application for a hearing, the Zoning Officer shall determine if the application is complete. If the application is not complete, the Zoning Officer shall notify the applicant in writing of any deficiencies and shall not process the application any further until the applicant remedies the deficiencies. Failure to provide the missing elements of the application within 30 days shall constitute a withdrawal of the application.

(Ord. 91-12, 10/9/1991, §603)

### **§27-604. Hearings.**

1. *Time Limit.* Once an application for a hearing is complete, the Board shall fix a time and place for such hearing within 60 days of such application, unless the applicant agrees to an extension of time.

2. *Notice.*

A. Public notice shall be given in the manner prescribed by this Section.

B. Written notice shall be mailed to the applicant, the Zoning Officer, the Borough Manager, President of the Council, the Chairman of the Planning Commission and any person who has made timely request for such notices.

C. Written notice shall be mailed to the owner of every lot on the same street within 300 feet of the lot in question and to every lot not on the same street within 100 feet of said lot. Failure to give such notice as specified in this paragraph shall not invalidate any action by the Board.

D. Written notice shall be posted conspicuously on the affected property at least 1 week prior to the hearing.

3. *Conduct.*

A. Hearings shall be conducted by the Board, or the Board may appoint one member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the appellant or applicant, in addition to the Borough, may, prior to the decision of the hearing, waive the decision or finding by the Board and accept the decision or findings of the hearing officer as

final.

B. Parties to the hearing shall be the Borough, any person who is affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

C. The chair or acting chair of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

D. 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.

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

F. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or by the person appealing from the decision of the Board if such appeal is made. In either case the cost of additional copies shall be paid by the person requesting such copies; in other cases the party requesting the original transcript shall bear the cost thereof.

G. The Board or the hearing officer shall:

(1) Not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.

(2) Not take any notice of any communication, reports, staff memoranda or other materials, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed.

(3) 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.

H. The Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. A decision by the Board shall require the majority of any quorum voting on the case. In the event that there is a tie vote, the case shall be deemed denied.

I. 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 this Chapter or of any act, 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.

J. If the hearing is conducted by a hearing officer, and no stipulation has been made that the officer's decision or findings are final, the Board shall make the hearing officer's reports and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings. The Board's decision shall be entered no later than 30 days after the report of the hearing officer.

K. Where the Board fails to render a decision within the time period specified by this subsection, or fails to hold the hearing within the required time period, 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.

L. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as provided above, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision; notice shall be given in the manner prescribed by subsection .1 of this Section. If the Board fails 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.

#### 4. *Final Decision.*

A. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or sent by certified mail no later than 1 day after the decision.

B. The Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or all findings may be examined to:

- (1) All persons who filed their names and address with the Board not later than the last day of the hearing.
- (2) The Zoning Officer.
- (3) The Borough Manager.
- (4) President of Council.
- (5) Chairman of the Planning Commission.

C. The Board may cancel or revoke an approval for any violation of this Chapter or of the conditions imposed with the approval.

(Ord. 91-12, 10/9/1991, §604)

#### **§27-605. Time Limitations for Filing Appeals.**

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

2. The failure of anyone other than the landowner to appeal from an adverse

decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to §27-916.2 of the Municipalities Planning Code, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

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

(*Ord. 91-12, 10/9/1991, §605*)

**§27-606. Stay of Proceedings.**

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

2. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the County Court of Common Pleas to order such persons to post bond as a condition to continuing the proceedings before the Board. The court's hearing and decision on the petition shall be in the manner prescribed by the Planning Code. (See: MPC §915.1.)

(*Ord. 91-12, 10/9/1991, §607*)

**§27-607. Jurisdiction of the Board.**

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

A. Substantive challenges to the validity of any land use ordinance, except those brought to the Borough Council together with a curative amendment, according the provisions of the Planning Code. (See: MPC, §916.1)

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment, which challenges shall be raised by appeal within 30 days after the effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer including, but not limited to the granting or denial of any permit, or failure to act on the application therefor; the issuance of any cease and desist order; the registration or refusal to register any nonconforming use, structure or lot; or a preliminary land use determination pursuant to §916.2 of the Municipalities Planning Code., 53 P.S. §10916.2.

D. Appeals from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any floodplain provision of this Chapter.

E. Applications for variances, special exceptions, and changes to

nonconforming uses pursuant to the provisions of this Chapter.

F. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion and stormwater management insofar as the same relate to development not involving subdivision and land development applications.

(Ord. 91-12, 10/9/1991, §607)

**§27-608. Variances.**

1. *Authority.* The Board shall hear a request for a variance where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant.

2. *Standards.* The Board may grant a variance only if the applicant demonstrates and the Board finds:<sup>5</sup>

A. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not to be circumstances generally created by the provisions of this Chapter in the neighborhood or district 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 the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship had not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

3. *Planning Commission Comments.* The Board shall request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record.

4. *Conditions.* The Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

5. *Limitations.* Variances shall not be granted which would:

A. Permit the creation of an additional lot or parcel that cannot otherwise be

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<sup>5</sup>A mere showing of economic hardship alone does not justify the granting of a variance. [See *Hansen Properties v. Zoning Board of Horsham Township*, 566 A.2d 926 (Pa. Cmwlth., 1989)]. A landowner must show that the physical characteristics of his/her property are such that it cannot be used for any permitted purpose, or for a permitted purpose only at prohibitive expense, rendering the property valueless if the variance is not granted.

developed in compliance with this Chapter and other applicable regulations.

B. Permit the use of land or structure contrary to the use provisions of the applicable zoning district.

C. Permit an increase in the otherwise allowable area of the sign by more 10%.

[*Ord. 93-4*]

6. *Time Limits.* A variance shall be valid for a period of 1 year. If a building permit is not issued and construction commenced, or if no building permit is required, an occupancy permit is not issued, the variance shall become null and void.

(*Ord. 91-12, 10/9/1991, §608; as amended by Ord. 93-4, 5/14/1993, §§1-4*)

#### **§27-609. Special Exceptions.**

1. *Authority.* The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified in Part 3 of this Chapter.

2. *Conditions.* In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter.

3. *Planning Commission Comment.* The Board shall request the review and comments of the Planning Commission on any application for a special exception, which shall be made part of the public record.

(*Ord. 91-12, 10/9/1991, §609*)

#### **§27-610. Changes of Nonconforming Uses.**

The Zoning Hearing Board shall hear requests for a change of one nonconforming use to another in accordance with the provisions of §27-412 of this Chapter.

(*Ord. 91-12, 10/9/1991, §610*)

#### **§27-611. Appeals.**

All appeals from the decisions of the Zoning Hearing Board shall be taken to the County Court of Common Pleas within 30 days after the entry of the decision of the Board in accordance with the provisions of Article X-A of the Municipalities Planning Code, 53 P.S. §11001-A *et seq.*

(*Ord. 91-12, 10/9/1991, §611*)

#### **§27-612. Applicability of Judicial Remedies.**

Nothing contained in this Chapter shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

(*Ord. 91-12, 10/9/1991, §612*)



**Part 7****Administration and Enforcement****§27-701. Zoning Officer.**

1. *Appointment.* Council shall appoint a Zoning Officer to administer and enforce this Chapter. The Zoning Officer shall: demonstrate a working knowledge of municipal zoning; meet the qualifications established by Council; and not hold any elective officer in the Borough.

2. *Duties of the Zoning Officer.* The Zoning Officer shall:

A. Receive all applications for certificates of zoning compliance and occupancy permits and maintain records thereof.

B. Issue certificates of zoning compliance and occupancy permits for permitted uses where the applications comply with the literal terms of this Chapter and other applicable ordinances, provided any required approval by the Planning Commission has been granted.

C. Receive, file and forward to the Planning Commission and Borough Council all applications for conditional uses; maintain records thereof; and issue certificates of zoning compliance when authorized by Council.

D. Receive, file and forward to the Zoning Hearing Board the records in all appeals, and all applications for special exception uses, variances and changes of nonconforming uses; maintain records thereof; and issue certificates of zoning compliance when authorized by the Zoning Hearing Board.

E. Inspect buildings, structures and uses of land to determine compliance with the provisions of this Chapter and seek, upon approval of Council, any expert technical advice on issues as they may arise.

F. Issue stop, cease and desist orders and issue written correction orders for any condition found to be in violation of this Chapter and other applicable ordinances.

G. Institute, with approval of or at direction of the Borough Council appropriate legal action to prevent, restrain, abate, or correct any violation of this Chapter.

H. Revoke any order, certificate of zoning compliance or occupancy permit issued under a mistake of fact or contrary to the provisions of this Chapter.

I. Make and maintain accurate and current records of all legal non-conformities under this Chapter.

J. Submit a written monthly report to Council listing all permits, certificates, notices and orders issued and report to Council on any activities upon request.

3. *Inspections.* Upon presentation of proper identification, the Zoning Officer shall have the authority to enter any building, structure, premises, property or development in the Borough, at any reasonable hour, in order to verify the information provided in a pending application, assure compliance with any approved application

or enforce the provisions of this Chapter.

(Ord. 91-12, 10/9/1991, §701)

**§27-702. Certificate of Zoning Compliance.**

1. *Applicability.* A certificate of zoning compliance shall be obtained from the Zoning Officer before any person may:

- A. Occupy or use any vacant land or structure.
- B. Change the use of a structure or land to a different use.
- C. Construct, reconstruct, move, alter, or enlarge any structure or building.
- D. Change, alter or extend a nonconforming use.

2. *Procedure for Obtaining Certificates.*

A. Applications for a certificate shall be submitted to the Zoning Officer in the form prescribed by the Borough and be accompanied with any required fees.

B. All applications shall be accompanied by information and plans, including a site or plot plan drawn to scale, showing the proposed activity and demonstrating compliance with all provisions of this Chapter and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after approval or denial.

C. An application shall not be deemed officially filed until it is complete. Within 5 days after receiving an application, the Zoning Officer shall determine if the application is complete. If it is not, the Zoning Officer shall notify the applicant in writing of any deficiencies and shall not process the application any further until the applicant remedies the deficiencies. Failure to provide the missing elements of the application within 30 days shall constitute a withdrawal of the application.

D. Applications involving any of the following shall be reviewed and approved by the Planning Commission prior to issuing a zoning certificate:

- (1) Any new or change of use in a residential or mixed use district.
- (2) Any new or expanded use in a commercial or industrial district.<sup>6</sup>
- (3) Any exterior addition or alteration to a principal or accessory building located in any zoning district, which when completed will be entirely or partially visible from a public street.
- (4) Any permitted use in any zoning district where the Zoning Officer wishes to seek the review of the Planning Commission.

E. No certificate of zoning compliance shall be issued unless the application complies with all the provisions of this Chapter and all required approvals and/or permits have been obtained from all applicable Borough, County, State and Federal agencies. The applicant shall submit copies of such approvals/permits required from other governmental agencies to the Zoning Officer.

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<sup>6</sup>A change from one permitted use to another permitted use located in an existing building does not require Planning Commission review if it does not involve any structural alteration or expansion of the building.

3. *Coordination with Building Permits.* Whenever the proposed activity requires a building permit under the terms of the Borough Building Code [Chapter 5, Part 1], the application for the zoning certificate shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning certificate has been approved.

4. *Changes.* After issuance of the certificate of zoning compliance, no changes of any kind shall be made to the approved application and plans without written approval of the Zoning Officer, or in the case of a conditional or special exception use approval, Borough Council or the Zoning Hearing Board, as appropriate. Requests for any such change shall be in writing and shall be submitted to the Zoning Officer.

5. *Duration of Certificate.* A certificate of zoning compliance shall expire within 1 year from the date of issuance if the subject use is not commenced or construction has not begun. All work must be completed no later than 2 years from the date of issuance of the permit.

(Ord. 91-12, 10/9/1991, §702)

#### **§27-703. Occupancy Permit.**

1. An occupancy permit shall be obtained before any person may occupy or use any new or existing structure or lot. Issuance of a certificate of zoning compliance does not allow occupancy; an occupancy permit is also required.

2. Upon completion of the work covered by any certificate of zoning compliance or before the occupancy of any new or existing lot or structure, the applicant shall notify the Zoning Officer who shall examine the such building, structure or use of land within 10 days after notification. If the Zoning Officer shall find that such construction, erection, structural alteration, or use of building and/or land is in accordance with the provisions of this Chapter, other applicable ordinances, and the approved plans, the occupancy permit shall be issued.

3. The Zoning Officer may issue a temporary occupancy permit which allows the use or occupancy of a building or structure during structural alteration thereof or permits the partial use or occupancy of a building or structure during its construction or erection. Such a temporary permit shall only be valid for a period not exceeding three months from its issuance, and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.

(Ord. 91-12, 10/9/1991, §703)

#### **§27-704. Revocation of Certificates and Permits.**

1. In the event the Zoning Officer discovers that the work or occupancy does not comply with the approved application or any applicable laws and ordinance, or that there has been a false statement or misrepresentation by an applicant, the Zoning Officer shall revoke the certificate of zoning compliance or occupancy permit and proceed with whatever legal action is necessary to correct the violation.

2. Any certificate or permit issued in error which conflicts with the provisions of this Chapter shall be null and void.

(Ord. 91-12, 10/9/1991, §704)

**§27-705. Schedule of Fees.**

The Borough may establish by resolution from time to time fees for the administration of this Chapter and for hearings before the Zoning Hearing Board in accordance with the provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (MPC, §§617.3 and 908, 53 P.S. §§10619.3, 10908.)

(Ord. 91-12, 10/9/1991, §705)

**§27-706. Amendments to the Zoning Ordinance or Map.**

1. *Amendments Other Than Curative Amendments.*

A. Council may amend this Chapter as proposed by a member of Council, by the Planning Commission, or by a petition of a landowner, an agent of the landowner or a person residing in the Borough.

B. Petitions for amendment by a landowner or resident shall be filed with the Zoning Officer, and the petitioner, upon such filing, shall pay any fee in accordance with the Schedule of Fees.

C. Any amendment not prepared by the Borough Planning Commission shall be referred to it for review and recommendations at least 30 days prior to the public hearing on the amendment.

D. At least 30 days prior to the public hearing, the amendment shall be sent to the County Planning Commission for its recommendations.

E. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing hereon, pursuant to public notice as defined by this Chapter. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

F. If after any public hearing held upon an amendment, the proposed amendment is substantially changed or is revised to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

G. The proposed amendment shall be published once in one newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. The publication shall include either the full text or a brief summary of the amendment, prepared by the borough solicitor and stating the amendment's provisions in reasonable detail. If the full text is not published:

(1) A copy shall be supplied to a newspaper of general circulation at the time the public notice is published.

(2) An attested copy of the proposed amendment shall be filed in the County law library or other office designated by the County.

H. If substantial amendments are made in the proposed amendment, at least

10 days before voting on enactment, the Borough shall readvertise a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

I. A vote on any proposed amendment shall take place at a regular or special meeting of Council, following the public hearing or hearings.

J. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

2. *Curative Amendments by Landowners.*

A. A landowner who desires to challenge on substantive grounds the validity of this Chapter or Map (or any provision thereof) which restricts or prohibits the use or development of land in which he/she has an interest, may submit a curative amendment to Borough Council, as provided by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

B. Council shall commence a hearing within 60 days of the request. Procedures for hearing and deciding the challenge and proposed curative amendment shall be in the manner prescribed by the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (See: MPC, §§609.1 and 916.1, 53 P.S. §§10609.1, 10916.1.)

3. *Municipal Curative Amendments.*

A. The Borough, by formal action, may declare this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.

B. Within 30 days following such declaration and proposal, Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) Reference to specific use 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.

(2) Begin to prepare and consider a curative amendment to correct the declared invalidity.

C. Within 180 days from the date of the declaration and proposal, the municipality shall either enact a curative amendment to validate, or reaffirm the validity of, this Chapter. The procedures for adopting a curative amendment shall be as prescribed by §27-706.1.

D. Upon the initiation of the procedures set forth in paragraph .A, above, Council shall not be required to entertain or consider any landowner's curative amendment. Similarly, the Zoning Hearing Board is not required to give a report on any challenge to the validity of the ordinance if the said challenge is based upon grounds identical to or substantially similar to those specified in Council's resolution.

E. Upon completion of the procedures as set forth in paragraphs .A to .C, no

right to a cure pursuant to the provisions of §27-706.2 of this Chapter shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Chapter for which there has been a curative amendment pursuant to this Section.

F. The Borough may not again utilize the above procedure for a municipal curative amendment for a 36-month period following the date of the enactment of a curative amendment or the reaffirmation of the validity of this Chapter. However, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 91-12, 10/9/1991, §706)

### **§27-707. Enforcement.**

#### *1. Notices.*

A. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Zoning Officer shall give notice of such alleged violation. The notice shall be sent to the owner of record, to any person who has filed a written request to receive enforcement notices regarding the parcel and to any other person requested in writing by the owner of record.

B. Such notice shall state:

(1) The name of the owner of record and any other person against whom the Borough intends to take action.

(2) The location of the property in violation and the specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the ordinance.

(3) The date by which steps for compliance must commence and when such steps must be completed.

(4) The recipient's right to appeal in accordance with the procedures contained in this Chapter.

(5) That failure to comply with the notice within the specified times, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

#### *2. Causes of Action.*

A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Chapter, the Zoning Officer with approval of Council, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain,

correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

B. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on Borough Council. No such action may be maintained until such notice has been given.

3. *Enforcement Remedies.*

A. Any person, who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a fine of not less than \$50 and not more than \$500 plus court costs, including reasonable attorney fees incurred by the Borough. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice.

B. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgment pursuant to applicable rules of civil procedure.

C. Each day that a violation continues shall constitute a separate violation unless the district justice further determines that there was a good faith basis for the person violating the ordinance to have believed that there was no such violation. In such case there shall be deemed to have been only one such violation until the fifth day following the date of the district justice's determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.

D. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.

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

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

(Ord. 91-12, 10/9/1991, §707)



**Part 8****Definitions****§27-801. Language Interpretations.**

1. For the purpose of this Chapter certain terms and words used herein shall be interpreted or defined as follows:

A. Words used in the present tense shall include the future.

B. Words in the singular shall include the plural.

C. The word "person" includes a corporation, company, partnership and association, as well as an individual.

D. The word "lot" includes the words "plot" or "parcel."

E. The term "shall" is always mandatory.

F. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designated to be used or occupied."

G. The word "building" includes the word "structure."

2. The particular shall control the general.

3. Whenever a measurement of distance is called for by this Chapter, it shall be taken from the principal entrance or access of one use or structure to the principal entrance/access of another along the most direct line or route on, along or across public streets.

4. In case of any difference of meaning or implications between the text of this Chapter and any caption or illustration, the text shall control.

(*Ord. 91-12, 10/9/1991, §801*)

**§27-802. Definitions.**

*Access* - a means of vehicular approach or entry to or exit from property.

*Accessory structure or use* - a use, building or structure, the use of which is customarily incidental and subordinate to the main or principal use, building or structure and which is located on the same lot therewith. Authorized uses/structures may include, but are not limited to, garage or carport; shed or building for domestic storage or storage of a boat or vehicle; child's playhouse, garden house, gazebo and private greenhouse; private residential swimming pool, tennis court or similar private recreational facility; civil defense shelter for not more than two families; fences; off-street parking and loading areas; signs; radio, television or satellite dish antenna; storage for supplies and products of an authorized business use subject to the zoning district regulations; administrative offices, employee restaurants and cafeterias when located in an authorized commercial or industrial building.

*Adult arcade* - any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still

or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas. [Ord. 05-02]

*Adult book store* - a commercial establishment - a commercial establishment having a substantial or significant portion of its stock in trade including books, magazines, photographs or other materials, which are distinguished and characterized by their evidence of matter depicting, describing or relating to the specified sexual activities or specified anatomical areas defined herein or an establishment with a segment or section devoted to the sale or display of such material. [Ord. 05-02]

*Adult cabaret* - a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

A. Persons who appear in the state of nudity.

B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

[Ord. 05-02]

*Adult motel* - a hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, 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.

B. Offers sleeping rooms for rent four or more times in 1 calendar day during 5 or more calendar days in any continuous 30-day period.

[Ord. 05-02]

*Adult motion picture theater* - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. [Ord. 05-02]

*Adult theater* - a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities. [Ord. 05-02]

*Alley* - a public thoroughfare other than a side street which affords only secondary means of access to abutting property and not intended for general traffic circulation.

*Alteration* - an incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another; or by change in use from that of one district classification to another.

*Apartment* - (See “dwelling, multi-family.”)

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

*Authorized use* - any principal or accessory use allowed by this Chapter as a permitted, conditional or special exception use.

*Basement* - a story partly underground but having one-half or more of its height above the average level of the adjoining ground.

*Billboard* - (See “sign.”)

*Block* - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, or boundary lines of municipalities.

*Board* - the Zoning Hearing Board established by this Chapter.

*Boarding (or rooming) house* - a residential building other than a hotel in which the owner/occupant rents or provides sleeping accommodations (with no separate kitchen facilities and with shared or private baths) for compensation for at least three but not more than 15 persons. A boarding house shall not include dormitories, fraternity or sorority houses or any residence that provides personal services associated with a group residence or personal care home as defined by this Chapter.

*Borough* - the Borough of Swissvale, Allegheny County, Pennsylvania.

*Buffer yard* - an area of land which may include natural or artificial land forms, a planted area with shrubs, bushes, trees, grass or other ground cover material or a structure such as a fence or wall, which provides a compact visual screen in order to separate and protect adjacent properties with differing uses.

*Building* - any covered structure that is permanently affixed to the land; included shall be all manufactured homes and trailers to be used for human occupancy.

*Building line* - a line which designates the minimum distance that a building must be erected from a street right-of-way line. Such distance shall be measured at right angles from the front street right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps.

*Building area* - the area of the lot within the building lines, bounded by the required yards; where there is no required yard, then bounded by the lot line.

*Building spacing* - the minimum distance between two buildings. The building spacing shall be measured from the outermost wall or projections, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters, provided these exceptions do not encroach more than 2 feet.

*Business, professional office* - the office of an engineer, doctor, dentist attorney, real estate or insurance broker, architect or other similar professional person; and any office used primarily for accounting correspondence, research, writing, editing or business administration. Not included in this definition are banks and other financial institutions.

*Cellar* - a story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered

in determining the permissible number of stories.

*Clear sight triangle* - the unobstructed sight along both roads or driveways at an intersection and across their included corner for distances sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. The minimum sight triangle may vary according to type of street and speed limit. Sight distance along the street shall be measured at the height of the driver's eye, which is assumed to be 3.75 feet above the road surface.

*Club* - an association organized and operated not for profit for persons who are bona fide members paying annual dues, and which owns, hires or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting.

*Commercial* - engaging in a business, enterprise, activity, or other undertaking for profit.

*Church* - (See "place of worship.")

*Construction* - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

*Construction trailer* - a vehicle with or without its own motive power and used for a temporary field office or storage purposes at a construction site.

*Convenience market* - a retail establishment selling food, health and beauty aids and similar convenience items in association with the retail sales of gasoline.

*Corner lot* - (See "lot, corner.")

*Council* - Council of the Borough of Swissvale.

*County* - Allegheny County, Pennsylvania.

*Day* - days shall be measured by calendar days wherever a time period is stipulated in this Chapter.

*Day care center* -

*Child* - a facility providing care, supervision and/or instruction for six or more children for a period of less than 24 hours and licensed to operate as such by the Pennsylvania Department of Public Welfare.

*Adult* - a facility providing care for less than 24 consecutive hours for three or more adults who are not relatives of the operator and who because of physical or mental infirmity require assistance to meet personal needs, but who do not require nursing care.

*Development* - any change to real estate, including but not limited to the erection, construction or placement of a structure or building, utilities, streets, parking and loading areas or other paved surfaces, filling, grading, excavation, mining, drilling or dredging operations; the placement of mobile homes; and the subdivision of land.

*Developer* - any landowner, agent of such landowner or tenant with the permission of such landowner, who undertakes a development.

*Duplex* - (See "dwelling, two-family.")

*Dwelling* - any building or portion thereof which is designated or used for residential purposes.

*Dwelling unit* - one or more rooms used for living, sleeping and eating purposes with fixed facilities arranged for occupancy by one family or household.

*Single-family dwelling* - a detached residential dwelling unit, other than a manufactured (mobile) home, occupied by only one family.

*Two-family dwelling* - a detached building, other than a manufactured home, occupied by only two families, independent of each other, with two units either attached side by side or one above the other.

*Multi-family dwelling* - a residential building containing three or more separate dwelling units sharing a common access.

*Easement* - a grant of limited use of private land for a public or quasi-public purpose, and within which the grantor shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

*Eating and drinking establishment* - a place open to the general public for the sale and consumption on the premises of food and/or beverages, which includes restaurants, bars, taverns and similar establishments. (See also "restaurant.")

*Engineer* - a professional engineer licensed as such in the Commonwealth of Pennsylvania, and duly appointed as the Engineer for the Borough.

*Existing use or structure* - a use or structure in existence as of the effective date of this Chapter.

*Family* - one or more persons occupying one dwelling unit on a nontransient basis and maintaining one common household, not including occupants of a club, fraternity, lodging, boarding house, personal care or group residence, or hotel.

*Fence* - any structure constructed of wood, metal, wire, mesh or masonry erected for the purpose of screening one property from another to assure privacy, protection or confinement of the property.

*Floodplain* - areas adjoining any stream water body which are subject to a 100-year recurrence interval flood as delineated by the Borough flood hazard maps. Where no flood insurance maps or studies have defined the boundary of the 100-year flood, the floodplain shall be as determined by a qualified professional geologist.

*Front yard* - (See "yard, front.")

*Garage* - a fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold, or repair or other service is performed.

*Gasoline service station* - building and premises where petroleum products, batteries, tires and automobile accessories may be supplied and sold at retail, and where services may be rendered in connection with these products, including inspection, greasing, hand washing, polishing, servicing, and adjustment of vehicles providing no major repair work is done.

*Grade* - a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points

within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

*Greenhouse* - the indoor raising of plants, shrubs or trees for sale and transplantation.

*Gross floor area* - the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior wall or from the center line of walls separating two buildings. For the purposes of determining permissible size and off-street parking and loading requirements, "floor area" shall include:

A. Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets.

B. Any basement floor area devoted to retailing activities.

C. Floor area devoted to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes (except as noted above), off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

*Group residence* - a facility located in a residential area, which provides room, board and specialized services to unrelated persons, such as children (under 18 years), physically or mentally disabled or elderly (over 60 years) individuals who are living together as a single housekeeping unit, in a family environment, with one or more adults providing appropriate 24-hour supervision. The group residence may be operated by a governmental agency, their licensed or certified agent, or any other responsible nonprofit social service corporation. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or for persons recovering from an addiction to drugs, alcohol or similar substances.

*Height, maximum* - the vertical distance measured from the mean level of the ground adjacent to the structure to point midway between the highest and lowest point of the roof, but not including chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located.

*Home occupation* - an occupation conducted in a dwelling unit solely by members of the family residing on the premises, provided such occupation shall be clearly incidental and subordinate to the unit's residential purpose and shall be conducted entirely within the principal residential structure.

*Hospital* - an institution licensed by the Commonwealth providing acute medical or surgical care and treatment for the sick and injured.

*Inn / hotel / motel* - a building or group of buildings containing rooms which provides sleeping accommodations for transient guests on a daily or weekly basis and may include food service and similar accessory services available to both guests and the general public. The term shall include motor hotel, motor inn, motor lodge, tourist court, inn and similar uses.

*Industrial* - (See “manufacturing.”)

*Junkyards* - (See “salvage yard.”)

*Kennel* - the keeping of four or more dogs or cats that are at least 4 months in age for breeding, training, selling or boarding for a fee.

*Lake and ponds* - natural or artificial bodies of water which retain water year round. A lake is a body of water of 2 or more acres. A pond is a body of water of less than 2 acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

*Land development-*

A. The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot regardless of the number of occupants or tenure.

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

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

*Loading space, off-street* - an off-street space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

*Lot* - a parcel of land undivided by any structure or private road and occupied by, or designed to be divided for, one building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by this Chapter for such building, use or development.

*Lot, corner* - a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

*Lot, interior* - a lot other than a corner lot with frontage on only one street.

*Lot, through* - a lot with the frontage on two parallel, or approximately parallel streets, and which is not a corner lot; may also be referred to as a double frontage lot.

*Lot area* - the area contained within the boundary lines of a lot.

*Lot area per dwelling unit* - the quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot.

*Lot coverage* - that percentage of a lot which when viewed directly from above would be covered by a structure or structures, or any part thereof, excluding protecting roof eaves.

*Lot line, front* - a street right-of-way line forming the boundary of a lot.

*Lot line, rear* - the lot line that is most distance from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot lines shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

*Lot line, side* - a lot line which is neither a front lot line nor a rear lot line.

*Lot of record* - a lot which individually or as part of a subdivision has been recorded in the Office of the Recorder of the County.

*Lot width* - the distance between the side lot lines measured at right angles to the lot depth at the established front building line.

*Manufacturing* - businesses engaged in the mechanical or chemical transformation of materials or substances into new products, or engaged in assembling component parts of manufactured products if the new product is neither a structure nor other fixed improvement.

*Medical facility* - a facility for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions. Such facility may include offices for doctors, dentists and other health care professionals but shall not be licensed as an outpatient provider facility.

*Medical and dental laboratories* - medical laboratories provide analytical or diagnostic services to the medical profession or patient on a prescription basis. Dental labs are engaged in making dentures, artificial teeth and orthodontic appliances to order for the dental profession.

*Mixed use or occupancy* - the conduct or carrying on of two or more uses in one building or on one zoning lot.

*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, and constructed so that it may be used with or without a permanent foundation.

*Mobile home lot* - a parcel of land in a mobile home park, improved with the necessary utilities connections and other appurtenances necessary for the erection thereon of a single mobile home, which is sold or leased by the park owner to the occupants of the mobile home erected on the lot.

*Mobile home park* - a parcel (or contiguous parcels) of land which has been planned for the placement of two or more mobile homes.

*Modular unit* - a unit transported on a removable or non-removable frame, in

which some or all of the component parts are fabricated, formed or assembled off-site in a factory, transported to the site for assembly and installed on the building site. The term includes "module," "prefab," "factory-built," "panel-built," and similar terms. The completed unit shall comply with building code standards for conventionally constructed units; the modular unit is considered real property.

*Municipalities Planning Code (Planning Code or MPC)* - the Pennsylvania Municipalities Planning Code, Act 170 of 1988, 53 P.S. §10101 *et seq.*

*Nonconforming building or structure* - any structure or portion thereof which could not be built under the terms of this Chapter by reason or restrictions on area, lot coverage, height, yards, its location on the lot or other requirement concerning the structure, provided such structure existed lawfully prior to the enactment of this Chapter or any amendment to it.

*Nonconforming lot of record* - an undeveloped lot which does not comply with the applicable provisions contained in this Chapter, or any amendment to it, but which was a legally recorded lot prior to the enactment of this Chapter or any amendment to it.

*Nonconforming use* - a use, whether of structure or land, which does not comply with the applicable use regulations contained in this Chapter or any amendment to it, provided such use existed lawfully prior to the enactment of this Chapter or any amendment to it.

*Nude model studio* - any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration, except when such place has no sign visible from the exterior of the structure that indicates a nude person is available for viewing. [Ord. 05-02]

*Nudity or state of nudity* - the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast. [Ord. 05-02]

*Nursing or convalescent home* - an institution for the care of children, the aged or infirm, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed as a skilled nursing or intermediate care facility in accordance with State regulations. The term shall not include facilities or acute care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

*PaDEP* - the Pennsylvania Department of Environmental Protection. [Ord. 05-02]

*PennDOT* - the Pennsylvania Department of Transportation.

*Parking lot* - any lot, parcel or yard used regularly in whole or part for the storage or parking of more than two vehicles where such usage is not incidental to or in conjunction with a one or two-family home.

*Parking space* - an off-street space available for the parking of one motor vehicle.

*Patio* - a roofless space, attached to or adjacent to a main or accessory structure which is used for outdoor leisure activities.

*Person* - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal

entity whatsoever which is recognized by law as the subject of rights and duties.

*Personal care home* - a residential facility, operated for profit or otherwise, providing food, shelter and personal assistance or supervision for more than three adults who are not relatives of the operator and who require assistance or supervision in daily routine activities such as bathing, dressing, diet or the taking of medication prescribed for self-administration.

*Place of worship* - a church, synagogue or similar place where religious services are held, including a parish house, convent, monastery, educational buildings or similar accessory use.

*Planning Commission* - the Planning Commission of the Borough of Swissvale.

*Pond* - (See "lake.")

*Porch* - a roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood or other material more than 30 inches above the floor thereof, except awning or screening or the necessary columns to support the roof.

*Principal building* - a building or buildings in which is conducted the main or principal use of the lot on which the building is situated.

*Principal use* - the main use of land or structures as distinguished from the subordinate or accessory use.

*Private* - of or pertaining to any building, structure, use or activity limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

*Public* - of or pertaining to any building, structure, use or activity belonging to, or affecting, any duly authorized government body.

*Public building or use* - building or facility operated by a governmental agency or philanthropic organization, where administrative activities are conducted or social or educational services are provided to the general public. Such uses shall include, but are not limited to, a municipal building, library, community center, museum, or similar use/facility, excluding a school or recreational facility as defined by this Chapter.

*Public/essential service* - underground or overhead gas, electrical, steam, water or communication transmission, distribution, collection, supply or disposal systems and their required buildings and fire or emergency service stations, which are owned and operated by a governmental agency or entity regulated and/or licensed by the Pennsylvania Public Utility Commission (PUC). Public/essential services do not include public or private incinerators, landfills, or similar waste disposal facilities, whether or not owned or operated by a government or PUC-regulated entity.

*Public notice* - notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

*Recreation, commercial* - land or buildings for the pursuit of sports and similar indoor or outdoor leisure time activities which are operated on a commercial, for-profit

basis. Examples of uses in this category include bowling alleys, physical fitness and sports clubs, public golf courses, amusement parks, amusement arcades.

*Recreational facility, public or nonprofit* - land or buildings for the pursuit of sports and similar leisure time activities such as parks, swimming pools, tennis courts, ballfields or nature areas, which are operated by governmental or nonprofit organization. Excluded are any amusement establishments or other recreational facilities of a commercial nature.

*Recreational vehicle* - a single or multiple-axle, non self-propelled or self-propelled structure mounted on wheels or otherwise capable of being made mobile for the purpose of travel, recreational and vacation use including, but not limited to, travel trailers, motor homes, tent trailers, boats and boat trailers, horse trailers, or campers. No such vehicle shall be used for living, sleeping or housekeeping purposes.

*Research / development facility* - a use devoted to research design, laboratory work and/or experimentation and any processing and fabrication incidental thereto, provided no materials or finished products shall be manufactured, processed or fabricated on the premises for sale except such as are incidental to said laboratory research, design and/or experimentation conducted on said premises.

*Residential use* - those activities customarily conducted in living quarters in an urban setting, and excludes such activities as the keeping of livestock or fowl, activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

*Restaurant, conventional* - an establishment whose principal business is the sale of foods, desserts or beverages to customers in a ready-to-eat state and whose design or principal method of operation includes either customers served at a counter or table by the restaurant's employees or a cafeteria-type operation where foods are consumed within the restaurant.

*Restaurant, fast food* - an establishment whose primary business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption:

- A. Within the restaurant building.
- B. Within a motor vehicle parked on the premises.
- C. Off the premises as carry out orders, and whose primary method of operation includes the following characteristics: food and/or beverages are usually in edible containers or in paper, plastic or other disposable containers.

*Retail business* - commercial establishments engaged in selling merchandise directly to customers for personal or household consumption and rendering services incidental to the sale of goods. For purposes of this Chapter, the following uses are excluded from the category: eating and drinking establishments; retail sales of building materials (except hardware, paint and wallpaper); lawn and garden supplies; automobiles, boats, mobile homes, recreational vehicles and other vehicles (except bicycles); gasoline and other fuels.

*Salvage (or junk) yard* - any area where scrap metal, paper, rags, and other waste and/or used materials (excluding tires) are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery or motor vehicles

are collected, dismantled, stored or sold for parts. Any use conducted entirely within an enclosed building is not a salvage yard.

*School* - a place of instruction operated by a public or private nonprofit organization, having regular sessions, with regularly employed instructors and meeting all the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

*Screen* - decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

*Service business* - commercial establishments providing a wide variety of services for individuals, businesses, and other public and private organizations. Service businesses may include, but are not limited to, personal services such as laundries, dry cleaning shops, barber/beauty shops, photographic studios or shoe repair; advertising and public relations, management, accounting and consulting services; personnel supply; security and maintenance services; equipment rental/leasing; computer and data processing services; repair services such as electrical, watch and jewelry, reupholstery or furniture repair; motion picture production or distribution; videotape rental; and travel agencies. For the purposes of this Chapter, the following uses are excluded from this category: funeral homes/mortuaries; hotels, motels, rooming houses, camps or other lodging places; dry cleaning and carpet cleaning plants; vehicular repair services; theaters; commercial recreation and amusement services; research, development and testing services; nursing and personal care homes; hospitals; medical and dental offices and laboratories; schools (private or public); and day care centers.

*Sexual encounter center* - a business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

[Ord. 05-02]

*Sexually oriented business* - an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio or sexual encounter center. [Ord. 05-02]

*Shopping center* - a group of commercial businesses developed as a single entity and sharing a common parking lot.

*Sidewalk café* - an area and use adjacent and accessory to a restaurant, (conventional), the principal business and purpose of which is the sale of foods, desserts or beverages to customers in a ready to eat state and the design or principle method of operation of which includes service of customers at tables. [Ord. 98-11]

*Sign* - a structure that is arranged, intended, designed or used to advertise, announce or direct; or any device, illustration, description or identification posted, painted, or placed in some fashion on a building, structure or any surface for such a purpose. For the purpose of removal, signs shall also include all sign structures.

*Awning, canopy<sup>7</sup> sign* - a sign consisting of individual cut-out letters and/or symbols which are painted, stenciled, or otherwise placed on a non-permanent awning or canopy.

*Billboard* - a sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered; it may be either freestanding or attached to the surface of a building or other structure, or applied directly to the surface.

*Business sign* - a sign which directs attention to a business, profession or industry conducted, or products sold or manufactured, on the same premises as the sign.

*Flashing / animated sign* - any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

*Free standing sign* - a sign erected on a free-standing frame, mast or poles and not attached to any building. Also known as a ground or detached sign.

*Identification sign* - a sign indicating only the name of the individual or organization occupying the premises; the profession of the occupant; or the name and/or address of the building or management thereof.

*Incidental sign* - a small sign announcing brand name products sold on the premises, credit cards accepted, trade affiliations, official notices required by law, or similar information incidental to the operation of a business.

*Marquee sign* - a sign placed on or under the edge of any canopy of permanent construction projecting from the wall of a building.

*Off-lot directional sign* - a sign which conveys instructions or directions to a business, commodity, service conducted, sold or offered elsewhere than on the premise where the sign is displayed.

*On-lot directional sign* - a sign which conveys instructions or directions with respect to the use of the lot or building on which the sign is located, including but not limited to signs which indicate street addresses and the availability of parking, telephones, rest rooms and other conveniences for the general public.

*Outdoor advertising sign* - (See "billboard.")

*Projecting sign* - any sign supported by a building wall and/or roof attached along one edge by a bracket, perpendicular to the wall surface or hung from a support attached to a building wall, projecting no more than 6 feet.

*Wall sign* - a sign attached to or erected against a wall of a building with the face horizontally parallel to the building wall. It may be either a box-type sign or individual cut-out letters.

*Window graphic sign* - a sign which is painted permanently on or similarly applied to the inside or outside of a window.

*Sign area* - the area defined by the frame or edge of a sign, excluding the necessary supports or uprights on which the sign may be placed. Where there is no frame or edge

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<sup>7</sup>The definition for "fabric awning" and "fabric canopy" found in the Borough Building Code [Chapter 5, Part 1]; shall apply. [Ord. 05-02]

to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the copy of letters of the said sign. If the sign consists of more than one section or module, all areas shall be totaled.

*Sign, temporary* - a sign, the purpose of which is to identify or announce a short-term, temporary activity or use of a premises.

*Site plan* - a plan of a proposed development or use on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings any other information deemed necessary by the Borough or prescribed by this Chapter.

*Specified anatomical area* -

A. Areas of the human body less than completely opaquely covered and limited to:

- (1) Human genitals and pubic regions.
- (2) Buttocks.
- (3) Female breast below the point immediately below the top of the aureole.
- (4) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

[Ord. 05-02]

*Specified sexual activity* - shall mean:

- A. Acts of human masturbation, sexual intercourse or sodomy.
- B. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. Human genitals in a state of sexual stimulation or arousal.

[Ord. 05-02]

*Start of construction* - construction shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, of the installation of sewer, gas and water lines, or electrical or other service lines from the street.

*Steps* - a construction or series of constructions placed for a foot support to effectuate the ascending or descending of a person or persons from one level of elevation to another.

*Storage* - the placement of any material, supplies, vehicles or equipment at a given location for continuous periods of time exceeding 72 hours.

*Storage shed* - a small accessory structure, either wholly or partially enclosed, serving for storage of tools, equipment, supplies or other similar materials for safekeeping.

*Story* - a story is that part of a building between the surface of any floor and the next floor above it or, if there is not floor above it, then the space between any floor and the ceiling next above it.

*Street* - any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular or pedestrian traffic.

*Street grade* - the officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

*Street line* - the line defining the edge of the legal width of a dedicated street right-of-way.

*Street - type* - streets may be classified according to the following:

*Street arterial* - streets designed to carry high volumes of traffic from one area of the community to another or to link one community with another.

*Street, collector* - streets designed to collect traffic from local streets and then to convey it to the major arterials.

*Street, local* - streets designed to serve only the traffic needs of and provide access to a limited area or neighborhood.

*Street, private* - a street not officially dedicated and/or accepted by the Borough.

*Structure* - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, freestanding signs, fences, and similar items.

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

*Swimming pool* - a body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, used as a recreational facility for swimming, bathing or wading and having a depth of over 24 inches. A swimming pool shall be deemed to include all building, equipment and appurtenances incidental to such a pool.

*Temporary structure or use* - any structure or use which, by the type of materials, construction or intended purpose, is erected or located for not more than 1 year. Included are tents, stands, construction trailers and other structures or uses of similar character.

*Testing laboratory* - establishments providing testing services (other than medical, diagnostic and dental) such as assaying services, engineering and product testing.

*Townhouse dwellings* - a structure consisting of a series from three to six attached dwelling units, separated from one another by continuous vertical walls without opening from basement to roof. The term shall include "rowhouse" and "attached dwelling."

*Trailer* - a vehicular portable structure built on a chassis, designed to be used as

a temporary dwelling for travel and recreational purposes having a body width not exceeding 8 feet.

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

*Variance* - permissive waivers from the terms of this Chapter, granted pursuant to Part 7 of this Chapter.

*Vehicular repair garage* - any building or premises where vehicle repairs take place. This includes rebuilding or major reconditioning of inoperable or damaged motor vehicles or trailers or any parts thereof, collision service, painting and body and fender work, and engine steam cleaning.

*Warehouse* - a building where wares or goods are stored before distribution to retailers or are kept in reserve or bond.

*Wholesale business* - commercial establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, instructional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

*Yard* - an open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. (See "illustrations.")

*Yard, front* - a yard extending along the full width of a front lot line and back to the required building line. On corner and through lots, front yards shall be provided along all street frontages.

*Yard, rear* - the required open space extending from the rear of the main building to the rear lot line (not necessarily a street line) across the entire width of the lot.

*Yard, side* - the required open space between the side (face) of any buildings and the side lot line, extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed as a side line. In the case of a through lot, side yards shall extend from the rear line of the required front yards. On corner lots, one yard not fronting on the two streets shall be designated a side yard.

*Zoning Hearing Board* - the Zoning Hearing Board of Swissvale Borough.

*Zoning Officer* - the official designated to administer and enforce this Chapter.

(Ord. 91-12, 10/9/1991, §802; as amended by Ord. 98-11, 10/10/1998, §4; and by Ord. 05-02, 6/1/2005)

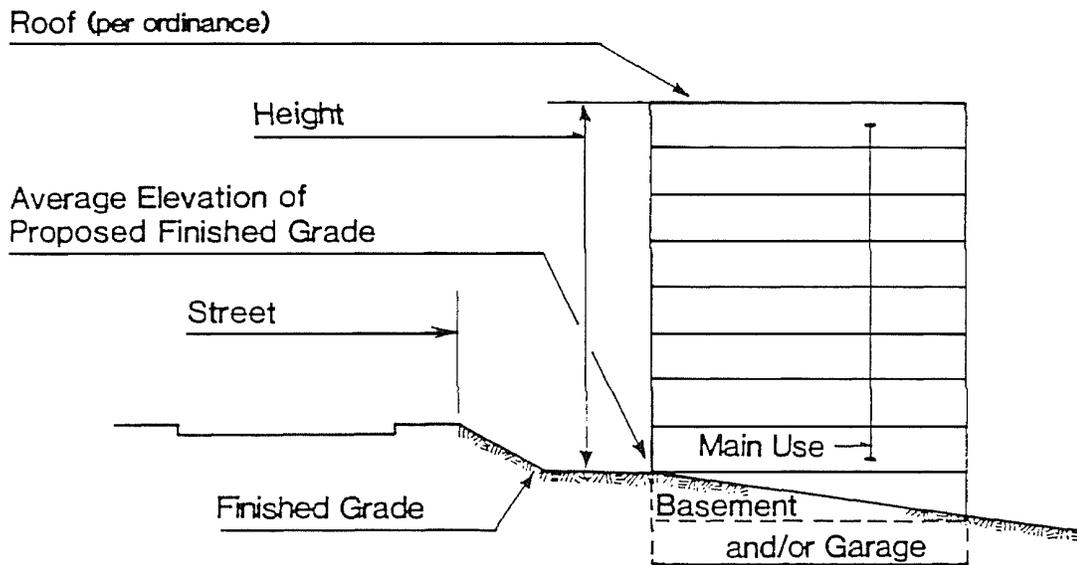
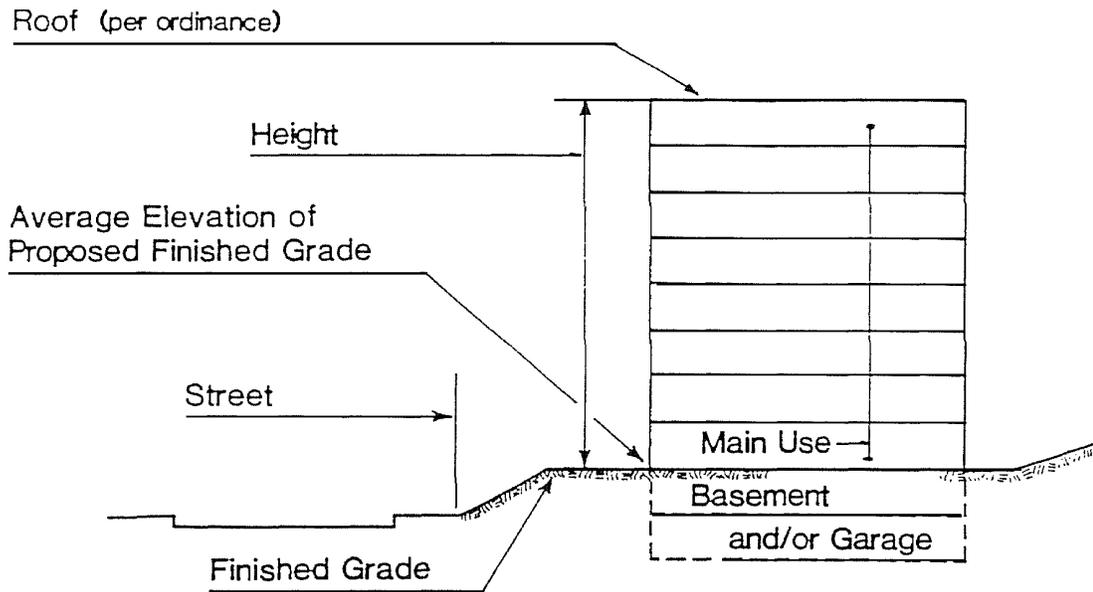


Diagram 1 – BUILDING HEIGHT MEASUREMENT

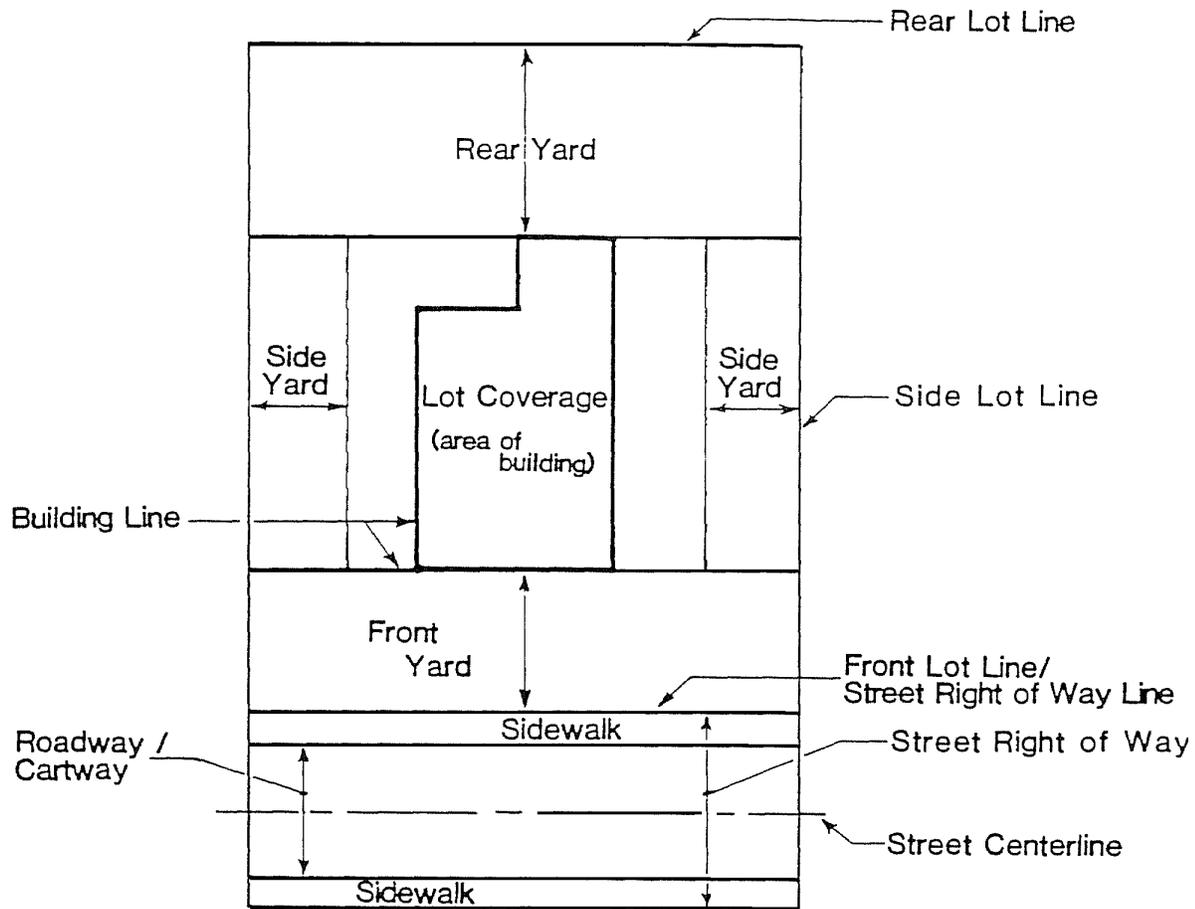


Diagram 2 - AREA & BULK REGULATION TERMS

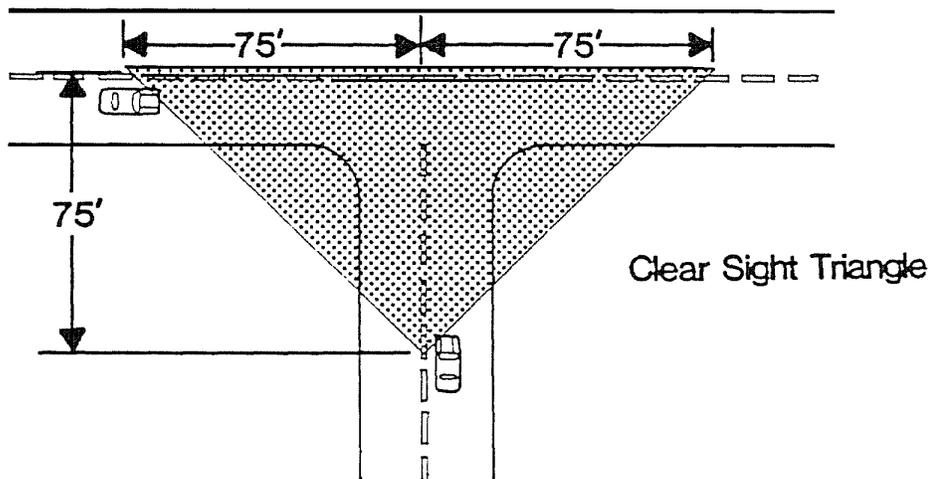


Diagram 3 - CLEAR SIGHT TRIANGLE

## Part 9

### Zoning Map Amendments

<u>Ord./Res</u>	<u>Date</u>	<u>Subject</u>
1511	1/9/1957	Easterly line of Lehigh Street to the east side of Grant Street
1520A	8/22/1957	30 feet of frontage on the easterly side of Monongahela Avenue to a depth of 75 feet adjoining the present commercial district locating on the easterly side of Monongahela Avenue just north of Schoyer Avenue be and the same is hereby designated as a commercial district
1550A	2/10/1960	Westerly side of Braddock Avenue at the dividing line between Lots Nos. 28 and 29 in the Regent Square Plan
64-3	9/23/1964	Center line of Columbia Avenue, at the intersection of easterly line of Lot No. 203 in the Riverview Plan of Lots
65-4	7/26/1965	From the intersection of the southerly side of Milligan Avenue and the westerly side of Locust Street; northerly line of Waverly Avenue at the line dividing Lots Nos. 42 and 43 in the Waverly Plan of Lots
65-5	8/17/1965	Manufacturing part of Lots No. 171, 172 and 173 in plan of lots called "Milligan Manor"
66-11	11/9/1966	Manufacturing the southeasterly side of Trevanion Avenue, and northeasterly side of Milton Avenue; thence, the southerly line of property now of Clift House, Inc.
67-2	3/22/1967	Northeast corner of Braddock Avenue and Farkas Place being block 235-K, Lot No. 82
67-3	4/26/1967	Intersection of the easterly side of Lehigh Street and the westerly line of lands now or formerly of Alpine Development Corporation
75-6	12/10/1975	Provide for a change of zoning along Waverly Street from residential to manufacturing
88-6	6/8/1988	Changing the zoning designation of the site of the Dickson Elementary School of the Woodland School District from R-2 to S-1.
88-7	6/8/1988	Changing the zoning designation of the site of the former Wilkins Elementary School from R-1 to S-1.
88-8	6/8/1988	Changing the zoning designation of the site of the former Union Switch & Signal from C-1 to I-1.
88-9	6/8/1988	Changing the zoning designation of the site of the West Woodland Hills Junior High School from R-2 to S-1.
89-5	7/26/1989	Changing the designation of the site of the former Union Switch and Signal from I-1 to C-1 zone.

<u>Ord./Res</u>	<u>Date</u>	<u>Subject</u>
93-5	4/14/1993	The real property located on Chalmers Street between Lacrosse and Delaware shall be re-zoned from R-2, single-family and two-family residential to R-3, single-family, two-family and multi-family residential.
98-3	6/10/1998	<p>1. All that certain parcel of land located at 1671 and 1675 Monongahela Avenue, Swissvale, Pennsylvania, designated as Lot and Block No. 177-R-150, known as the Mason Oil Company property, is hereby e-zoned to "C-1" (central Business District). The Borough Manager is instructed to amend the Zoning Map of the Borough of Swissvale accordingly.</p> <p>2. All that certain parcel of land located at 7446 McClure Avenue, Swissvale, Pennsylvania, designated as Lot and Block No. 178-C-100, formerly known as the St. Anselm School, currently known as the Word of God School, is hereby re-zoned to "S-1" (Special Facilities District). The Borough Manager is instructed to amend the Zoning Map of the Borough of Swissvale accordingly.</p> <p>3. All that certain parcel of land located at 2520 Woodstock Avenue, Swissvale, Pennsylvania, designated as Lot and Block No. 235-P-150, known as the Ladies GAR Home property, is hereby re-zoned to "C-1" (Central Business District). The Borough Manager is instructed to amend the Zoning Map of the Borough of Swissvale accordingly.</p>
01-04	8/15/2001	<p>1. Site of the Ladies Grand Army Republic Home which is bordered by Woodstock Avenue further identified as Lot and Block 235-P-150; Zoning District changed from S-1 to R-B.</p> <p>2. The area including Lot and Block 235-P-279 traveling in a Northwesterly direction bounded by Scott Way, Waverly Street and Roslyn Street; Zoning District changed from R-B to C-1</p>

<u>Ord./Res</u>	<u>Date</u>	<u>Subject</u>
05-02	6/1/2005	<p>All that certain parcel of land, situate in the Borough of Swissvale, Allegheny County, Pennsylvania, as is more particularly described as follows: BEGINNING at a point on the northerly United State Harbor Line of the Monongahela River at a point on the line dividing the Borough of Swissvale and the Borough of Rankin, thence from said point of beginning and continuing in a westerly direction along with aforementioned northerly United States Harbor Line of the Monongahela River to a point on the line dividing the Borough of Swissvale and the City of Pittsburgh, thence continuing in a northerly direction along the aforementioned dividing line of the Borough of Swissvale and the City of Pittsburgh to a point on the line dividing the Borough of Swissvale and property of now or formerly CSX Corporation, thence continuing in an easterly direction along the aforementioned dividing line of the Borough of Swissvale and now or formerly CSX Corporation to the aforementioned line dividing the Borough of Swissvale and the Borough of Rankin, thence continuing in a southerly direction along the aforementioned line dividing the Borough of Swissvale and the Borough of Rankin to a point at the place of beginning...is hereby rezoned from I-1 ("Industrial") to "C-2" ("Planned Commercial"). Said parcel of land contains approximately 30 acres. The Borough Manager is instructed to amend the Borough of Swissvale's official Zoning Map accordingly.</p>

