SWISSVALE BOROUGH
ZONING ORDINANCE

PREPARED NOVEMBER 2016

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Article I: General Provisions

Section 101: Title

The official title of the ordinance is the "Swissvale Borough Zoning Ordinance."

Section 102: Statutory Authority

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

Section 103: Interpretation

In the event of conflicts between the provision of this ordinance and any other ordinance or regulation, the more restrictive provisions shall apply. In the interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public. In interpreting the language of this ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough Council in favor of the property owner and against any implied extension of the restriction.

Section 104: Purpose and Findings

These regulations are adopted in accordance with the MPC, community development objectives and the comprehensive plan. The purpose of this ordinance is to promote, protect and facilitate any of the following:

A. Public health, safety, morals, and general welfare;

B. Coordinated and practical community development;

C. Encourage appropriate redevelopment;

D. Proper density of population;

E. The provisions of adequate light and air;

F. Lessen congestion on streets and roads;

G. Secure safety from fire, panic, and other dangers;

H. Prevent the overcrowding of land;

I. Avoid an undue concentration of population;

J. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities;

K. Preservation of natural, scenic and historic properties

L. Preservation of environmental features, including forest, wetlands, aquifers, prime agricultural land, steep slopes, and floodplains as deemed appropriate; and

M. Emergency management and preparedness.

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Section 105: Community Development Objectives

This Chapter is adopted in accordance with the Edgewood, Rankin and Swissvale Multi-municipal Plan. Further it is consistent with the goals and objectives of Swissvale Borough. It is the intent of this Zoning Ordinance to achieve the following Community Development Objectives and purposes:

A. Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations;

B. Ensure that new development and redevelopment of existing properties is compatible with surrounding development in use, character, and size;

C. Provide for land uses that serve important public needs including a variety of housing options and employment generators;

D. Protect and enhance property values; and

E. Protect natural, historic and environmental resources.

In accordance with the foregoing purposes and objectives, this section establishes regulations governing the following:

A. The height, number of stories, and size of buildings and other structures;

B. The percentage of a lot that may be occupied;

C. The size of yards, courts, and other open spaces;

D. Population density and intensity of use; and

E. The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.

Section 106: General Compliance

A. No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except in conformity with this Ordinance and in compliance with all standards, and upon performance of all conditions attached to any use approval, variance, appeal, rezoning, subdivision and land development approval, planned residential approval, or site plan approved pursuant to all land use regulations of Swissvale Borough.

B. No person, firm, or corporation and no officer or employee (either as owner or as participating principal, agent, servant, or employee of such owner) shall sell, rent, or lease, or offer or attempt to sell, rent, or lease, any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this ordinance.

C. Every principle structure shall have its own water and sewer service.

D. The requirements of this ordinance shall apply to all zoning districts, lots, structures, land developments, and subdivisions in Swissvale Borough.

Section 107: Applicability of Regulations to the Borough

This ordinance shall apply to existing or proposed uses or structures owned by Swissvale Borough.

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Article II: Definitions

Section 201: Word Usage

For the purposes of this ordinance, the following rules of usage and interpretation shall apply, unless the context indicates otherwise. In the interpretation of this ordinance, the provisions and rules of this ordinance shall be observed and applied, except when the context clearly requires otherwise.

A. Words in the present tense include the future.

B. Words in the singular include the plural and the plural the singular.

C. The word "shall" is intended to be mandatory.

D. The word "lot" shall include the word "plot" or "parcel."

E. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

F. A building or structure includes any part thereof.

G. The word "and" indicates that all connected items, conditions, provisions or events shall apply.

H. The word "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

I. The words "either", "or" indicate that the connected items, conditions, provisions or events may apply singly but not in any combination.

J. The word "Borough" means the Borough of Swissvale, Pennsylvania.

K. The word "County" means the County of Allegheny, Pennsylvania.

L. Any use of the gender specific words (his, hers, him, her) shall imply both genders.

M. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration or table, the text shall control.

N. When a word or phrase is not specifically defined in this ordinance, or referenced in another ordinance, then the common meaning of the word or phrase, or the definition contained in Webster's Dictionary, most current version, shall apply.

Section 202: Definitions

When used in this ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise. (For definitions related to signs see Article VII)

ACCESSORY STRUCTURE – A structure, the use of which is customarily accessory to and incidental to that of the principle structure and which is located on the same lot.

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ACCESSORY USE – see Use, Accessory.

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

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

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

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

ADULT BUSINESS – Shall mean:

A. Any commercial establishment, including but not limited to Adult Book Stores, Adult Motion Picture Theaters, Adult Mini-Motion Picture Theaters, Adult Entertainment Cabaret, Adult Arcade or other adult entertainment establishments, in which is offered for sale as a substantial or significant portion of its stock in trade video cassettes, movies, books, magazines, or other periodicals or other media which are distinguished or characterized by their emphasis on nudity or sexual conduct or activities which if presented in live presentation would constitute adult entertainment;

B. Any commercial establishment that offers for a consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex;

C. Any commercial establishment that offers for a consideration activities between male and female persons and/or persons of the same sex when one or more persons are nude or “Semi-nude”; and

D. Any commercial establishment that offers for a consideration nude human modeling. An establishment shall include any of the following:

    1. The opening or commencement of any sexually oriented business as a new business.
    2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
    3. The addition of any sexually oriented business to any other existing sexually oriented business or to a non-sexually oriented business.
    4. The relocation of any sexually oriented business.

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

A. Persons who appear in a state of nudity or semi-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, DVDs, slides, or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MINI MOTION-PICTURE THEATER – An enclosed building or structure offering video presentations or other visual media distinguished or characterized by an emphasis or matter depicting, describing, or relating to "sexual activities" or "nudity", as defined herein, for observation by patrons within private viewing booths.

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

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

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

AGRICULTURAL ACTIVITIES / USES – Activities including, but not limited to, livestock and poultry raising; field, row and tree crops; forest and tree products; sale of products produced on the premises; and other customary farm structures. Not included are farm-oriented commercial or industrial activities or operations, such as food or livestock processing plants, holding pens, slaughterhouses, or similar uses which handle products not produced on the immediate premises.

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

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

AIRPORT MAINTENANCE FACILITY – A building where scheduled or unscheduled maintenance activities are initiated, including landscaping, mowing, weed control, building fences, and vehicle maintenance.

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AIRPORT TERMINAL – A building at an airport where passengers transfer between ground transportation and the facilities that allow them to board and disembark from aircraft. Within the terminal, passengers purchase tickets, transfer their luggage, and go through security.

ALLEY – A public or private right-of-way which has a width of 15 feet or less and which is designed to provide secondary access to a lot or lots.

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

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

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

AMPHITHEATER – An oval or round structure having tiers of seats rising gradually outward from a central open space or arena.

AMUSEMENT ARCADE

A. If an accessory use, any establishment where two or fewer amusement devices are located.

B. If a principal use, any establishment where three or more amusement devices are located.

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

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

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

ANIMAL DAY CARE – A facility that cares for pet animals for less than 12 consecutive hours in the absence of the pet owner or a facility that cares for pet animals in training with or without the facility owner receiving compensation for such services (see also: kennel).

ANIMAL GROOMER − The provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of forty-eight (48) hours.

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ANIMAL HOSPITAL – A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use. Animal Hospitals are not Kennels.

ANIMAL PRODUCTION – The keeping of animals including feeding, breeding, housing, slaughtering, processing and marketing of the animals.

ANSI – The American National Standards Institute.

ANTENNA – Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities as defined in this Chapter.

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

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

APPURTENANCES – The visible, functional, or ornamental objects accessory to and part of buildings.

AQUARIUM / Z00 – An establishment that maintains a collection of wild animals, typically in a park, garden or a transparent tank of water for display to the public.

ARCHITECT – An architect registered by the Commonwealth of Pennsylvania.

AREA, BUILDING – The total horizontal plane area of the building from outside wall to outside wall. This is exclusive of patios and stairways.

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

ARI – The Air-Conditioning and Refrigeration Institute.

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

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

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

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

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

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

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

AUTOMOBILE GRAVEYARD – An Automobile Graveyard is an establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten or more such vehicles will constitute an automobile graveyard.

AUTO REPAIR AND SERVICE – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles, not including commercial motor vehicle repair.

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

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

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

BEVERAGE DISTRIBUTOR – A distributor is any person who engages in the sale of beverages in beverage containers, including any manufacturer who engages in these sales.

BILLBOARDS – See Article VII Signs.

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

BOARDING HOUSE – A building other than a hotel or motel where lodging is provided for compensation.

BOROUGH – The Borough of Swissvale, Allegheny County, PA.

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

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

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

BUILDING CODE – The Swissvale Borough Uniform Construction Code Ordinance.

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

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

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

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

BUS OR TRUCK MAINTENANCE FACILITY − A building or set of buildings that are designed for the maintenance of buses and heavy duty trucks. This excludes commercial motor vehicle repair. All vehicles that are being worked on, or waiting to be worked on, or have already been worked on shall be kept inside an entirely closed building.

BUS TERMINAL − A terminal that serves bus passengers.

CAR PORT − A shelter for a car that has open sides and that is usually attached to the side of a building.

CAR RENTAL FACILITY – An agency that offers cars and trucks for rent.

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

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

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

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CATERING – A location that prepares food for delivery and consumption at a remote site. Catering operations, when authorized, may sometimes be located in conjunction with an events venue.

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

CEMETERY – Any site containing at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries.

CHURCH – A building or buildings, other than a dwelling, used primarily as a place of worship on a regular basis by a religious denomination that may also include, as accessory uses, rooms for religious education, social and recreational activities and administrative offices, an emergency shelter, rectories, parsonages, convents, preschool programs and elderly or child day-care centers.

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

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

CLOSED HORIZONTAL LOOP GEOTHERMAL SYSTEM – A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than twenty (20) feet deep.

CLOSED VERTICAL LOOP GEOTHERMAL SYSTEM – A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

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

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

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CO-LOCATION – the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

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

COMMERCIAL COMMUNICATIONS TOWER – A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in § 295-55. This term shall not include a "standard antenna".

COMMERCIAL MOTOR VEHICLE REPAIR – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle. Commercial motor vehicles are those vehicles that have a Gross Vehicle Weight Rating (GVWR) in excess of 16,001 pounds.

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

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

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

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

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

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

COMPREHENSIVE PLAN – "Partnerships", the joint Comprehensive Plan of the Boroughs of Swissvale, Edgewood and Rankin, adopted in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

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

CONFERENCE CENTER – A facility which hosts conferences, exhibitions, large meetings, seminars, training sessions, and other gatherings. Conference Centers are sometimes located in conjunction with a hotel.

CONSTRUCTION RELATED BUSINESSES – Includes construction businesses such as carpentry, electrical, plumbing, HVAC, etc.

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

CORRECTIONAL / REHABILITATION FACILITY – a public building used for the confinement of people convicted of serious crimes. These people may or may not receive support to restore their character or name.

COUNCIL – The Council members of Swissvale Borough, Allegheny County, PA.

COUNTY – Allegheny County, PA.

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

DAY CARE CENTER – CHILD − The premises in which care is provided, pursuant to approval of the Pa. Department of Public Welfare, for children under the age of 16 and which comply with all applicable provisions and requirements of the most recent editions of the Building Code, Residential Code and Fire Code as adopted by the Borough of Swissvale, and the Rules and Regulations of the Pa. Department of Public Welfare relating to Child Day Care Centers, and any other applicable law, ordinance or regulation.

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

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

DECK – A freestanding or attached accessory structure to a dwelling which is constructed of natural or synthetic wood, either on or above the ground, without a roof or awning, and with flooring that is not completely impervious and which may include steps or railings.

DENSITY – The number of dwelling units per acre.

DETERMINATION - the final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder except the governing body; the zoning hearing board; the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such land-owner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT – See "land development"

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

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

DISTILLERY – An establishment for distilling, especially for distilling alcoholic liquors.

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

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

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

DRILLING PAD – The area of surface operations surrounding the surface location of a well or wells.

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

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

DRIVE-THROUGH FACILITY – Drive-Through Facilities shall be considered principal uses which are not attached to another authorized principal use which involves a window, service lane, bay, or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to: drive-in or drive-through windows at fast-food restaurants, banks, drug stores or other businesses, exterior automated teller machines (ATMs), quick oil-change facilities, car washes and similar automotive services and other such facilities.

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

DRUG STORE - A retail store where prescription medicines and miscellaneous articles are sold.

DWELLING – A building that contains dwelling units, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING TYPES –

> **ACCESSORY DWELLING UNIT** – A dwelling unit that is either attached to the principal permitted building or to a permitted accessory building on a lot and that serves as a mother-in-law suite and primarily intended to be occupied by a relative of the occupant of the principal structure or use on the lot or site. **APARTMENT** – A multifamily residential building comprised of dwelling units. Individual apartments may also appear on the second floor (above retail) and above in the Central Business District.
>
> **CONVERSION DWELLING** – A dwelling unit or units created from a larger existing residential dwelling, whether entirely from the existing structure or by building additions or combinations thereof. Conversion dwellings involve the creation of additional dwelling units in a structure from existing dwellings, not initially intended or designed when the dwelling was initially constructed. Conversion dwellings are primarily intended to serve as rental units and are defined separately from Accessory Dwellings Units or Mother-in-law Suites which are primarily intended to house family members.
>
> **DUPLEX** – A detached house designed for and occupied exclusively as not more than two units, each living as an independent housekeeping unit and with no internal connectivity between units.
>
> **MULTI-FAMILY** – A residential building designed exclusively for occupancy by three or more families living independently of each other and containing three or more separate dwelling units but not including single-family, Duplex, Townhouse or Quadruplex Dwellings.

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

ROW HOUSE (See Townhouse)

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

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

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

EDUCATIONAL INSTITUTION – A structure, part of a structure, or structures designed and used for training and teaching of children, youths or adults, including laboratories appurtenant thereto.

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

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

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

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

ENFORCEMENT NOTICE – A notice as provided in § 616.1 of the MPC, 53 P.S. § 10616.1, sent by the Borough to the owner or occupant of record of a parcel on which a violation of this ordinance has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner or occupant of record, the purpose of which is to initiate enforcement proceedings.

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

ESCORT – A person who, for consideration, agrees, or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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

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

EXHIBITIONS AND ART GALLERIES – See Art Gallery

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

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

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

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

FCC – Federal Communications Commission.

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

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

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

FLOOD PLAIN – as defined by the Swissvale Borough's Floodplain Management ordinance.

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

FLOOR AREA, NET – The total floor area of a building designed for tenant occupancy, or areas accessible to the customers, clients or general public, but excluding storage areas, equipment

rooms, food preparation areas in a restaurant and common areas such as halls, corridors, stairwells, elevator shafts, rest rooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measured from the center line of joint partitions and exteriors of outside walls.

FORESTRY / LOGGING – The process of establishing, managing forests, including the process, work or business of cutting down trees, and transporting logs to sawmills.

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

GARAGE, PRIVATE – An accessory building or a portion of the principal building, not accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building and that may include the shelter or storage of no more than one private vehicle owned and used by others.

GARAGE, PUBLIC – A building or structure available to the general public in which motor vehicles are temporarily stored but which is not used for the repair or maintenance thereof.

GARDEN CENTER − A building, site or structure used for the sale of flowers, plants, shrubs, trees and other natural flora and associated products.

GAS STATION – A building(s), premises or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products. Gas Stations may sometimes also be located with an Automobile Repair and Service use, but only when the Automobile Repair and Service use is also allowable in the zoning district.

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

GEOTHERMAL BOREHOLES – A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

GEOTHERMAL ENERGY SYSTEM – An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

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

GOLF DRIVING RANGE – A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

GRAIN SILO – A structure for storing bulk materials such as grain or fermented feed known as silage. Other items often stored in a grain silo include coal, green feeds and woodchips.

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GREENHOUSE – A retail business that sells flowers, plants, shrubs, trees and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot.

GROUP CARE FACILITY

A. A facility which provides room and board and specialized services for:

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

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

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

HATCHERIES AND POULTRY HOUSES – A place where hatching of fish or poultry eggs is artificially controlled for commercial purposes

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

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

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

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

HEIGHT OF A TOWER-BASED WCF – the vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including antennae mounted on the tower and any other appurtenances.

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

HISTORIC STRUCTURE – Means any Structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Registry;

B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to quality as a registered Historic District;

C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: by approved state program as determined by the Secretary of the Interior; or, directly by the Secretary of the Interior in states without approved programs.

HOLIDAY – The entire 24 hour period of the days of New Year's Day (January 1st), Good Friday, Election Day (both primary and general elections), Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

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

HOME OCCUPATION BUSINESS – Any use customarily carried on entirely within a dwelling, by the occupant thereof, which use is clearly incidental and subordinate to the use of the dwelling. Examples include, but are not limited to, professional services such as legal, financial, accounting or engineering, barber and beauty shops, music and tutoring instruction. Home

occupations are limited to two (2) students, customers or clients at a time and shall not have more than one (1) employee that does not reside in the home. Home Occupation Businesses are different than No-Impact Home-Based Businesses (See definition of No-Impact Home-Based Business).

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

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

HYDRAULIC FRACTURING (FRACKING) – The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

IGSHPA – The International Ground Source Heat Pump Association.

IMPERVIOUS SURFACE – Any material which prevents the absorption of storm water into the ground.

IMPERVIOUS SURFACE RATIO – As defined in the Borough Subdivision and Land Development Ordinance.

INCINERATOR – A device used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence, and combustion air can be controlled.

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

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

LAND DEVELOPMENT – Includes any of the following activities:

A. The improvement of one 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 or lots regardless of the number of occupants or tenure; or
    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.

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LANDFILL – A disposed site in which refuse and earth, or other suitable cover material are deposited and compacted in alternative layers as required by the federal and/or state agency having jurisdiction.

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

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

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

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

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

A. Residential accommodations meeting the minimum standards for residents set forth by law and ordinances and providing a design to meet the physical, social and psychological needs of older people;

B. Medical and nursing care covering, under ordinary circumstances, the balance of a resident's life;

C. Prepaid medical consultation opportunities through independent professionals selected by the organization or through some equivalent arrangement; or

D. Financial self-sufficiency, not dependent on outside support to any significant degree, with entrance and monthly fees adjusting to meet changing costs.

LIVESTOCK PENS OR HOG HOUSES – A place where cattle or hogs are housed.

LIVE WORK UNIT – A commercial use, such as a shop, studio, office, cafe, deli, personal service establishment or other place of business, in combination with a dwelling unit located above such place of business. A person or persons other than the proprietor of the business may occupy a live-work unit.

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

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

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

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LOT, CORNER – A lot at an intersection of two or more streets.

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

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

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

LOT LINE FRONT – A lot line or lines which separates a lot from a public street or streets.

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

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

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

LOT, WIDTH – The linear distance between the point of intersection of the minimum required building setback line with the side lot lines as measured along the front setback line.

LUMBER YARD – A place that sells lumber and other building materials, usually outdoors.

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

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

MAJOR HIGHWAY – A public street which serves large volumes of high speed and long distance traffic.

MANUFACTURED HOME SALES – The sale of a structure, transportable in one or more sections, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

MANUFACTURING FACILITY – A building where materials are processed and where the process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery takes place.

MASSAGE ESTABLISHMENT – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the State of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an identical or accessory

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service. A massage establishment may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this ordinance.

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

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

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

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

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

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

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

MINI-WAREHOUSE – A storage enterprise dealing with the reception of goods of residential or commercial orientation that lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.

MIXED USE – The conduct of two or more principal uses within one principal building, or one lot or site.

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

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

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

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

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

MOVIE THEATER– A venue, usually a building, for viewing motion pictures ("movies" or "films").

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

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

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

NATURAL GAS COMPRESSOR STATION – A compressor engine facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells for continued delivery of oil and gas to a transmission pipeline, distribution pipeline, processing facility, or storage facility or field.

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

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

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

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

No-Impact Home-Based Businesses are different than Home Occupation Businesses (See definition of Home Occupation Business).

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

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

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

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

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

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NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae or any related equipment that is mounted to the ground or at ground-level.

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

A. That has no sign visible from the exterior of the structure and no other advertising that indicated a nude or seminude person is available for viewing.

B. Where in order to participate in a class a student must enroll at least three days in advance of the class.

C. Where no more than one nude or seminude model is on the premises at any one time.

NUDITY OR A STATE OF NUDITY – Shall be defined as completely without clothing; or the showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of the female breasts with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

NURSERY SCHOOL – A school designed to provide daytime care or instruction for two or more children of preschool age.

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

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

OCCUPANCY PERMIT – A permit for the occupancy of a building, structure or lot indicating compliance with all provisions of this ordinance.

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

OIL AND GAS – Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

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OIL AND GAS DEVELOPMENT– The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL, GAS, OR WATER INTAKE WELLS – The drilling site authorized by a permit from the Pennsylvania Department of Environmental Protection (DEP) for the extraction of oil or gas resources or the drilling site for the production of potable water supply.

OIL OR GAS WELL – A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE – The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

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

OPEN LOOP GEOTHERMAL SYSTEM – Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as “re-injection.” Alternatively, the groundwater could be discharged to a surface water body also known as a “pump and dump.” In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the surface water body or well.

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

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

A. to burn clean wood or other fuels specifically tested and listed for use by the manufacturer;

B. by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and

C. to heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

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PAD DRILLING – The drilling of multiple wells from a single location.

PARKING AREA – An area used for the parking of motor vehicles.

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

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

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

PARKING STRUCTURE, COMMERCIAL – An area or structure area used exclusively for the temporary storage of motor vehicles.

PATIO – A structure accessory to a dwelling constructed on the ground from impervious material such as concrete, stones, bricks, blocks or other paving material and which may or may not have a roof or awning.

PAWN SHOP – A pawnbroker's shop, especially one where unredeemed items are sold to the public.

PERSONAL CARE BOARDING HOME – A dwelling or institution licensed by the commonwealth where room and board is provided to more than three permanent residents who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding 24 consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.

PERSONAL SERVICES – Any enterprise providing services pertaining to the person, their apparel or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors and related activities.

PERSONS – individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include, or apply to, the Borough or to any department or agency of the Borough.

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

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

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

PLANNING COMMISSION – The Planning Commission of Swissvale Borough.

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

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

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

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

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

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

PROCESSING PLANTS (METALS, CHEMICALS) – Large industrial areas where metals or chemicals are processed for various reasons.

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

PROFESSIONAL ENGINEER – A licensed professional engineer registered by the Commonwealth of Pennsylvania.

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

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

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

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

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

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

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

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

RAILROAD FACILITY − A series of buildings, with or without an open yard, with a permanent road laid with rails, commonly in one or more pairs of continuous lines forming a track or tracks, on which locomotives and cars are kept for maintenance and/or storage.

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

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

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

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

RELATED EQUIPMENT – any piece of equipment related to, incident to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

RENEWABLE ENERGY SOURCE – Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar

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and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESEARCH AND DEVELOPMENT – Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing as an accessory use where concepts are tested prior to full-scale production.

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

RESTAURANT, DRIVE-THROUGH– A fast-food restaurant characterized by a limited menu and catering to drive-through traffic.

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

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

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

RIGHT-OF-WAY – As defined in the Borough of Swissvale Subdivision and Land Development Ordinance

ROOMING HOUSE – See Boarding House.

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

SCHOOL – Any public, private or parochial place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education and which provide pre-primary and/or kindergarten through 12th grade, or a vocational school, all meeting the requirements of the Department of Education of the Commonwealth of Pennsylvania, but excluding any privately operated school of trades, vocations, avocations or business.

SELF-STORAGE FACILITY – An enclosed area or structure used for the storage of items not belonging to the owner of the land on which such enclosed area or structure is located, in exchange for rent paid for the use of said enclosed area or structure.

SEMINUDE or IN A SEMINUDE CONDITION – The state of dress in which clothing partially or non-opaquely covers specified anatomical areas.

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

SEXUAL ACTIVITIES – Shall be defined as: (1) acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person is female, breast; (2) the condition of human or female genitals when in a state of sexual stimulation or arousal; and / or (3) flagellation or torture by or upon a person in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its principal 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 or semi-nudity.

SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SHED – A simple roofed structure, typically made of wood or metal, used as a storage space.

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

SHORT TERM RENTAL - A location other than a hotel or motel where lodging is provided for compensation generally for less than thirty (30) days. Rentals are generally facilitated by an online tool that allows for peer to peer lodging options where the lodging facilities are generally owned by private individuals. This use include rentals commonly called by industry names including but not limited to Airbnb, HomeAway, Flip Key, VRBO, WorldEscape, Uproost, etc.

SITE – The original tract of land which exists prior to any subdivision or land development activity and which is the subject of a preliminary or final application for development.

SKILLED NURSING FACILITY − An inpatient healthcare facility with the staff and equipment to provide skilled care, rehabilitation and other related health services to patients who need nursing care, but do not require hospitalization, and when stays are not more than ninety (90) days.

SOLID WASTE LANDFILL FACILITY – A disposed site in which refuse and earth, or other suitable cover material are deposited and compacted in alternative layers as required by the federal and/or state agency having jurisdiction.

SOLAR COLLECTION SYSTEM – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection,

inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

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

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

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

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

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

SOLID WASTE TRANSFER STATION − Land or structures where solid waste is received and temporarily stored at a location other than the site where it was generated and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, sewage, or sludge application.

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

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

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

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SPECIFIED ANATOMICAL AREAS – Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES – Includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.

C. Excretory functions as a part of or in connection with any of the activities set forth in subparagraphs (A) and (B) above.

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

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

STEEP SLOPE – Land area where the inclination of the land's surface from the horizontal plane is 15% or greater. Man-made slopes shall not be considered steep slopes.

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

STORAGE BUILDING – A space for storing goods.

STORM WATER DETENTION — As defined by the Borough of Swissvale Subdivision and Land Development Ordinance.

STORM WATER RETENTION – — As defined by the Borough of Swissvale Subdivision and Land Development Ordinance

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

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STREET – Any public or private recorded right-of-way used or intended to be used by vehicular traffic and pedestrians, including avenue, boulevard, road, highway, freeway, parkway, lane, alley, thoroughfare or viaduct.

STREET, ARTERIAL – A public street that serves large volumes of high-speed and long-distance traffic.

STREET, COLLECTOR – A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

STREET, LOCAL – Any public street not defined herein as an arterial or a collector street.

STREET, PRIVATE – A street, including the entire private right-of-way, that is privately owned and maintained and that is intended for private, rather than public, use.

STREET, PUBLIC – A public right-of-way dedicated and open for public use that has been adopted by the Borough, county, commonwealth or other governmental body.

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

SUBDIVISION – The division or re-division 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 subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE – The Subdivision and Land Development Ordinance of the Borough of Swissvale.

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE – a modification to an existing wireless communications facility substantially changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for communications tower outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for communications towers in the rights-of-way it increases the height of the facility by more than 10% or 10 feet, whichever is greater; (2) for communications tower outside the public rights-of-way, it protrudes from the edge of the WCF by more than 20 feet, or more than the width of the tower structures are the level off the appurtenance, whichever is greater; for those communications tower in the public rights-of-way, it protrudes from the edge of the structure by more than 6 feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; (4) it entails any excavation of deployment outside the current site of the communications tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

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

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

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

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

TAXI & LIMOUSINE SERVICE – a fee based service regulated by the Public Utility Commission (PUC) that provides a vehicle and a driver from one point to another.

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

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – a structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

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

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS – Includes any of the following:

A. The sale, lease, or sublease of the business.

B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.

C. Establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

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

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

URBAN AGRICULTURE, ACCESSORY USE – Small scale Agricultural Activities conducted on a lot or site in conjunction with an authorized principal use.

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

USE – Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure or on a tract of land.

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

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

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

VARIANCE – A departure from the strict letter of the Zoning Ordinance as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this ordinance and the MPC.

VETERINARIAN SERVICES– An establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment

VIEWING BOOTHS – Booths, stalls, partitioned portions of a room, rooms or other enclosures which are available for viewing:

A. Films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas.

B. Persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

WAREHOUSE / STORAGE SERVICES – A structure primarily used for the storage of goods and materials which also includes refrigeration and cold storage services.

WATER SUPPLY PUMP STATION – A structure with machinery for pumping large amounts of water.

WATER TANK – A large container or structure for storing large quantities of water.

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

WELL PAD – The area used for development and production of oil and gas including buildings and structures and all activities associated with an oil and gas well after drilling activities are complete.

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

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

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

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

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

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

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

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

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

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WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Borough.

YARD – The areas extending between a lot line and the face of the structure of the principal use of the lot. Yards include all areas between the face of the structure and the lot line.

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

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

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

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

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

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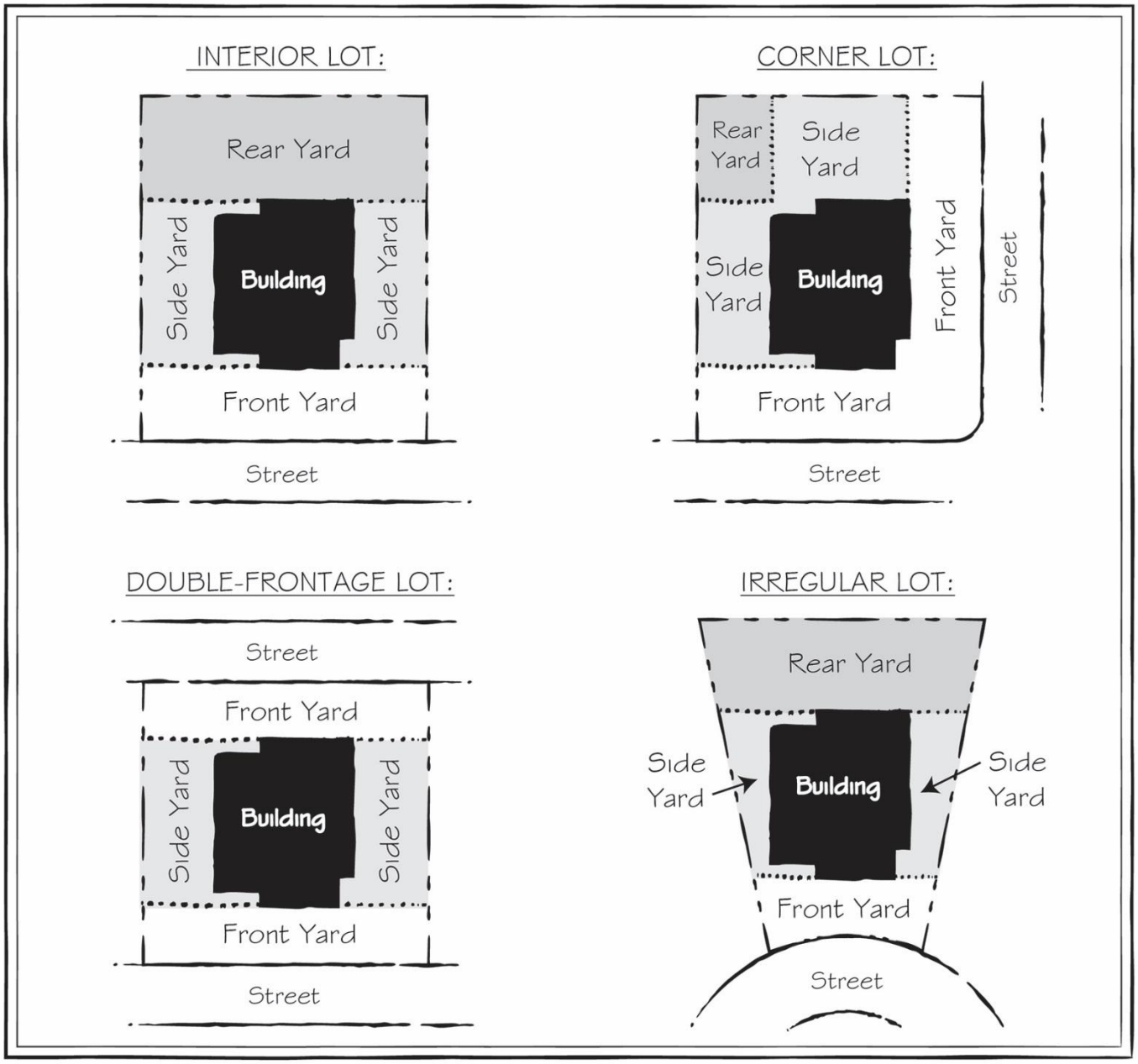
FIGURE 1 – YARD TYPE ILLUSTRATION



Article III: District Regulations

Section 301: Establishment of Districts

This section establishes zoning districts and describes the use regulations that apply to each district.

A. Base Zoning Districts. Establishes districts that divide the Borough into various residential, commercial, and industrial zones. Each district establishes uses that are permitted as a use by Right (P); as a Conditional Use (CU); or as a Special Exception (SE). A use permitted as of right is compatible with the other uses within the purpose of the district and therefore requires only administrative approval. Conditional Uses and Special Exceptions are those uses that may generate additional impacts and may warrant additional standards and additional approval process to ensure their compatibility and compliance with these zoning requirements.

B. Overlay Zoning Districts. Districts establishes within which the standards of both the base and overlay zoning district requirements apply, unless otherwise specifically stated. These districts address special situations that require additional regulations to protect the public health, safety, and general welfare of the community within the specific overlay. The additional regulations identified in each overlay district apply to the area specified for that specific overlay district only.

Section 302: Zoning Districts

A. Base Zoning Districts
The Borough is divided into the following zoning districts as shown on the official zoning map attached hereto and incorporated herein. The following types of zoning districts are hereby established

SFR	Single Family Residential District
CBD	Central Business District
PU	Public Use District
RD	Redevelopment District
MFR	Multi-Family Residential District
NMU	Neighborhood Mixed Use District
CFDD	Carrie Furnace Development District

B. Overlay Zoning Districts
The Borough has the following overlay zoning district as shown on the official zoning map attached hereto and incorporated herein. The following overlay district is hereby established:

TOD	Transit Oriented Development

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Section 303: New Zoning Districts

Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Borough Council pursuant to section 1009 of this Ordinance relating to zoning amendments.

Section 304: Official Zoning Map

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

Section 305: Zoning District Boundaries

When definite distances in feet are not shown on the zoning map, the following rules apply:

A. Boundaries indicated as approximately following the right-of-way (ROW) or centerlines of streets, highways, or alleys shall be construed to follow the centerlines of streets, highways or alleys.

B. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following Borough limits shall be construed as following the Borough boundary;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

F. Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the Borough the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all areas so involved shall then be subject to all regulations of the extended districts; and

G. Where physical features existing on the ground vary from those shown on the official zoning maps, or in other circumstances where the zoning boundary is unclear, the Zoning Officer shall interpret the district boundaries. Appeals to such determination shall be made to the Zoning Hearing Board pursuant to this requirement of this ordinance.

Section 306: Zoning District Allowable Uses

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

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B. Three classifications of principal uses are established in this ordinance. No principal use is permitted unless it is listed as a Permitted Use by Right (P), Conditional Use (CU), or Special Exception (SE) and identified in the table of authorized principal uses (**Table 8**). Uses permitted as principal uses or structures within each zoning district are those uses listed in the table of authorized principal uses (**Table 8**). Uses not specifically listed in **Table 8** are allowable subject to the provision of this section and Article IV of these regulations. The classification of uses include:

1. Permitted uses by right (P) are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer's review of the application for development if the application for development indicates compliance with this ordinance.
2. Conditional Uses (CU) are those authorized uses which are permitted by approval of the Council in accordance with this ordinance and more specifically Article IV Express Standards and Criteria for Special Exceptions and Conditional Uses.
3. Uses by Special Exception (SE) are those authorized uses which are permitted by approval of the Zoning Hearing Board in accordance with this ordinance and more specifically Article IV Express Standards and Criteria for Special Exceptions and Conditional Uses.

C. Uses Not Listed. It is the intent of this ordinance to group similar or compatible land uses into specific zoning districts. Uses which are not specifically listed on the Tables of Authorized Uses (Principal and Accessory), shall not be permitted in the Borough unless determined to be a legitimate use, similar to a use specifically listed on the Tables of Authorized Uses (Principal and Accessory). Uses which are not specifically listed but are similar to a specifically listed use shall be permitted by conditional use in the same zoning district in which the similar listed use is permitted. Borough Council shall make findings with regard to the similarity of the uses and identify the use to which the proposed use is most similar. In the event the Borough Council finds the use is similar and permissible as a conditional use within the proposed district, all standards and requirements related to the similar use within the district shall be applicable to the proposed use. The general standards and requirements for all conditional uses shall also be applicable to the use.

D. Uses Preempted By State Statute. Notwithstanding any provision of this section to the contrary, uses that are required to be permitted in any zoning district by state or federal statute may be permitted in accordance with state or federal law whether or not the use is included in the tables of Authorized Uses (Principal and Accessory).

E. In all residential zoning districts there shall only be one principal use and structure on a lot.

F. In all nonresidential zoning districts authorized by this ordinance, two or more nonresidential principal buildings can occupy the same lot and two or more authorized nonresidential uses may occupy the same lot or building. Provided in all cases that all applicable requirements for each of the structures or uses can be met on the lot.

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

Section 307: Bulk and Area Regulations for Uses

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

A. 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 shall be reduced to the front yard of the building closest to the street.

B. 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:

    1. 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 rear yard.

    2. 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.

    3. 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.

C. Height Exceptions. Church spires and towers, water towers and tanks, utility poles and towers, cupolas, penthouses, domes not for human occupancy, chimneys, ventilators, skylights, 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.

Section 308: SFR – Single Family Residential District

Purpose. The Single Family Residential District is intended primarily as a residential district consisting of a variety of residential unit types in areas of the Borough and which promote quality housing stock and strong neighborhoods.

A. Authorized Principal Uses: See Section 315 table of authorized uses (**Table 8**) for authorized principal uses and method of authorization in the district.

B. Authorized Accessory Uses: See Section 317, table of authorized accessory uses (**Table 9)** for authorized accessory uses and method of authorization in the district.

C. Area and bulk regulations: The area and bulk regulations within the zoning district shall be subject to the standards identified in **Table 1,** except as they may be modified by the

express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 1 – SFR - SINGLE FAMILY RESIDENTIAL DISTRICT

Bulk and Areas Regulations Zoning District	
Lot Area Per Dwelling Unit (minimum)	2,500 s.f.
Lot Width (minimum)	25 ft.
Height (maximum)	35 ft.
Front Building Line (minimum)	10 ft.*
Side Building Line (minimum/total)	3 ft.
Rear Building Line (minimum)	30 ft.
Lot Coverage (maximum)	70 %.
*See Section 307.A	

Section 309: MFR – Multifamily Residential District

Purpose. The Multi-family Residential District is primarily residential in nature with moderate densities and allows for a variety of one and two family attached and multi family dwelling types.

A. Authorized Principal Uses: See Section 315, table of authorized uses (**Table 8**) for authorized principal uses and method of authorization in the district.

B. Authorized Accessory Uses: See Section 315, table of authorized accessory uses (**Table 9**) for authorized accessory uses and method of authorization in the district.

C. Area and bulk regulations: The area and bulk regulations within the zoning district shall be subject to the standards identified in **Table 2**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

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TABLE 2 – MFR - MULTIFAMILY RESIDENTIAL DISTRICT

Bulk and Area Regulations MFR Zoning District							
Use Type	Minimum Lot Area Per Dwelling Unit	Minimum Lot Width	Height (Maximum)	Front Building Line (minimum)	Side Building Line (minimum)	Rear Building Line (minimum)	Lot Coverage (maximum)
Single-Family	2,500 s.f.	25 ft.	35 ft.	10 ft.	3 ft.	30 ft.	70 %
Duplex	2,500 s.f.	25 ft.	30 ft.	5 ft.	3 ft. *	25 ft.	70 %
Townhouse	2,000 s.f.	20 ft.	40 ft.	5 ft.	3 ft. *	25 ft.	70 %
All Other	1,500 s.f.	50 ft.	50 ft.	10 ft.	5 ft.	25 ft.	80 %
* No minimum building line required in dwellings that share common walls along the shared wall.							

Section 310: NMU – Neighborhood Mixed Use District

Purpose. The NMU – Neighborhood Mixed Use District is to provide areas for a mix of residential and low intensity neighborhood commercial facilities intended to serve the immediate area with goods and services. The neighborhood mixed use district is intended to provide convenience opportunities intended to cater to the surrounding neighborhoods and community but is not intended to house facilities which are high impact and which may be more regional in their draw.

A. Authorized Principal Uses: See Section 315, table of authorized uses (**Table 8**) for authorized principal uses and method of authorization in the NMU district.

B. Authorized Accessory Uses: See Section 317, table of authorized accessory uses (**Table 9**) for authorized accessory uses and method of authorization in the NMU district.

C. Area and bulk regulations: The area and bulk regulations within the NMU zoning district shall be subject to the standards identified in **Table 3**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

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TABLE 3 – NMU – NEIGHBORHOOD MIXED USE DISTRICT

Bulk and Areas Regulations NMU Zoning District							
Use Type	Minimum Lot Area Per Dwelling Unit	Minimum Lot Width Per Unit	Height (Maximum)	Front Building Line (minimum)	Side Building Line (minimum)	Rear Building Line (minimum)	Lot Coverage (maximum)
Single-Family	2,500 s.f.	25 ft.	35 ft.	10 ft.	3 ft.	30 ft.	70 %
Duplex	2,500 s.f.	25 ft.	30 ft.	5 ft.	3 ft. **	25 ft.	70 %
Townhouse	2,000 s.f.	20 ft.	40 ft.	5 ft.	3 ft. **	25 ft.	70 %
All Other Residential Uses	1,500 s.f.	50 ft.	50 ft.	10 ft. *	5 ft. **	25 ft.	80 %
All Other Non-residential Uses	4,000 s.f.	30 ft.	35 ft.	25 ft. *	5 ft.	30 ft.	50 %
* Minimum front building line in the NMU district may be reduced to ten (10) feet if located in a block where at least thirty percent (30%) of the existing structures do not meet the minimum setback requirements ** No minimum building line required in dwellings that share common walls along the shared wall							

Section 311: PU – Public Use District

The purpose of this district is to provide for land for educational, governmental, recreational and public works functions to meet the needs of the residents of the Borough.

A. Authorized Principal Uses: See Section 315 table of authorized uses for authorized principal uses **(Table 8)** and method of authorization in the PU District.

B. Authorized Accessory Uses: See Section 317, table of authorized accessory uses **(Table 9)** for authorized accessory uses and method of authorization in the PU district.

C. Area and bulk regulations: The area and bulk regulations within the PU zoning district shall be subject to the standards identified in **Table 4**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses and uses by special exception.

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

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TABLE 4 – PU – PUBLIC USE DISTRICT

Bulk and Areas Regulations PU District	
Lot size (minimum, square feet)	5,000 sq. ft.
Lot width (minimum, feet)	50 ft.
Height (maximum, feet)	50 ft.
Front setback (minimum, feet)	N/A
Side setback (minimum, feet)	N/A
Rear setback (minimum, feet)	N/A
Lot coverage (maximum, percent)	85%

Section 312: CBD – Central Business District

Purpose. The CBD Central Business District provides diverse commercial development and redevelopment opportunities within the traditional commercial core of the Borough. The district is intended to provide opportunities for commercial facilities serving the community and/or larger region. The district has previously been largely developed however as development/redevelopment opportunities are presented the CBD District seeks to improve design and provided for orderly development through appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between the buildings, sites. The CBD is also intended to:

1. Uses are designed to ensure compatibility with the operations generated within the district and the character of the perimeter areas and the community in general.
2. Development within the district provides for adequate ingress, egress, and circulation of all contemplated vehicular activity both internal to the site and external.
3. To provide housing opportunities in the Central Business District by allowing residential apartments above first floor commercial uses.

A. Authorized Principal Uses: See Section 315 table of authorized uses (**Table 8** for authorized principal uses and method of authorization in the CBD district.

B. Authorized Accessory Uses: See Section 317 table of authorized accessory uses (**Table 9**) for authorized accessory uses and method of authorization in the CBD district.

C. Area and bulk regulations: The area and bulk regulations within the CBD zoning district shall be subject to the standards identified in **Table 5,** except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 5 – CBD – CENTRAL BUSINESS DISTRICT

Bulk and Areas Regulations CBD Zoning District	
Lot Size (minimum)	No requirement
Lot Width (minimum)	No requirement
Height (maximum)	50 ft.
Front Building Line (minimum)	No requirement
Front Building Line (maximum)	Average of the buildings on both sides
Side Building Line (minimum)	No requirement
Rear Building line (minimum)	No. requirement
Lot Coverage (maximum)	No requirement

Section 313: RD – Redevelopment District

The purpose of this district is to provide for the redevelopment of previously developed industrial areas into new industrial uses that are compatible with surrounding land uses through the conditional use process. The district also provides for a mixture of multi-family residential uses and more intense commercial uses than those permitted in the other commercial zoning districts.

A. Authorized Principal Uses: See Section 315, table of authorized uses (**Table 8**) for authorized principal uses and method of authorization in the RD district.

B. Authorized Accessory Uses: See Section 317, table of authorized accessory uses (**Table 9**) for authorized accessory uses and method of authorization in the RD district.

C. Area and bulk regulations: The area and bulk regulations within the RD zoning district shall be subject to the standards identified in **Table 6**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses and uses by special exception.

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

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TABLE 6 – RD – REDEVELOPMENT DISTRICT

Bulk and Areas Regulations RD Zoning District	
Lot size (minimum)	10,000 s.f.
Lot Width (minimum)	100 ft.
Height (maximum)	85 ft.
Front Building Line (minimum)	50 ft.
Side Building Line (minimum)	20 ft.
Rear Building Line (minimum)	50 ft.
Lot Coverage (maximum)	80 %

Section 314: CFDD – Carrie Furnace Development District

Section 314. 01 Intent and Purpose

A. The purpose of the CFDD is to create a cohesive development pattern on the former site of Carrie Furnace located in the Boroughs of Swissvale and Rankin. The intent of the CFDD is to allow for a set of comprehensive regulations that are mirrored in each Borough and allow for master planning of the site by a single developer, or multiple developers, with continuity in the development pattern. Development in the CFDD shall be guided by the following principles:

1. Create a district that provides for development/redevelopment of the Carrie Furnace site and is consistent in the Boroughs of Swissvale and Rankin.

2. Encourage a mix of complimentary land uses that emphasize creation of job opportunities.

3. Attract employers and business that stimulate economic growth in the communities.

4. Provide for flexibility in design and development while maintaining cohesive development patterns.

5. Allows for small scale commercial and retail support services that serve larger job intensive uses intended for the district.

6. Create an environment where buildings and the landscapes contribute to the physical definition of streets as civic places. Proposed streets should adequately accommodate vehicles while respecting pedestrian needs.

7. Encourage architectural and landscape design that responds to the local climate, topography, history, and building practice.

8. Provide for an interconnected open space network of trails, pedestrian sidewalks and greenspaces that offer public access throughout the development. The river

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frontage should be used as an asset to connect the local community back to the Monongahela River.

Section 314.02. Master Plan Requirements

A. Prior to the development of any lot or parcel in the CFDD district an overall Master Plan shall be approved by the Borough Council. The master plan will be submitted to the Planning Commission for review and recommendations prior to approval by Council. An approved Master Plan will serve as a Preliminary Land Development Approval as required by the Subdivision and Land Development Ordinance (SALDO). After approval of the Master Plan, individual development parcels will be permitted to proceed directly to final Land Development approval as required by the SALDO.

B. Submission of an application for a Master Plan approval shall at a minimum contain the following information:

1. A Master Plan for the overall CFDD is encouraged however a minimum of 20 acres shall be submitted for Master Plan approval at any one time.

2. The Master plan shall demonstrate a comprehensive and cohesive vision and design for the development.

3. Applicants for development of the CFDD shall submit plans, documentation and other information as necessary to satisfactorily demonstrate the proposed Master Plan has achieved the goals identified in the guiding principles identified in section 314.01.

4. The plans submitted for Master Plan approval shall provide sufficient details and information to demonstrate it meets the district requirements including but not limited to:

   a. Building and Lot Configuration pursuant to section 314.4

   b. Street and Traffic circulation standards pursuant to section 314.05

   c. Public Greenspace, Parks and Trail Standards pursuant to section 314.06

   d. Parking Location Standards pursuant to section 314.07

   e. Landscape Standards pursuant to section 314.08

   f. Lighting Standards pursuant to section 314.09

   g. Signage Standards pursuant to Article VII

5. A traffic study that demonstrates the required level of service for each proposed roadway shall be provided for all master planned areas.

6. All information required in the SALDO for Preliminary Subdivision and Land Development Approval

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Section 314.03 Authorized Uses

A. Authorized Principal Uses: See Section 315 table of authorized uses (**Table 8**) for authorized principal uses and method of authorization in the district.

B. Authorized Accessory Uses: See Section 317, table of authorized accessory uses (**Table 9**) for authorized accessory uses and method of authorization in the district.

Section 314.04 Building and Lot Configuration

A. Minimum Lot size: None

B. Maximum Lot size: None

C. Minimum Lot Width: None

D. Minimum Lot Depth: None

E. Lot coverage: Impervious surfaces shall not exceed 85% of the total lot area for individual lots.

F. Building Height: Maximum of 60 feet (subject to the requirements of **Table 7**)

G. Front Build to Line (Principal buildings must be placed at the Build-to line) :

TABLE 7 – SETBACK/BUILDING SETBACK

Street Classification	Build-to-line	Building Height	Right-of-way
Local Road	10’	10’ to 36’	50’
Collector Road	14’	20’ to 48’	60’
Boulevard	18’	40’ to 60’	80’

H. Minimum Side yard setback: 10 Feet

I. Minimum Rear yard Setback: 10 Feet

Section 314.05 Street and Traffic Circulation Standards

A. Streets are intended for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces.

B. Streets shall generally terminate at other Streets, forming a network. Internal Streets shall connect wherever possible. Cul-de-sacs shall be avoided but may be permissible subject to approval of Borough Council, when it determines at its sole discretion a cul-de-sac is necessary to accommodate specific site conditions where no other options exist. If proposing use of a cul-de-sac the applicant shall have the burden of proof to demonstrate compliance with this requirement.

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C. If a Master Plan submission does not encompass the entire Carrie Furnace site for approval then the applicant shall provide for logical street and pedestrian connections to the adjacent parcel(s).

D. Sidewalks along roadways should provide for continuous circulation throughout the development and shall connect to public greenspaces, parks and trails.

E. A hierarchy of street shall be established at the time of Master Plan approval in compliance with the following requirements:

1. Collector Street. – The CFDD shall be required to have a Collector Street designed to circulate throughout the entire development and connect to the primary access to the site. The Collector street system shall be designed in accordance with **Figures 2 through Figure 4**. **Figure 2** shall be used for the Collector Street in the event a traffic study determines the need for all or portions of the Collector street system require four lanes, otherwise the applicant has discretion in use of the Collector Street typical sections.

2. Local Streets – Local streets will connect to other Local streets and to the Collector Street system. The applicant shall have the discretion of using **Figures 5 through Figures 7** for the local road system.

3. All streets in the CFDD shall be designed in accordance with the typical sections **Figure 2 through Figure 8.**

F. All collector and local roadways (**Figure 2 through Figure 8**) shall provide either on-street parallel parking or appropriate structural Best Management Practices (BMP) infrastructure. Appropriate structural BMPs are defined in the Pennsylvania Stormwater Best Management Practices Manual (latest edition).

G. Use of Typical Sections (**Figure 2 through Figure 8**) which provide for BMP's are intended to allow the applicant to provide stormwater BMPs and green infrastructure requirements within the ROW. Use of BMP's in the ROW will require an agreement between the Borough and private lot owner, requiring private lot owner to maintain installed BMP's in perpetuity.

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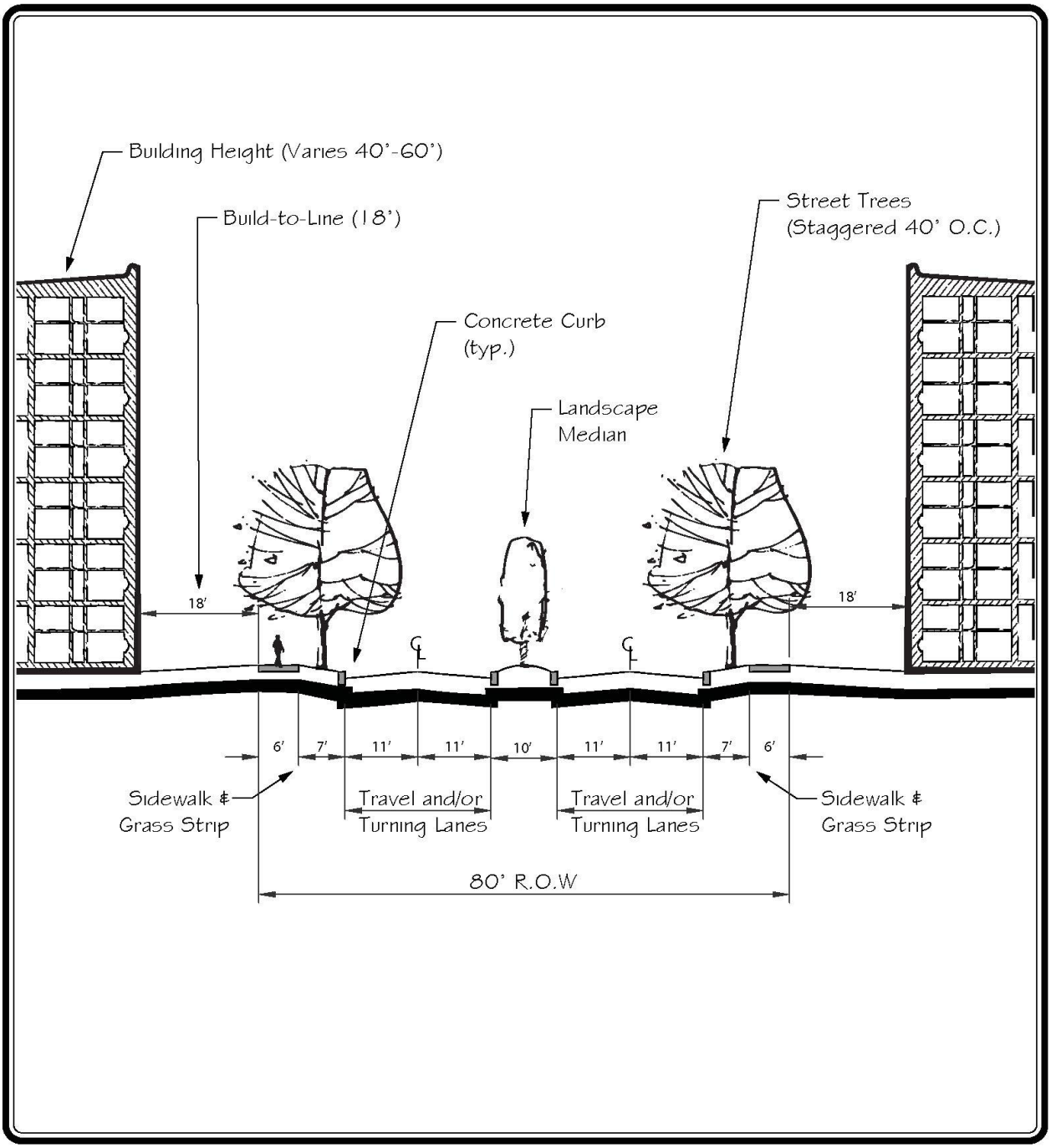


FIGURE 2 – SECTION 314.05 – 01 – TYPICAL BOULEVARD DETAILS WITH NO ON-STREET PARKING

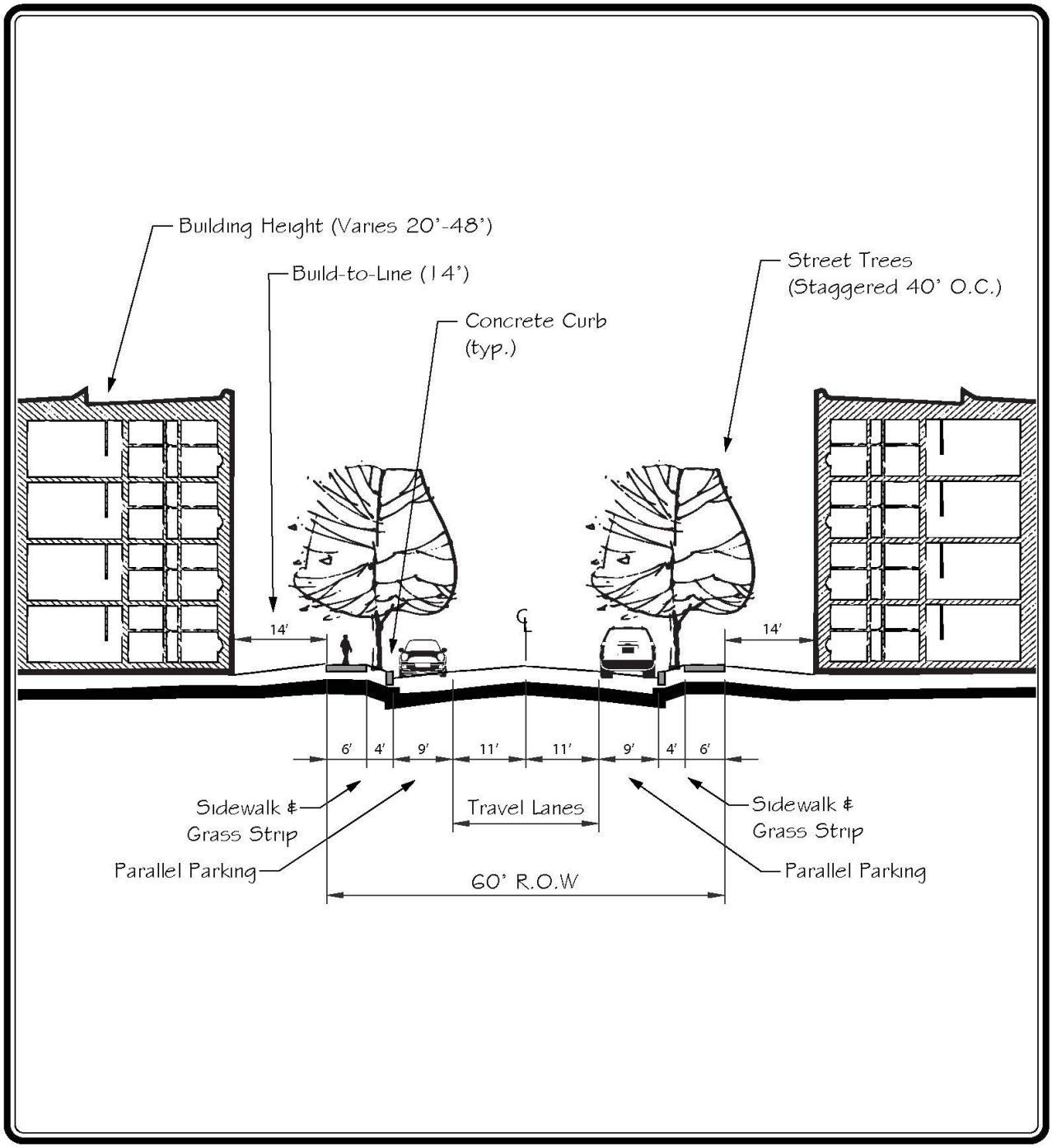


FIGURE 3 – SECTION 314.05 - 02 TYPICAL COLLECTOR ROAD DETAILS WITH DOUBLE-LOADED PARKING

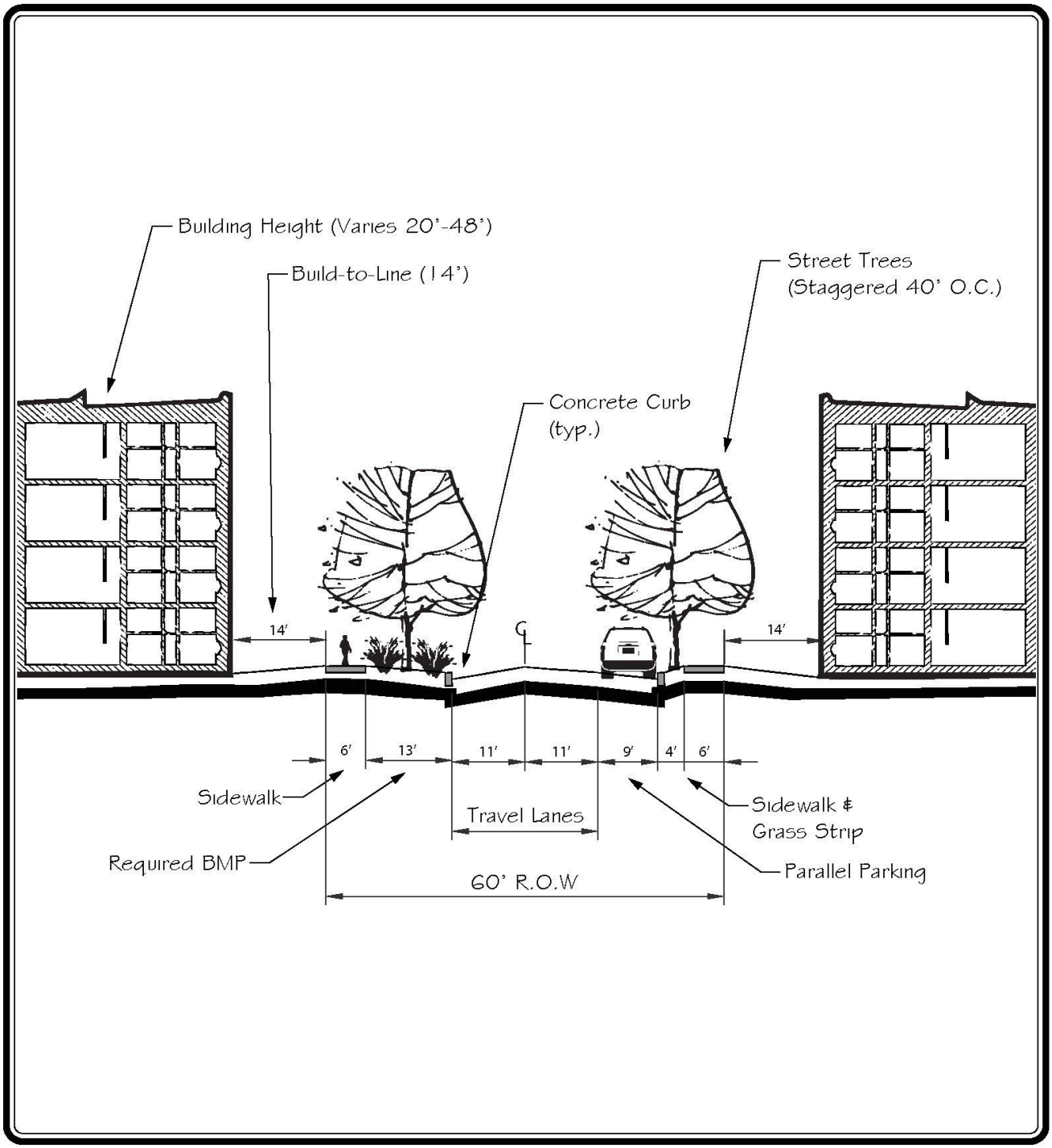


FIGURE 4 - SECTION 314.05 – 03 TYPICAL COLLECTOR ROAD DETAILS WITH SINGLE-LOADED PARKING

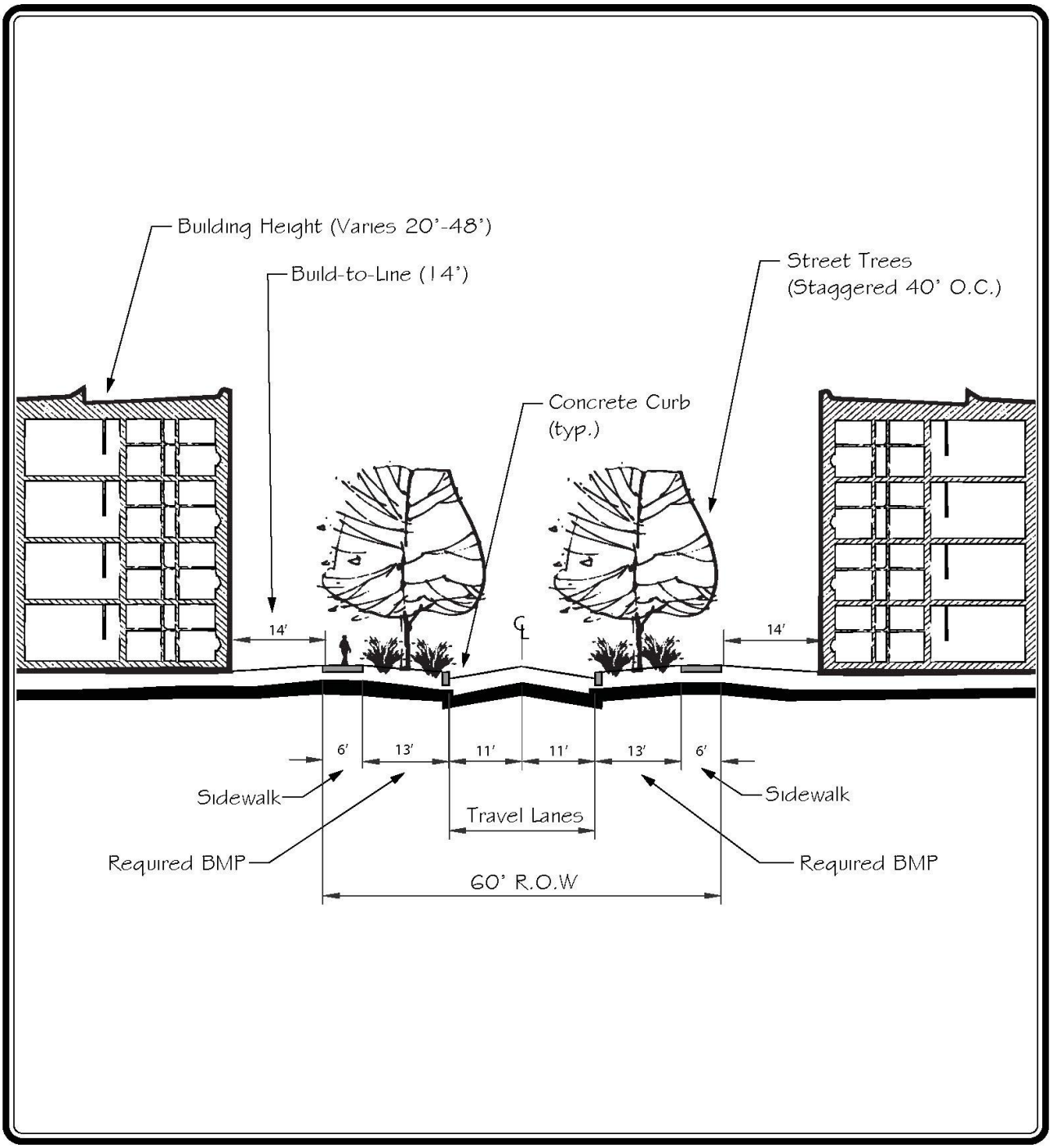


FIGURE 3 – SECTION 314.05 – 04 TYPICAL COLLECTOR ROAD DETAILS WITH NO PARALLEL PARKING

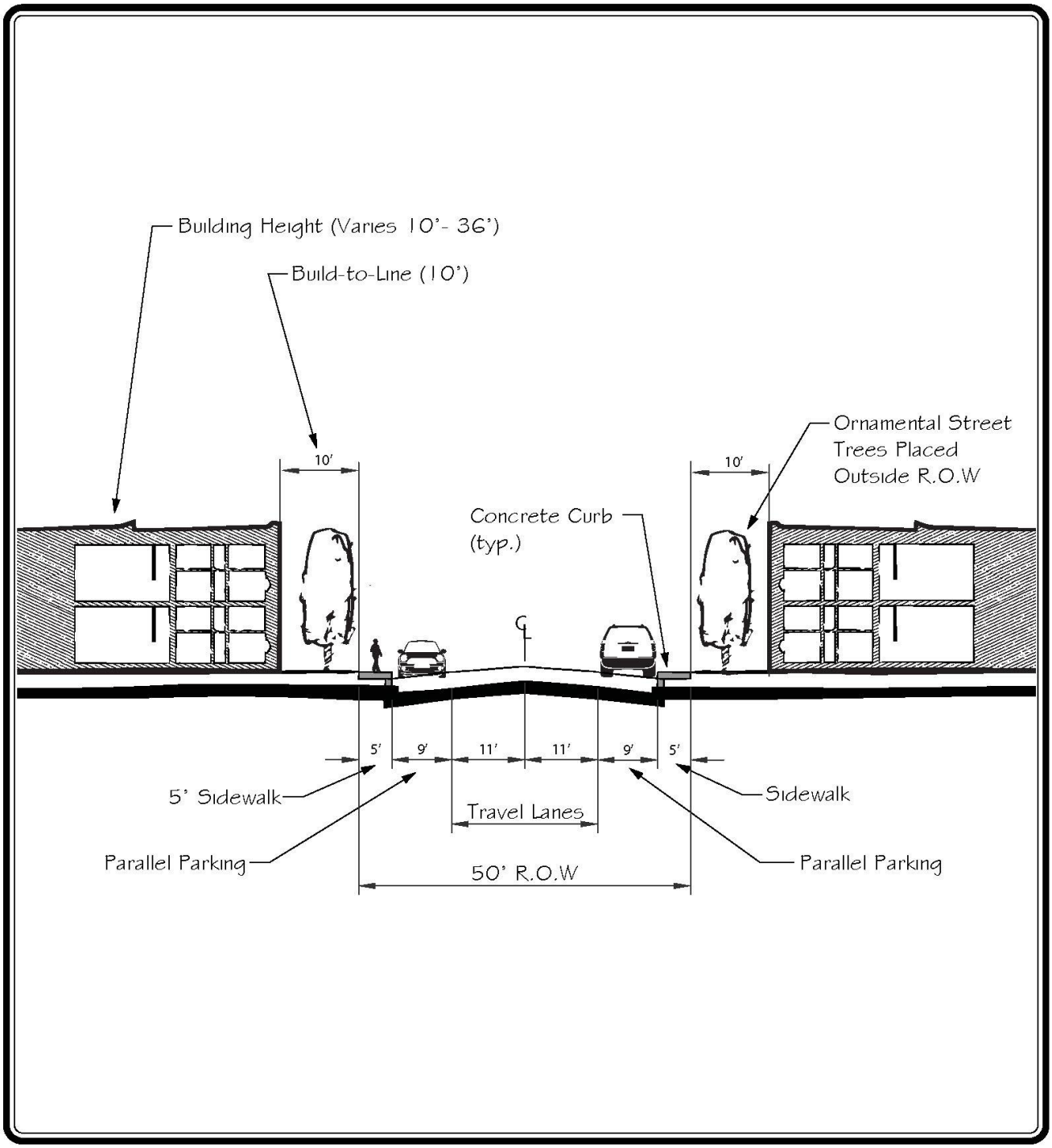
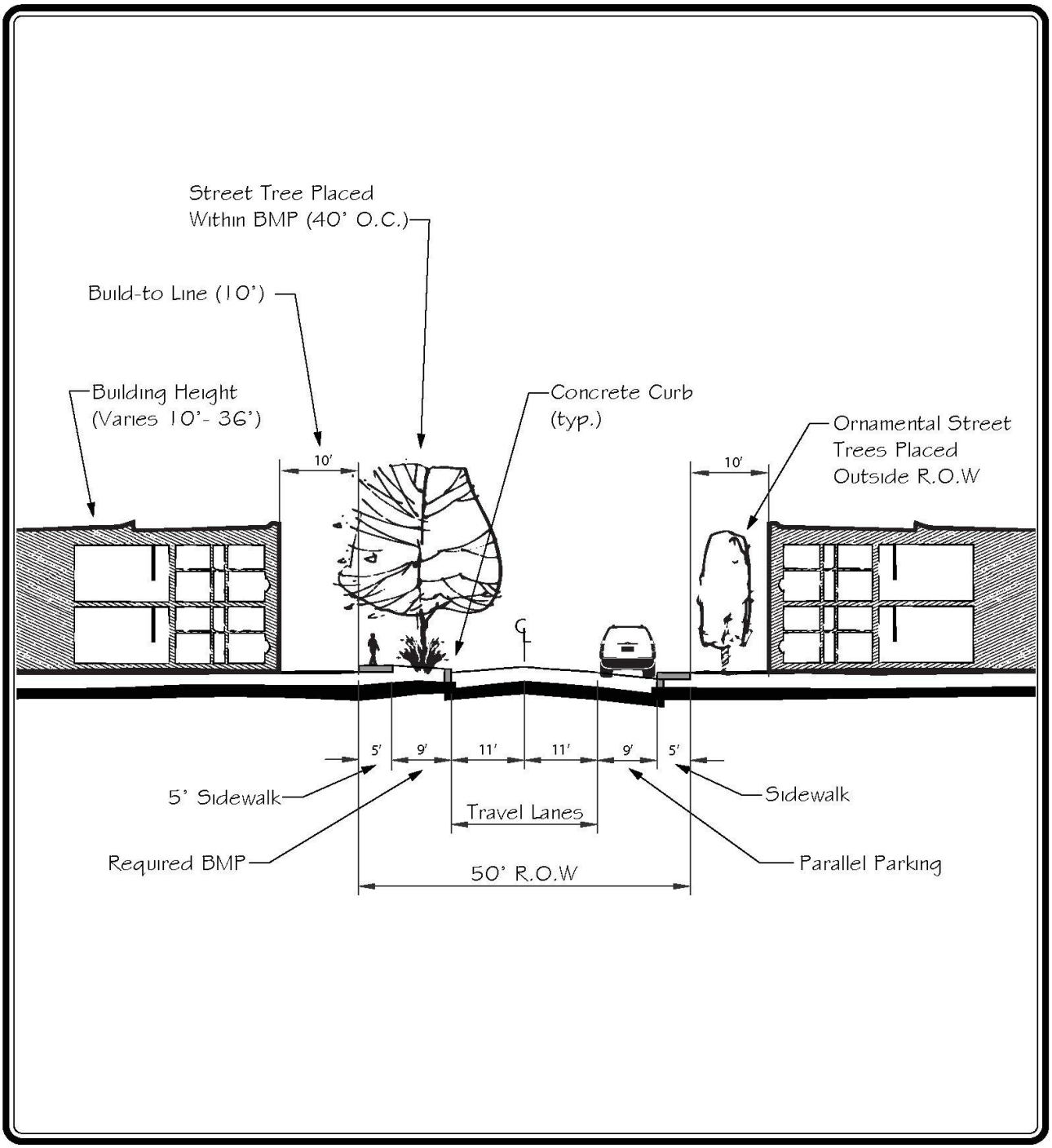


FIGURE 4 – SECTION 314.05 – 05 TYPICAL LOCAL ROAD DETAILS WITH DOUBLE-LOADED PARKING

FIGURE 5 – SECTION 314.05 – 06 TYPICAL LOCAL ROAD DETAILS WITH SINGLE-LOADED PARKING



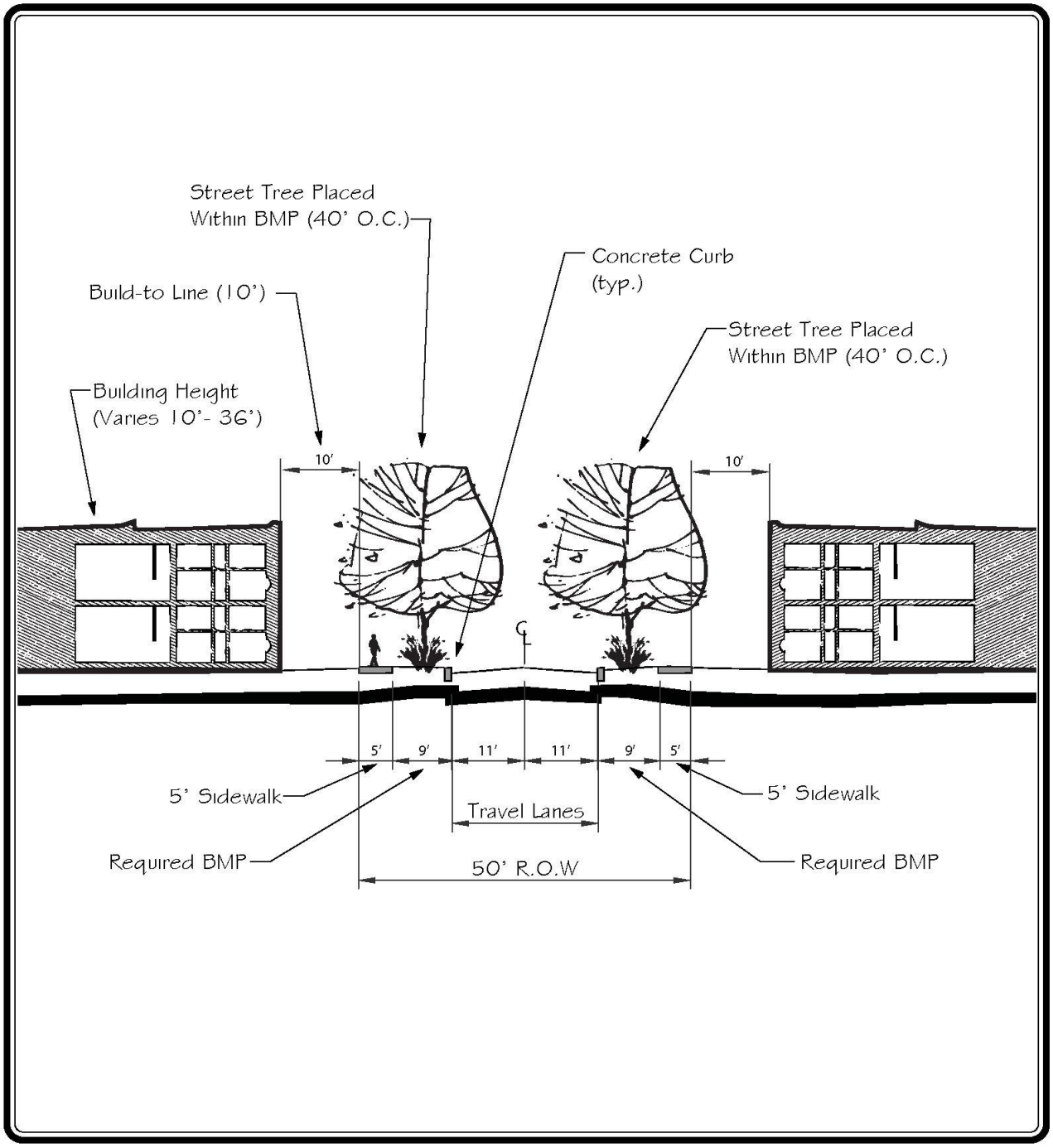


FIGURE 6 – SECTION 314.05 -07 TYPICAL LOCAL ROAD DETAILS WITH NO PARALLEL PARKING

Section 314.06. Public Greenspace, Parks and Trail Standards

A. The Master Plan shall provide for an interconnected system of public greenspace, parks and trails throughout the development. The Monongahela River should be treated as the focal point of these public spaces providing public access along and to the river front.

B. A minimum of 10% of the master planned area shall be set aside for public greenspace, parks and trails. Easements and maintenance agreements shall be provided for all dedicated greenspace, parks and trails.

C. A minimum of 50% of the dedicated greenspace area required in section 314.06B shall include active recreation and associated landscape amenities such as seating and trails.

D. A minimum of 50% of the river frontage of each master planned area shall be publicly accessible through the use of linear parks, trails or greenways.

E. The system of public greenspace, parks and trails shall be connected to the sidewalk system along streets to facilitate circulation and access to these amenities throughout the development.

F. If the submission does not include the complete Carrie Furnace site for Master Plan approval then the applicant shall provide for logical continuation and/or connection of the public greenspace, parks and trail connections to the adjacent site(s).

Section 314. 07. Parking & Loading Standards

A. The total number of Off-street parking and loading spaces required shall be provided as identified in Article VI, “Parking.” All of the provisions of Article VI shall apply in the Carrie Furnace Development District except as may be modified by this section.

B. Surface parking areas shall be masked from public frontage along a street by a building, vegetative screening, wall or fence. A low wall, fence or hedge shall be installed at the same setback along the front yard build-to line of each parcel. The intent of this requirement is to create character in the streetscape and provide for a continuous street wall only broken by access points for vehicular or pedestrian access.

C. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the frontage.

D. On-street parallel parking shall be counted in the total number of required parking spaces.

E. Surface parking lots are not permitted at any street corners.

F. Loading docks and service areas are not permitted along any public street frontages.

G. The applicant is required to demonstrate that each proposed building or use has adequate area set aside for deliveries suitable for the intended use.

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314.08. Landscape Standard

A. A landscape plan shall be provided at the time of Master Plan approval for all public greenspaces, parks and trails as well as public Rights-of-Way.

B. Street trees shall be provided in accordance with typical sections **314.05.01 through 314.05.07** and shall include trees planted in a regularly-spaced staggered pattern of alternating species with shade canopies of a height that, at maturity, clears at least one Story.

C. A landscape plan shall be provided for individual lots at the time of final land development approval. When Typical sections are used for master plan approval that require trees outside of the public ROW, then at the time of submission of the final land development plan, a landscape plan shall include street trees on the lot as required in accordance with the typical section. The street trees provided on the lot shall be required in addition to the landscape requirement of this section.

D. Planting requirement: For every 1,500 sq. ft. of impervious surface, the landscape plan shall contain a minimum of one overstory tree and three shrubs (excluding any street trees). All landscape plans shall include a table that demonstrates compliances with this planting requirement.

E. A planted green space buffer, a minimum of 10 feet wide, shall be provided along the sides and rear of all lots. This buffer may be reduced at the discretion of the Borough Council in the event similar uses are being planned on adjacent lots.

F. All pedestrian trails shall be a minimum of 6 feet wide and constructed of a 2 inch bituminous wearing surface placed on 6 inches of 2A crushed stone.

G. Each building and/or lot shall provide an adequate area for trash receptacle and/or dumpster. Trash facilities shall be located at the rear of the lot or building and shall be entirely contained within a screened enclosure. Enclosures shall match the character of the buildings and general character of the district.

Section 314.09 Lighting Standards

A. At the time of submission for Master Plan approval a lighting plan shall be submitted for all public spaces including streets, public parks and greenways.

B. The proposed types of lighting shall be detailed in the Master Plan submission including fixture type, spacing and locations.

C. The proposed lighting plan shall create a safe and attractive nighttime environment and shall provide for logical and safe movement throughout the development.

D. Individual lighting plans will be submitted for each lot at the time of final land development plan approval and shall be subject to the provisions of Article V, section 502.

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E. Minimum light dispersion of 1.0 footcandle is required at all public locations on the site. A maximum of 10 footcandles of light shall be allowed in the public areas. Areas that are developed in phases shall match the lighting dispersion of previous phases.

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Section 315: Table of Authorized Principal Uses

A. **Table 8** establishes the authorized principal uses and the zoning districts where the principal use is authorized and method of authorization.

P – Permitted Use by Right

SE – Use by Special Exception

CU – Conditional Use

Where blank the use is not permitted in the corresponding district.

TABLE 8 – TABLE OF AUTHORIZED PRINCIPAL USES

Authorized Use Table							
Use	**SFR**	**CBD**	**PU**	**RD**	**MFR**	**NMU**	**CFDD**
Uses Not Listed	See sections 306C and Article IV						
Residential							
Conversion dwellings		CU					
Duplex	P				P	P	
Dormitories			P				
Group home	P				P	P	
Mobile home park				CU			
Multifamily dwellings		CU		P	P	P	
Quadruplex				P	P	P	
Residential above First Floor Commercial		P		P		P	P
Single-family	P				P	P	
Townhouses	SE			P	P	P	
Hotels, Motels, or Other Accommodation							
Bed & Breakfast Inn	CU	CU		CU	CU	CU	
Extended stay hotel/motel		P				P	P
Hotel, motel		P		P		P	P
Rooming and boarding house		SE			SE	SE	
Short term rental		P			P	P	
Commercial							
Adaptive Reuse	CU	CU	CU	CU	CU	CU	
Adult business				CU			
After hours club				CU			
Airport							CU
Animal cemetery				CU			
Animal day care		CU		P		CU	
Animal groomer		P		P		P	
Animal Hospital				P			
Amusement park							CU
Arts & craft studio		P		P	P	P	P
Auditorium		P	P				P
Automobile repair and service		SE					
Bakery, Retail		P	P		P	P	P
Beverage distributor		P		P		CU	P

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Authorized Use Table							
Use	**SFR**	**CBD**	**PU**	**RD**	**MFR**	**NMU**	**CFDD**
Commercial (Continued)							
Billboards (See Article IV & Article VII)		CU					
Car rental facility		CU					P
Car Wash/Automobile Detail		CU		P			
Catering Hall/Event Venue		P				CU	P
Catering (Kitchen/food prep only)				P			
Cemetery & mausoleums				P			
Commercial recreation – Indoor		P	P	P	SE		P
Commercial recreation – Outdoor			P	P			P
Conference center		CU	P				P
Convenience store		P				CU	P
Custom printing		P		P		P	P
Drive-through facilities		CU		P			P
Financial Institution		P		P		P	P
Flea market				P			
Funeral home/Crematorium		P		P			
Garden center			P	P			
Gas station		SE					CU
Golf course	P			P			
Golf Driving Range		P	P	P			
Kennel				P			
Laundromat		P			CU	P	
Live Work Unit		P				P	
Lumberyard				P			
Manufactured home sales				P			
Massage establishment		P				P	
Micro Brewery		P		P		CU	P
Micro Distillery		CU		P			P
Movie Theater		P	P	P		P	
Neighborhood Restaurant	P				P		
Night club		CU		P			
Offices – Business & Professional		P	P	P		P	P
Pawnshop				CU			
Personal services		P	P	P		P	
Pharmacy		P		P		CU	
Post office		P	P	P	P	P	
Recording studio		CU				P	
Restaurant/Drive-Thru Restaurant		P	P	P		P	P
Retail store		P		P		P	
Shopping center		P					
Sidewalk dining		CU					CU
Tattoo parlor		P		P		P	
Tavern or bar		P		P		CU	

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Authorized Use Table							
Use	**SFR**	**CBD**	**PU**	**RD**	**MFR**	**NMU**	**CFDD**
Commercial (Continued)							
Vehicle sales – Car				P			
Vehicle sales – Boat/Watercraft							P
Veterinarian services/clinic		P		P		P	
Industrial							
Asphalt / concrete plant				CU			
Automobile graveyard				CU			
Brewery				CU			P
Commercial motor vehicle repair				CU			
Construction-related businesses				CU			CU
Distillery				CU			CU
Distribution center				CU			P
Manufacturing facility				CU			P
Process plants (metals, chemicals, glass, etc.)				CU			
Recycling business				CU			
Refrigerated warehouse or cold storage				CU			P
Research and development				CU			P
Salt storage facility				CU			
Self- storage facility				CU			
Specialized industrial facility				CU			P
Tank farms				CU			
Warehouse, mini-warehouse, self-storage & storage services (including distribution)				CU			P
Public Assembly							
Aquarium/zoo				P			
Clubs & lodges (not including commercial recreation uses)		CU		P		CU	
College/university		CU	P	P			
Community center	CU	P	P	P	P	P	
Conference Center		P	P	P			P
Day Care – Adult			P		CU	CU	CU
Day Care – Child		CU	P		CU	CU	CU
Exhibitions and art galleries		P	P	P		P	P
Home Based Day Care	CU	CU				CU	
Place of worship	CU	CU		P	CU	CU	
Institutional or Community Facility							
Assisted living facility					P	CU	
Educational Institution				P			

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Authorized Use Table							
Use	**SFR**	**CBD**	**PU**	**RD**	**MFR**	**NMU**	**CFDD**
Institutional or Community Facility (Continued)							
Emergency Shelter				CU		CU	
Group Care Facility				P			
Hospital			CU	CU			
Life Care Community			P		P	P	
Medical Offices		P	P	P		P	P
Methadone treatment facility				CU			
Nursing home			P		P	CU	
Personal Care Boarding Home				P	P	P	
Public Clinic, Medical		P	P	P		P	P
Retirement housing facility		CU			P	P	
School	CU	CU	P	CU	CU	CU	
Skilled nursing facility				P	P	CU	
Government Uses							
Ambulance Station		CU	P	P		CU	
Correctional / rehabilitation facility			P	P			
Emergency operation center			P				P
Fire station	P	P	P	P	P	P	P
Library		P	P	P		P	P
Magistrate office & court			P				
Municipal building		P	P	P		P	
Park	P	P	P	P	P	P	P
Police station		P	P	P		P	
Transportation-related Facilities							
Airport control tower				P			
Bus or truck maintenance facility				P			
Bus terminal				P		CU	
Heliport facility							CU
Parking Structure, Commercial		CU				CU	P
Park and ride facility		CU		CU		CU	
Taxi and limousine service				P		CU	
Towing or other road services				P			
Truck or freight transportation services							P
Utility, Telecommunications, Energy, Waste							
Essential services	P	P	P	P	P	P	P
Electric power generation facility							P
Hazardous waste recycling facility			C				
Incinerator, or similar facility				CU			
Radio or television transmitter			CU				
Railroad facility				CU			
Sewage treatment plant				CU			
Solar energy production facility. Large							CU
Solid waste transfer station			CU	CU			

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Authorized Use Table							
Use	**SFR**	**CBD**	**PU**	**RD**	**MFR**	**NMU**	**CFDD**
Utility, Telecommunications, Energy, Waste (Continued)							
Solid waste landfill facility				CU			
Wind energy production facility, Large							CU
Wireless communications facilities (WCF)	Subject to Article V, Section 511						
Agriculture, forestry, fishing, and hunting							
Animal production				CU			
Farmers market		P	P			P	
Forestry / logging	P	P	P	P	P	P	P
Livestock farm of Hog House				P			
Grain silos and other storage structure for grains and agricultural products				CU			
Greenhouses/nurseries					CU		
Hatcheries and poultry houses				CU			
Stable, private				CU			
Urban Agriculture Limited (No Animals)	CU					CU	
Mining and extraction establishments							
Coal				CU			
Metallic Mining (iron, copper, etc.)				CU			
Natural gas compressor station							CU
Natural gas processing plant							CU
Nonmetallic Mining				CU			
Oil or gas well				CU			
Quarrying and stone cutting				CU			

Section 316: Accessory Uses and Structures

A. Applicability: This section applies to any subordinate use of a building or other structure, or use of land that is:

1. Conducted on the same lot as the principal use to which it is related; and
2. Clearly incidental to, and customarily found in connection with, the principal use or structure.

B. Establishment of Accessory Uses

1. Accessory structures, buildings or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established.
2. Accessory structures or uses generally shall not be established on a vacant lot, however accessory uses and structures shall permitted on adjacent lots when in common ownership with the adjacent lot.
3. For urban agriculture accessory structures only, structures may be built and utilized on a directly adjacent lot, without having to consolidate the lots.

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Section 317: Table of Authorized Accessory Uses and Structures

A. Accessory uses shall be permitted in accordance with **Table 9**:

P – Permitted Use by Right

SE – Use by Special Exception

CU – Conditional Use

Where blank the use is not permitted in the corresponding district.

TABLE 9 – TABLE OF AUTHORIZED ACCESSORY USES AND STRUCTURES

Authorized Accessory Uses and Structures							
Use	**SFR**	**MFR**	**NMU**	**PU**	**CBD**	**RD**	**CFDD**
Accessory Dwelling Unit	CU	CU	CU				
Community food bank	P	P	P	P	P	P	
Day care center (accessory to place of worship or school only)	P	P	P	P	P	P	
Deck, patio, or porch	P	P	P	P	P	P	P
Fire escapes, fire towers, or handicap ramps where required by the building code	P	P	P	P	P	P	P
Flagpole	P	P	P	P	P	P	P
Fence	P	P	P	P	P	P	P
Garage, Private and carports	P	P	P	P	P	P	P
Gazebo	P	P	P	P	P	P	P
Heating and cooling units (Permitted in side or rear yards only)	P	P	P	P	P	P	P
Home Occupation Business (See also No-Impact Home-Based Business)	P	P	P	P	P	P	P
Hot tubs and outdoor spas	P	P	P	P	P	P	P
No-Impact Home-Based Business (see also Home Occupations)	P	P	P	P	P	P	P
Outdoor Hydronic Heater	CU					CU	
Outdoor Dining (Accessory to permitted use)			P	P	P	P	P
Parking areas	P	P	P	P	P	P	P
Permanent outdoor cooking facilities and fire pits	P	P	P	P	P	P	P
Satellite dishes	P	P	P	P	P	P	P
Signs - subject to Article VII	P	P	P	P	P	P	P
Small Solar Energy System	P	P	P	P	P	P	P
Small Wind Energy System	P	P	P	P	P	P	P
Storage buildings or sheds	P	P	P	P	P	P	P
Swimming pools	P	P	P	P	P	P	P
Swing and play sets	P	P	P	P	P	P	P
Tennis/ Basketball/Sport courts	P	P	P	P	P	P	P
Urban Agriculture, Accessory Use	CU	CU	CU	CU	CU	CU	
Wireless communications facilities (WCF)	Subject to Article V, Section 511						

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Any other building or use that the Zoning Officer determines is customarily incidental to the permitted principal use or principal building	P	P	P	P	P	P	P

Section 318: Dimensional Standards for Accessory Uses and Structures

A. Accessory Uses and structures shall be permitted in accordance with the following standards:

1. Detached accessory buildings and structures shall not be located in the front yard except authorized signs and fences.
2. The location of permitted nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
3. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the district in which it is located when considering all structures on the lot.
4. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.
5. All permanent accessory structures shall be set back a minimum of three (3) feet from any property line.
    a. In addition to permanent setbacks for accessory structures, basketball hoops shall be set back a minimum of ten (10) feet from the Street ROW line, whether permanently affixed or moveable structures.
6. Not more than one accessory structure by type shall be permitted on an individual lot (e.g. not permitted to have 2 sheds, 2 play structures, etc.).
7. Accessory structures shall not exceed the lesser of two (2) stories, or the height of the principal structure on the lot.
8. Outdoor hot tubs and spas shall be screened from adjacent properties.
9. Residential garages are limited to 800 sq. ft.
10. Residential storage buildings and sheds are limited to 200 sq. ft.
11. Small solar and wind energy systems attached to existing structures shall not project more than two (2) feet above the structure to which they are attached. When freestanding they shall not exceed 10 feet in height.
12. Accessory uses shall be conducted on the same lot as the principal use to which it is related; and clearly incidental to, and customarily found in connection with, the principal use or structure.

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Section 319: TOD Transit Oriented District Overlay

Section 319.1: Background and Authority

The Borough finds that Transit Oriented Development benefits the general health and welfare of the inhabitants of Swissvale by fulfilling existing housing, transportation and employment needs. The section designates overlays in certain zoning districts as Transit Oriented Districts overlay zones to encourage furtherance of transit oriented development.

Section 319.2: Purpose

The purpose of the Transit Oriented Development (TOD) Overlay District is to:

A. Encourage a mix of moderate and high density development within walking distance of transit stations to increase transit ridership;

B. Create a pedestrian-friendly environment to encourage walking, bicycling and transit use;

C. Provide an alternative to traditional development by emphasizing mixed use, pedestrian oriented development;

D. Create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability;

E. Encourage building reuse and infill to create higher densities;

F. Reduce auto dependency and roadway congestion by locating multiple destinations and trip purposes within walking distance of one another;

G. Provide a range of housing options for people of different income levels and at different stages of life.

Section 319.3: Applicability

The TOD Overlay District consists of those areas shown on the official zoning map of Swissvale Borough.

Section 319.4: Use Regulations

A. Authorized Principal Uses in the TOD Overlay district are the same as those allowed in the NMU Zoning district. See Section 315, **Table 8,** table of authorized uses for authorized principal uses and method of authorization in the TOD Overlay district.

B. Uses allowed in the TOD Overlay district which would not otherwise be permitted in the base zoning district shall further be subject all of the requirements of **Section 319** – Transit Oriented Overlay District.

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C. Nonresidential uses proposed in the TOD overlay district which have a base zoning districts of SFR or MFR shall only be permitted on corner lots at the end of blocks. The scale, massing and architecture of the structure proposed to house the nonresidential use shall be consistent with the scale, massing and architecture of the surrounding residential neighborhood.

D. Authorized Accessory Uses in the TOD Overlay district are the same as those allowed in the NMU Zoning district: See Section 317, table of authorized accessory uses (**Table 9**) for authorized accessory uses and method of authorization in the TOD Overlay district.

Section 319.5: Dimensional Requirements

A. Building Setbacks:

Any development proposed in the TOD overlay shall at the time of zoning, subdivision or land development approvals propose front, side and rear building setbacks. Setbacks shall be generally consistent with the structures on the surrounding properties on the block in which it is located. A structure may have a front, side or rear yard setback that vary from minimum standard in the underlying zoning district when it is demonstrated to be generally consistent with the majority of the surrounding properties in the neighborhood.

B. Bulk and Lot Coverage:

1. Minimum lot coverage is 50 percent of the lot area. This minimum may be reduced if a minimum of 40 percent of the lot is developed as improved public open space or if ingress, egress or other building code requirements would otherwise make the development infeasible. Borough Council shall have final discretion in deciding if land constitutes improved public open space for the purposes of this provision.
2. Maximum lot coverage is subject to **Table 3** Bulk and Area Regulations for the NMU Zoning District. This lot coverage may be increased to 100 percent for mixed use buildings, or for renovated historic structures.

C. Building Height Requirements:

1. The minimum allowable building height is two stories above grade. The minimum height is meant to encourage density and create an aesthetic appeal throughout the TOD area.
2. The maximum building height is 50 ft.
3. Notwithstanding the building height provisions noted above, no building shall exceed by more than two stories or thirty feet, whichever is less, the height of the tallest building or buildings that front on the same street and are located within 150 feet of such building.
4. No portion of a building located within 50 feet of an existing one or two family dwelling in a residential zoning district shall be permitted to exceed three stories or 40 ft., whichever is less.

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D. Driveways

1. The creation of new sidewalk curb cuts shall be avoided whenever an alternative point of access is available or can be created. Shared access agreements are encouraged.
2. The minimum width for one-way traffic is 12 feet, and the maximum 18 feet.
3. The minimum width for two-way traffic is 18 feet and the maximum is 22 feet.
4. The use or creation of alleyways is desirable and encouraged.

E. Sidewalks

1. A minimum unobstructed sidewalk width of five feet is required. Sidewalk width can be up to 20 feet, and is dependent on expected level of activity.
2. Sidewalks shall be constructed along the frontage of all public streets.
3. For nonresidential uses, pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
4. Street trees, tree lawns and green strips adjacent to the streets are permissible when appropriately designed so as not to interfere with pedestrian movements. Such features when installed shall be in addition to the minimum unobstructed sidewalk width required above.

Section 319.6: Parking Requirements

Parking requirements within the TOD Overlay District are as follows:

A. Parking for uses in the TOD overlay shall comply with Article VI of this Chapter

B. Further reduction in the number of required parking spaces may be approved by the Borough after demonstration by the applicant through submission of supporting information and a finding by the Borough Council that the development will be adequately served by users of public transportation.

C. Shared parking is strongly encouraged. On lots serving more than one use, the total number of spaces required may be reduced, provided that the applicant submits evidence to the satisfaction of the Borough that the peak parking demand of the uses do not coincide, and that the accumulated parking demand at any one time shall not exceed the total capacity of the facility. Such evidence must take into account the parking demand of residents, employees, customers, visitors, and any other users of the lot. It must also take into account parking demand on both weekends and weekdays, and both during the daytime and overnight.

D. Where feasible, ingress and egress from parking shall be from side streets or alleys.

E. Surface parking lots must be to the rear of buildings, and shall not exceed one acre in size. Surface lots are prohibited in front of businesses.

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F. Surface parking lots with more than fifty spaces shall be divided into separate areas by landscaped areas of at least 10 feet in width. A minimum of 15 percent of all surface lots shall be landscaped. Each landscaped area shall have at least one tree. Landscaped areas should be planted with low-maintenance, salt tolerant plants capable of withstanding extreme weather conditions.

G. Surface lots shall be screened along all sidewalks by a landscaped buffer of not less than three (3) feet, or three (3) foot walls compatible with the adjacent architecture.

H. Surface parking lots shall provide pedestrian walkways and connections to the sidewalk system.

I. Parking structures shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.

J. Parking structures must include ground level retail along all streets and sidewalks.

K. Parking structures shall be designed to be compatible with adjacent buildings and architecture.

L. Bicycle racks shall be provided on site at a ratio of 1 space for every 15 automobile parking spaces or portion thereof.

M. Signage that shows the location and best means of access to the transit station must be provided at all parking facilities.

Section 319.7: Design Standards

A. Streetscapes:

1. Street trees shall be planted by along all public rights-of-way. Street trees shall be planted at intervals of no more than 40 feet. Tree species shall be selected that require minimal maintenance and are of native origin.
2. For nonresidential and multi-family residential uses, pedestrian amenities such as benches, public art, planters, trash receptacles, etc. are required and shall be located along sidewalks, and in landscaped areas, open spaces and plazas.
3. All new utilities shall be placed underground

B. Building Facades:

1. All buildings must provide a main entrance on the façade of the building facing the transit station or streets leading to the transit station.
2. The main entrance of any building shall face the street. The main entrance shall not be set back more than five feet from the front property line, unless a public seating area or plaza is provided in front of the building
3. Facades over fifty feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines and/or other architectural treatments

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4. The ground floor of a front commercial façade shall contain a minimum of 50 percent glass.
5. Architectural style and materials shall be compatible with the surrounding area, and facades must provide a visually interesting environment
6. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
7. All structured parking must be designed so that the only openings at street level are those to accommodate vehicle ingress and egress, and pedestrian access the building. All openings must be designed so that vehicles are not visible from the sidewalk. The remainder of the street frontage must be available for retail or commercial usage.

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

Section 401: Conditional Uses

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

Section 402: Conditional Use Procedure for Approval

Procedure: The Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the Pennsylvania Municipalities Planning Code (MPC) and this Ordinance and subject to the following:

A. If a land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a Land development required by the Borough's adopted Subdivision and Land Development ordinance may be processed concurrently or separately at the discretion of the applicant, provided that all application requirements of both ordinances for a conditional use and the land development plan are met.

B. Application Procedure. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person of the Borough. The application for development shall indicate the section of this ordinance under which the conditional use is sought and shall state the grounds upon which it is requested.

C. Application Content. An application for approval of a conditional use shall include the following:

    1. One copy of the application form provided by the Borough and completed by the applicant. If the applicant is other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany application.

    2. Nine (9) paper and one (1) electronic (.pdf) copies of a site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance and, in addition, demonstrating conformity with all requirements of this ordinance.

    3. Application fee and review fees established by resolution of the Council to cover the cost of review.

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D. Administrative review and determination of complete application. Within seven working days after a conditional use application is submitted, the Borough shall review the conditional use application for completeness of required submission items. Within said time, the Borough shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.

E. The Borough shall submit the complete conditional use application to the Borough Planning Commission for review and recommendations. The Planning Commission shall review the application and make a written recommendation to the Council. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the Subdivision and Land Development Ordinance.

F. The Council shall hold a hearing, in accordance with 913.2 of the MPC, 53 P.S. 10913.2, and public notice shall be given as defined in this ordinance and in accordance with 908(1) of the MPC. The hearing shall be commenced by the Council within 60 days from the date of receipt of the applicant's completed application, unless the applicant has agreed in writing to an extension of time.

G. Conditions. In considering any conditional use, the Council may attach reasonable conditions and safeguards, in addition to those expressed in this ordinance, as the Council deems necessary to implement the purposes of the MPC and this ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance.

H. Written Decision. In accordance with 908(10) of the MPC. The Council shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

I. Expiration. Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of said approval, unless the Council, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension. The Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this ordinance.

J. Effect on Prior Approvals. Conditional use approval, granted prior to the effective date of this ordinance, shall expire automatically without written notice to the developer if no

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application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of the effective date of this ordinance or as specified in the approval, unless the Council, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12 month extension.

K. All provisions of Subdivision and Land Development Ordinance which are not specifically modified by the Council in approving a conditional use, shall apply to any conditional use involving subdivision and land development.

L. Burden of Proof. In any application for conditional use, the applicant shall have the persuasion burden and presentation duty to show compliance with this ordinance, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

Section 403: Special Exceptions

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

Section 404: Special Exception Procedure for Approval

Procedure: The Zoning Hearing Board shall consider special exception applications and render its decision in accordance with the requirements of the Pennsylvania MPC and this Ordinance and subject to the following:

A. If land development approval is required for the use by special exception, the application for approval of a land development required by the Subdivision and Land Development Ordinance shall be submitted to the Borough Planning Commission and Council following approval of the use by special exception by the Zoning Hearing Board.

B. Application Procedure. The applicant shall submit an application for approval of a special exception to the Zoning Officer or designated staff person of the Borough. The application form shall indicate the section of this ordinance under which the special exception is sought and shall state the grounds upon which it is requested.

C. Application Content. An application for approval of a special exception shall include the following:

    1. One copy of the application form provided by the Borough and completed by the applicant. If the applicant is other than the landowner, the landowner's

authorization of the application and the nature of applicant's interest in the site shall accompany application.

2. Nine (9) paper and one (1) electronic (.pdf) copies of a site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance and, in addition, demonstrating conformity with all requirements of this ordinance.
3. Application fee and review fees established by ordinance or resolution of the Borough to cover the cost of review.

D. Administrative review and determination of complete application: Within seven working days after a special exception application is submitted, the Borough shall review the application for completeness of required submission items. Within said time, the Borough shall notify the applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application. The applicant may reapply, submitting the fee and missing material at any time.

E. A hearing pursuant to public notice, as defined herein, shall be commenced by the Zoning Hearing Board within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this ordinance and Section 908 of the MPC.

F. Burden of Proof: In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is authorized as a use by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this ordinance rest upon the applicant. The applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.

G. Conditions: In considering any special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this ordinance, as the Board deems necessary to implement the purposes of the MPC and this ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance, and upon finding of violation, shall require that the special exception use be discontinued until the violation is corrected.

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

When considering applications for Conditional Uses and Special Exceptions the following general standards for all conditional uses and special exceptions shall be met:

A. In accordance with the Comprehensive Plan the use shall be consistent with the spirit, purposes, and the intent of this ordinance.

B. Compliance with this ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this ordinance. The applicant shall provide sufficient plans, studies or other data to demonstrate compliance.

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C. Compliance with other laws. The approval may be conditioned upon the applicant demonstrating compliance with other specific applicable local, state and federal laws, regulations and permits.

D. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this ordinance.

E. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any improvements proposed to be made by the applicant as a condition on approval.

F. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.

G. The proposed use shall not create a significant hazard to the public health safety, and welfare.

H. The proposed use shall be suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

Section 406 Express Specific Standards for Specified Uses, Conditional Uses and Special Exceptions

In addition to the standards listed in this ordinance and the general standards for all conditional uses and special exceptions the following specific standards shall be met when considering a specific request for a conditional use or special exception as authorized in the tables of authorized principal and accessory uses of this ordinance.

Not all conditional use and special exception uses authorized in the tables of authorized principal and accessory uses have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a special exception or conditional use in the Table of authorized principal and accessory uses, the general standards for all conditional uses and special exceptions shall still apply. In addition, the Council may apply conditions identified in the Express Specific Standards for Specific uses, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.

Section 406.01: Accessory Dwelling Unit

A. Accessory dwelling units may be attached to the principal building, a freestanding structure, or in conjunction with a permitted accessory building on the lot.

B. Accessory dwellings shall be required to have independent and separate public utilities (including water, sewer, electric, gas, cable, etc.) to serve the facility and shall not be connected in to the systems of the principal use on the lot.

C. Accessory dwelling units are only permitted in conjunction with owner occupied properties, when the owner occupies one of the dwellings on the lot.

D. Only one (1) accessory dwelling unit is permitted on a lot.

E. Freestanding accessory dwelling units shall meet all the setback requirements of the principal use of the lot.

Section 406.02: Adaptive Reuse

A. Purpose and Applicability. This section shall apply to structures not initially designed for permanent residential use and former public, semipublic and other large buildings (including schools, churches, armories, and other civic structures) which lie within any zoning district within the Borough. The purpose of this section is adopted for the express purpose of encouraging the adaptive and flexible reuse of such buildings within the Borough that might otherwise not be permissible within the zoning district in which the building(s) are located.

B. Permitted Reuses. Structures determined to meet the criteria of Adaptive Reuses may be reused for the following purposes by conditional use:

1. Single-family dwelling
2. Multiple-family dwelling
3. Financial institution
4. Private clubs or social halls; provided, that there are no sales of alcohol on the premises
5. Day care facilities of all types
6. Nursing or personal care homes
7. Hospitals and medical clinics for humans
8. Civic or cultural building
9. Conference Centers
10. Community Center
11. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Borough Council

C. Standards for Exterior Alterations. It shall be a condition of this adaptive reuse that all exterior alterations shall meet Standards for Historic Preservation if the property contains a historic structure as defined by this chapter. Properties not required to meet the standards for historic preservation shall make exterior alterations generally consistent with the original structures architecture and the neighborhood in which it is located.

D. Signage shall be limited to the type normally permitted in the district.

E. Parking shall meet the requirements of Article VI Parking, provided however parking may be provided on-lot or within 500 feet of the building entrance if sufficient public or on-street spaces are available.

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Section 406.03: Adult Business

A. Legislative Findings: The Borough finds the following with respect to adult business.

1. Adult businesses in any given area will cause blight and deterioration in that area.
2. Properties that are adjacent to adult businesses will decrease in value.
3. Businesses which are not adult-related in nature will not locate in an area with adult businesses.
4. Neighborhoods adjacent to adult businesses are adversely affected by the conduct of patrons of the adult businesses, who interfere with the quiet, peaceful, and lawful enjoyment and use of the neighboring properties.
5. Criminal activity has increased in connection with certain adult businesses.

B. Purpose. The purpose of this section is to protect the retail trade of the Borough, prevent neighborhood blight, maintain stable property values, maintain the quality of residential neighborhoods, and reduce the potential for criminal activity.

C. Intent. The intent of this section is not aimed at the content of the material sold, conduct within, or content of films or books of adult businesses, but rather to minimize and control the adverse secondary effects of such businesses on the surrounding community and protect the health, safety and welfare of its citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of blight. Accordingly, this Ordinance permits adult businesses in certain zoning districts, but regulates the time, place, and manner of adult businesses.

D. Adult Businesses

1. Adult businesses which are defined in this ordinance shall only be permitted in RD District when approved as a Conditional Use and if all of the requirements of this section are adhered to. Adult businesses shall not be permitted in any other zoning district.
2. Adult businesses shall only be permitted in the RD District and shall also meet or exceed the following setback requirements. The building shall be setback as follows:
   a. The building shall be at least 250 feet in any direction from any residential dwelling, (including multi-family buildings), also at least 500 feet from any public park property (including such uses in adjacent municipalities);
   b. The building shall be at least 1000 feet in any direction from any school property, church property, preschool property, or child day care center property (including such uses in adjacent municipalities);
   c. The building shall be at least 100 feet in any direction from any hotel or motel (including such uses in adjacent municipalities); and
   d. The building shall be at least 2500 feet in any direction from any other building which is utilized for any other adult business which is defined in this section (including such uses in adjacent municipalities).

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3. All activities pertaining to the adult business shall be conducted entirely within the confines of the building. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound emitting from the business shall be audible to normal human hearing at any time at any exterior property line of the business.

4. Any adult business which has liquor for sale shall abide by all rules and regulations of the Pennsylvania Liquor Control Board (LCB). If any of the applicable regulations of the LCB are more stringent than the regulations specified in this section, those regulations shall be adhered to by the applicant.

5. Unless governed by more stringent regulations by the Pennsylvania Liquor Control Board, the following hours of operation shall be adhered to by all adult businesses.

    a. No adult business shall be open from 2:00 A.M. to 11:00 A.M. daily.

    b. No adult business shall be open on Sundays and holidays except that an adult business open on Saturday may remain open until 2:00 A.M. on Sunday morning.

6. The maximum gross floor area of any building which is utilized for an adult business shall be 5,000 square feet.

7. No adult business shall display an exterior sign which displays obscene materials or which depicts nudity or sexually explicit activities. All other regulations pertaining to commercial signs shall be complied with.

8. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable sections of this Ordinance.

9. To insure the regulations of this section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.

    a. A site survey of the property and building proposed for the adult business and a survey illustrating the distance to the location, size, and type of all buildings and uses within 2500 feet of the building proposed for the adult business. The survey shall be prepared and sealed by a surveyor licensed by the Commonwealth of Pennsylvania and shall be at a scale no less than 1 inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated, and shall be on paper measuring 24 inches by 36 inches. Twenty (20) copies of the survey shall be submitted with the application.

    b. The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, and any other exterior improvements.

    c. If liquor for sale is proposed, a copy of the license issued by the Pennsylvania Liquor Control Board shall be submitted.

10. In addition to a conditional use permit, a land development plan shall be required for the development of the site. Requirements for the land development plan are in the Subdivision and Land Development Ordinance.

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11. An applicant proposing an adult business shall satisfy all requirements of the Zoning Ordinance which relate to general requirements for approval of conditional uses.

E. Additional Regulations for Nude Model Studios.

1. A nude model studio shall not employ any person under the age of 18 years.
2. The Studio owner or operator and any person under the age of 18 years commits a violation of this Ordinance if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a rest room not open to public view or visible to any other person.
3. The Studio owner or operator and any person commits a violation of this part if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.
4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises; except that a sofa may be placed in a reception room open to the public.

F. Prohibition Against Children in a Sexually Oriented Business.

1. A person commits a violation of this Ordinance if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

Section 406.04: After Hours Club

A. All operations shall be conducted within a completely enclosed building.

B. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.

Section 406.05: Animal Production

A. A minimum lot area of three (3) acres is required for this use.

B. Buffering at a minimum of height of six (6) feet at planting shall be installed along adjacent property lines and maintained throughout the life of the facility. Fencing shall be a minimum of six feet in height and shall be opaque.

C. Noise and odor control must be provided and must meet or exceed the minimum standards of the Allegheny County Health Department.

Section 406.06: Assisted Living Facility

The standards for nursing homes in this article shall apply.

Section 406.07: Automobile Repair and Service

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All automobile servicing and repair activities shall be:

A. Carried on within an enclosed building

B. Screened along any property line that abuts a residential zoning district.

C. Automobile repair bays shall not face an arterial street.

D. The following activities and equipment are permitted only in the rear yard and at least 50 feet from a residential zoning district:

    1. Storage of vehicle parts and refuse;

    2. Temporary storage of vehicles during repair and pending delivery to the customer; and

    3. Vacuuming and cleaning.

E. The following activities and equipment are permitted only within an enclosed building:

    1. Lubrication equipment;

    2. Motor vehicle washing equipment; and

    3. Hydraulic hoists and pits.

F. Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding 10 days during any 30-day period.

G. No building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a residential zoning district.

H. Body work and painting shall be conducted within fully enclosed buildings. All motorized vehicles not in operating condition shall be kept in fully enclosed buildings except as noted above.

Section 406.08: Bed and Breakfast

A. The operator shall be a full-time resident of the dwelling in which the bed-and-breakfast is located.

B. No more than five (5) guest rooms shall be offered to transient overnight guests.

C. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.

D. In addition to the parking required for the dwelling, one off-street parking space shall be provided for each guest room offered to overnight guests.

Section 406.09: Billboards

A. Billboards shall meet the general requirements for all conditional uses.

B. The provisions of Article VII regulating Billboards, are incorporated herein.

Section 406.10: Catering Hall/Events Venue

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A. Catering halls/Events venue located in the NMU zoning district shall meet the following requirements:

1. Serve not more than 100 people per event.

2. All activities shall be contained entirely within an enclosed building

3. Food shall not be prepared outside of an enclosed building

4. No noise, music or other sound shall be broadcast outside an enclosed building

5. Adequate off street parking shall be provided for the use

Section 406.11: Community Center

A. Community Centers shall be permitted to be located in the SFR district only if affiliated with a faith based, nonprofit, or public institution

B. Community Centers located in the SFR district shall meet the following requirements:

1. The community center building shall be located within one-hundred feet (100') of the property boundary of the principal use location of the organization that runs the community center.

2. The community center structure(s) shall not exceed 3000 square feet.

3. No noise, music, or other outdoor activity shall be conducted between the hours of 9:00 p.m. and 8:00 a.m.

Section 406.12: Conversion Dwelling Units

Conversion single family, two-family and multifamily dwellings which increases the number of dwelling units in the zoning districts where authorized shall be subject to the following requirements:

A. Each dwelling unit shall contain a minimum of 800 square feet of gross floor area.

B. Each dwelling unit shall have separate living, sleeping, kitchen and sanitary facilities.

C. The proposed conversion dwelling shall meet the minimum lot and area requirements for similar dwelling types authorized within the district in which it is located.

D. Each dwelling unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.

E. Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.

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F. Conversion dwellings shall provide an additional one (1) off-street parking space for each dwelling unit. The paving and design of the off-street parking spaces shall be in compliance with the requirements of Article VI Parking.

G. Conversion dwellings shall provide continuity in architectural design and shall incorporate any proposed construction into the existing structural features.

H. Conversion dwellings in the CBD shall not be permitted to convert commercial space on the first floor of a structure into a residential use.

Section 406.13: Day Care, Adult

Adult Day-Care Centers shall be subject to:

A. The facility shall be properly registered and licensed and follow all applicable regulations set forth by the Commonwealth of Pennsylvania.

B. There shall be provided an adequate area for safe drop-off and pick-up. Areas for drop-off and pick-up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.

Section 406.14: Day Care Center, Child

Child Day-Care Centers shall be subject to:

A. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania.

B. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.

C. The general safety of the property proposed for a day-care center or home based day care shall meet the needs of small children. There shall be no potential hazards in the outdoor play area.

D. There shall be provided an adequate area for safe child drop off and pick up. Areas for drop off and pick up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic (except home based day care facilities do not require separate vehicle traffic) and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.

Section 406.15: Drive-Through Facilities

A. A Queuing lane(s) at least five (5) car lengths shall be provided for each drive thru lane and shall be designed for ease of traffic circulation and to minimize congestion.

B. All stacking and queuing shall be provided on site.

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C. Direct access to drive thru facilities in the CBD shall be generally encouraged from side and rear yards where possible.

D. Drive- through lanes shall be distinctly marked by traffic islands a minimum of five feet in width. A separate circulation drive shall be provided for passage around and escape from the outermost drive- through service lane. The Borough may consider alternative designs when it is demonstrated that the drive-thru is screened from view and that traffic and pedestrian circulation is improved.

E. The canopy shall be architecturally compatible with the principal building.

Section 406.16: Emergency Shelter

A. Emergency Shelters shall be limited to not more than 15 beds

Section 406.17: Gas Station

A. No gasoline service station shall be located within 500 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. Gasoline pumps shall be located at least 30 feet from the edge of the ROW of a public street.

D. 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.

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

Section 406.18: Home Based Day Care

A. The use shall be subordinate to the facility's primary use as a family residence.

B. The use must be in compliance with all requirements of applicable Building Codes and Fire Codes as adopted by the Borough, and the Rules and Regulations of the Pa. Department of Public Welfare relating to Home Based Day Care, and all other applicable laws, ordinances and regulations.

C. To the extent that those picking up and/or dropping off their children do so by use of vehicles, adequate provision for off-street parking shall be provided and/or sufficient on-

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street parking must be available, as determined by the Borough Council, so as not to result in traffic congestion, facilitate traffic movement and provide for maximum safety and protection on the abutting residential streets.

D. The Borough Council shall determine appropriate times of operation and the quantity of children serviced by the Home Based Day Care such that the use will not disturb and/or disrupt the peaceful enjoyment of the adjacent residential uses.

Section 406.19: Hospital

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

B. 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 the provisions of this Chapter.

C. 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.

Section 406.20: Methadone Treatment Facility

A. For any building (or portion thereof) which is proposed to contain a methadone treatment facility, the lot upon which such building (or portion thereof) sits shall not be located closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment.

B. Notwithstanding Subsection A above, a methadone treatment facility may be established and operated closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the governing body approves a use for said facility at such location. At least 14 days prior to any such vote by the governing body, one or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality pursuant to public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearing(s) at least 30 days prior to said public hearing(s) occurring.

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C. All buildings proposed to contain a methadone treatment facility shall fully comply with the requirements of the then current edition of the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and as adopted by the Borough.

D. In addition to the otherwise required number of parking spaces specified by Article VI of this ordinance for the usage of the building proposed for a methadone treatment facility, additional parking shall be required specifically for the methadone treatment facility at a rate of one additional parking space for each 200 square feet of area devoted to the methadone treatment facility.

E. Each building or portion thereof proposed for use as a methadone treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the methadone treatment facility. Such separate and distinct entrance shall face a major street thoroughfare. Access to the methadone treatment facility shall not be permitted via a shared building entrance or from a shared interior corridor within the building in which it is located.

Section 406.21: Microbrewery

Same as the requirements for Tavern or Bar

Section 406.22: Microdistillery

Same as the requirements for Tavern or Bar

Section 406.23: Mobile Home Park

A. Plans shall be submitted and reviewed by the Borough for all mobile home parks in compliance with the Subdivision and Land Development ordinance of the Borough, and all other provisions that apply to a land development.

B. The minimum tract area shall be three (3) contiguous acres. This minimum tract area shall be under single ownership.

C. The maximum average density of the tract shall be six (6) dwelling units per acre. To calculate this density, land in common open space or proposed streets within the park may be included, but land within the one-hundred-year floodplain, wetlands and slopes over 25% shall not be included.

D. Each mobile/manufactured home park shall include a thirty-five-foot-wide landscaped area, including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Borough as part of any required use approval. Such landscaped area shall not be required between adjacent mobile home park developments. The same area of land may count towards both the landscaped area and the building setback requirements.

E. A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.

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F. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.

G. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of preexisting public streets shall be 50 feet.

H. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units to which the accessory structure is not accessory.

I. A minimum of 15% of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall, at a minimum, include a rectangular grass field, 100 feet by 200 feet, suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall, at a minimum, include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.

J. Streets.

    1. Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
    2. Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
    3. Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Borough cartway construction standards.

K. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.

L. Along through streets, a minimum nighttime lighting level of 0.2 foot-candle shall be maintained, at no expense to the Borough.

M. A manufactured/mobile home park shall comply with all of the same requirements of Borough ordinances that apply to a subdivision or land development of site-built single-family detached dwellings, except for requirements that are specifically modified by this section. This includes, but is not limited to, submission, approval and improvement requirements of the Borough's Subdivision and Land Development Ordinance.

Section 406.24: Multi Family Dwellings

A. Multifamily dwellings located in the CBD shall have not residential units or any residential space within the first twenty foot (20') of the first floor of the structure abutting the public street.

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Section 406.25: 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 site shall be served by public water and public sewers.

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

F. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.

G. The parking and circulation plan shall be referred to the appropriate Fire Company for comments regarding traffic safety and emergency access.

H. 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.

I. Nursing homes shall have a bed capacity of at least 20 beds but no more than 200 beds

J. Buffer yards may be required alongside 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.

Section 406.26: Oil or Gas Well; Natural Gas Compressor Station; Natural Gas Processing Plant

A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within the Borough unless a zoning permit under this ordinance has been issued by the Borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.

B. The permit application, or amended permit application, shall be accompanied by a fee as established by Resolution in the Borough Fee Schedule.

C. When multiple wells are located on the same well pad, a separate zoning permit for each well is required.

D. In addition to the other requirements of this Ordinance the applicant shall provide to the Borough at the time of application the following information:

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1. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including DEP permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.
2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Borough and all applicable Emergency Responders as determined by the Borough. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all applicable Emergency Responders as determined by the Borough.
5. A site plan of the oil or gas well site showing the drilling pad, planned access roads, the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the oil or gas well site configured such that the normal flow of traffic on public streets shall be undisturbed.
6. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the oil or gas well site. The plan will identify, but not be limited to gathering lines, natural gas compressor stations, and other midstream and downstream facilities located within the (municipality) and extending 800 ft. beyond the (municipality) boundary.
7. A site plan of the natural gas compressor station or natural gas processing plant including any major equipment and structures and all permanent improvements to the site.
8. A narrative and map describing the planned access routes to the well sites on public roads including the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the location, drilling, construction, maintenance and operation of the oil or gas well site.
9. Operator shall comply with any generally applicable bonding and permitting requirements for Borough roads that are to be used by vehicles for site construction, drilling activities and site operations.
10. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the Borough streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

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11. A statement that the applicant will make the operation's Preparedness, Prevention and Contingency Plan available to the Borough and all Emergency Responders at least 30 days prior to drilling of an oil or gas well and at least annually thereafter while drilling activities are taking place at the oil or gas well site.

12. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all applicable Emergency Responders as determined by the Borough. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple wells/well pads are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last 12 months shall be accepted. Site orientation for each well/well pad shall still be required for the appropriate Emergency Responders, as determined by the Borough.

E. Access.

1. Vehicular access to a natural gas well, oil well or well pad solely via a residential street is not permitted.

2. Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.

3. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

4. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit Approval. Prior to initiating any work at a drill site, the Borough shall be provided a copy of the Highway Occupancy Permit.

5. Access directly to Borough/County roads shall require a Driveway Permit/Highway Occupancy Permit prior to initiating any work at a well site.

F. Height.

1. Permanent structures associated with an oil and gas well site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.

2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.

3. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, pad drilling and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well or pad drilling.

G. Setbacks/Location.

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1. Drilling rigs and equipment shall be located a minimum setback distance of one (1) foot for every foot of height of equipment from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
2. Natural gas compressor stations and natural gas processing plants shall comply with all general setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.
3. Well pads shall be set back a minimum of 500 feet from any residential property.
4. Well heads shall be located 800 feet from any residential property.
5. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Borough residents' enjoyment of their property and future development activities as authorized by the Borough's applicable ordinances.

H. Screening and Fencing.

1. Security fencing shall be required at oil or gas well sites during the initial drilling, or re-drilling operations.
2. 24-hour on-site supervision and security are required during active drilling operations.
3. Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
4. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary.
5. First Responders shall be given means to access oil or gas well sites in case of an emergency. Applicant must provide the County 911 Communications Center necessary information to access the well pad in the event of an emergency.
6. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
7. In construction of oil or gas well sites, the natural surroundings should be considered and attempts made to minimize impacts to adjacent properties.

I. Lighting.

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas development, either temporary or permanent, shall be directed downward and

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inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.

2. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

J. Noise.

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

1. Prior to drilling of an oil or gas well, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the zoning officer within three business days of such a request.

3. The noise generated during drilling and hydraulic fracturing activities shall not exceed the average ambient noise level (as determined by the 72-hour evaluation as identified in subsection 1) or default level, whichever is higher:

   a. During drilling activities, by more than 10 decibels during the hours of 7:00 a.m. to 9:00 p.m.

   b. During drilling activities, by more than 7 decibels during the hours of 9:00 p.m. and 7:00 a.m. or by more than 10 decibels during hydraulic fracturing operations. The operator shall inform the Borough of which level (average ambient noise level or default level) is being used.

4. All permanent facilities associated with oil and gas well sites, including, but not limited to, natural gas compressor stations and natural gas processing plants, shall meet the general noise requirements of this Ordinance. Where a conflict exists the more stringent requirements shall apply.

5. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.

6. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.

7. If a complaint is received by the Borough regarding noise generated during construction, drilling, or hydraulic fracturing activities, or for natural gas compressor stations, natural gas processing plants or midstream facilities, the

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operator shall, within twenty-four (24) hours following receipt of notification, begin continuous monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Borough and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

K. As a condition of approval, applicant shall provide all permits and plans from the Pennsylvania DEP and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the Borough.

L. Temporary housing for well site workers on the site is not permitted.

Section 406.27: Outdoor Hydronic Heater

A. Outdoor Hydronic Heaters are only permitted on properties that exceed one (1) acre in size.

B. Heaters shall not be located closer than thirty (30) feet from any property line.

Section 406.28: Places of Worship

A. Places of worship located in the CBD shall in keeping the character of the business district, ensure the first floor of the structure resembles a typical commercial structure in business district. Blank walls, the elimination of first floor windows and other structural alterations shall be minimized.

Section 406.29: Park & Ride Facility

A. The parking facilities must serve a public transportation system.

B. There must be a separate entrance and exit from the site.

C. The parking area shall be screened with fencing, landscaping, or a combination thereof, to reduce potential light, glare and noise impacts on adjacent properties.

D. A traffic study will be performed and any traffic impacts will be mitigated by the applicant.

E. No such area shall be used for an automobile, trailer or boat sales area or for the accessory storage of such vehicles.

F. Park & Ride facilities in the CBD are only permitted in a multi-story parking garage.

Section 406.30: Pawnshop

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A. No pawnshop shall be located within 1000 feet of another pawnshop.

Section 406.31: Recycling Business

A. The perimeter of the property shall be enclosed with a fence or wall no higher than 8 ft. and no lower than 6 ft. in height. Barbed-wire fences are prohibited.

B. Requirements for indoor and outdoor storage see Table 10.

TABLE 10 – RECYCLING REQUIREMENTS

Type of Recyclable	Under Roof Y/N	Need to be Covered Y/N
Beverage Containers	No	No
Demolition Debris	No	No
Electronics	Yes	N/A
Metal	No	No
Oil	Yes	N/A
Paper	Yes	N/A
Plastic	No	No
Rubber Products	No	Yes
Tires	Yes	Yes

C. Batteries and other items considered hazardous waste shall not be kept on site.

D. Recycled oil shall be kept in an enclosed container at all times.

E. Any item that would create a hazardous run-off shall be kept under a roof or covered at all times.

F. Items such as newspaper, office paper, plastic and drinking containers shall be secured so that they are not effected by the wind.

G. No pile of recyclables shall exceed 20 feet in height.

Section 406.32: Retirement Housing Facility

A. Retirement housing facilities in the CBD shall not be permitted to have housing on the first floor.

Section 406.33: Salt Storage Facility

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A. The perimeter of the property shall be enclosed with a fence no higher than 8 ft. and no lower than 6 ft. in height. Barbed-wire fences are prohibited.

B. All salt piles must be covered with a tarp in order to prevent run-off into public or private sewer inlets.

Section 406.34: Schools (Public and Private)

A. 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 the provisions of this Chapter.

B. 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.

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

Section 406.35: Sidewalk Dining

A. The area to be utilized shall be accessory to an existing permitted restaurant and shall abut the public sidewalk or right of way of the permitted restaurant. The dining area shall not extend beyond the actual width of the building in which the restaurant is located.

B. The portion of the public 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 public sidewalk dining area. The unobstructed area shall be clear of utility poles, traffic meters, water hydrants, street trees, planter boxes, trash receptacles, etc.

C. The public sidewalk dining area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately 3 feet and shall be removed when the restaurant is closed. The barrier shall be of material and design in keeping with the character of the neighborhood and shall not create a hazard to pedestrians.

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 stop.

E. The hours of operation of the sidewalk dining services shall be determined by Council at the time of the conditional use approval.

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

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

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

Section 406.36: Skilled Nursing Facility

The standards for nursing homes in this article shall apply.

Section 406.37: Solar Energy Production Facilities, Large

Large Solar Energy Production Facilities – Large solar energy production facilities shall be subject to the following regulations:

1. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
3. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
4. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.
5. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
6. All ground-mounted and free standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
7. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
8. For a building-mounted system installed on a sloped roof that faces the front yard, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge of the system.
9. Building-mounted systems mounted on a flat roof shall not be visible from the public ROW immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public ROW at ground level.

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10. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three (3) feet above the highest point of the roof line to which it is attached.
11. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.
12. The surface area of ground-mounted systems, regardless of the mounted angle of any portion of the system is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district in which it is located.
13. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.
14. Vacation, Abandonment and/or De-commissioning of Solar Facilities:
    a. The solar energy production facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation.
    b. Discontinuation/abandonment is presumed when a solar system has been disconnected from the Net metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the Borough.
    c. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
    d. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipments and removal of all net metering equipment.
    e. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar facilities within the twelve (12) month period outlined above the Borough reserves the right to enter the property, remove the system and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owners expense.
    f. Any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar system shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens.
15. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structures.

Section 406.38: Solid Waste Facilities (Transfer Stations, Incinerators, Landfill)

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A. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Street design shall allow a weight limit of 19,000 pounds per axle. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets primarily intended to provide access to residences in a neighborhood.

B. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.

C. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a residential zoning district.

D. The hours of operation shall be limited from 7:00 AM to 7:00 PM, except that the hours of operation may be extended when the DEP certifies that sanitation conditions require an extension of operating hours.

E. Municipal solid waste landfills shall be covered in accordance with the DEP. Exterior lighting shall not cause illumination in excess of 1 foot candle at any property line, except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

Section 406.39: Tavern or Bar

A. Shall cease operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours

B. Shall not be located closer than 600 feet to another similar existing use.

C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Borough may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 406.40: Urban Agriculture, Limited (no Animals)

A. The keeping of poultry, birds, livestock or other farm animals is not permitted.

B. The keeping of Bees is permissible, subject to the same conditions contained in the requirements for Urban Agriculture, Accessory Uses.

C. No processing of products grown on the site is permitted.

D. All structures shall be subject to any required setbacks of the zoning district, but shall in all cases be a minimum of ten (10) feet from any property line.

E. All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

Section 406.40a: Urban Agriculture, Limited (Animals)

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A. Urban agriculture with grazing animals shall be permitted on a limited basis in the Carrie Furnace Development District (CFDD) provided the following regulations are met:

1. Any person, firm or corporation desiring to house goats and associated animals must first obtain a permit from the Swissvale Borough Zoning Officer.

2. Any person, firm or corporation desiring to house goats and associated animals must own or lease a minimum of two (2) contiguous acres.

3. A shelter for the housing of goats and associated animals must be provided on site. The shelter must be temporary in nature and must be large enough to house all animals at any given time and must be of such construction that the animals can be penned in if necessary.

4. The shelter may not be located less than 100 feet from any property line or lease boundary.

5. A fence must be installed to contain the animals on the subject property and not allow animals to roam freely onto neighboring properties, undeveloped land, public property or public rights-of-way.

6. Goats and associated animals are not permitted to be kept ant any location for more than 90 consecutive days and may not be kept for more than 180 days in a calendar year.

Section 406.41: Urban Agriculture Accessory Use

A. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

B. Keeping of Poultry Birds requires a minimum lot size of two-thousand (2,000) square feet. Lots or properties that meet the minimum lot size are permitted three (3) poultry birds. For every additional two-thousand (2,000) square feet of property above the minimum requirement, the owner is permitted one (1) additional poultry bird.

C. All structures related to the housing of poultry birds shall be at least 6 Sq. Ft. in size and a minimum of 2 Sq. Ft. per additional poultry bird.

D. Roosters are not permitted.

E. The hen house and/or pen shall be properly designed and constructed to provide adequate security from rodents and predators. Sufficient ventilation and suitable shelter for hens must be provided. The hen house may not be taller than six (6) feet and must be easily accessible for cleaning and maintenance. Any windows must be screened with chicken wire to protect the hens from predators.

F. For property with a minimum of two-thousand (2,000) square feet in size, the property owner is permitted to keep two (2) beehives. For every additional two-thousand (2,000) square feet of property, the owner is permitted two (2) additional beehives.

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G. All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, and shall otherwise be set back at least ten (10) feet from any property line.

H. Ground mounted beehives shall be located no higher than six (6) feet from grade.

I. Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance.

J. Roof mounted beehives shall be located on principal and accessory structures no lower than ten (10) feet from grade and shall not be within the required setback.

K. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.

L. Outdoor roaming areas for poultry birds shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.

M. The keeping of poultry birds or honeybees shall be permitted as an accessory use only where there is an occupied residence.

N. The keeping of livestock or other farm animals shall not be permitted as an accessory use.

Section 406.42: Uses Not Listed

A. It is the intent of this ordinance to group similar or compatible land uses into specific zoning districts. Uses which are not specifically listed in the Tables of Authorized Uses (Principal and Accessory) may be permitted upon finding by the Borough that the proposed use is similar to a use listed in the Tables of Authorized Uses.

B. If a property owner or user asserts that a proposed use is not provided for in the Table of Authorized Uses (Principal and Accessory) the property owner or user shall file an application for conditional use with the Borough and which shall review and make a determination if the proposed use is similar to another use contained in the table of authorized uses.

C. If the Borough finds the use is similar to an existing use contained in the table it may permit the use subject to the same conditions and requirements of that use including the district in which it may be located.

D. In considering if a proposed use is similar to an existing use contained in the Table of Authorized Uses (Principal and Accessory) the Borough in not limited to assertions of the applicant that the use is similar to a specific listed use, but instead may consider all uses (Principal and Accessory) contained in the Tables of Authorized Uses.

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E. If the Borough finds the use is similar to an existing use all other provisions of this Ordinance and all codes and ordinances of the Borough shall apply.

Section 406.43: Warehouse & Storage Services (including distribution)

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

Section 406.44: Wind Energy Production Facility, Large

Large Wind Energy Production Facility – Large wind energy production facilities shall be subject to the following regulations:

A. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

B. Large wind energy production facilities shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.

C. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.

D. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.

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E. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.

F. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.

G. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.

H. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.

I. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.

J. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

K. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.

L. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street ROW, or overhead utility line.

M. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.

N. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

O. The large wind energy production facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structures.

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Article V: Supplemental Regulations

Section 501: Screening and Landscaping

Landscaping specifications. Landscaping shall be provided in accordance with the following specifications: A landscaping plan, with detailed drawings, must be submitted with a required subdivision or land development or in the case where subdivision and/or land development approval are not required prior to building permit application. The landscaping plan must contain and show the following information:

1. All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying size of plantings.
2. All required planting (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale and identifying size of plantings.
3. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
4. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
5. All areas of a lot not covered by building or impervious material shall be maintained as landscaped or natural areas.

A. Buffer Yards

1. Applicants shall demonstrate through the submission of a landscape plan that sufficient landscaping and buffering is provided to minimize impact to adjacent uses. When required a minimum of two deciduous trees and three evergreen trees shall be required for every 100 ft. of property line where buffering is required. In addition five shrubs shall be provided for every 100 ft. of property line where buffering is required. Buffer yards are required to be a minimum of 10 ft. in width. The Borough encourages flexibility in design and will entertain alternative buffering plans where the applicant demonstrates the buffering plan is equal to or better than the requirements of this ordinance and meets the intent of this section. The use of decorative walls, decorative fences and landscape mounds are allowable in an effort to meet the requirements of this section.

2. Buffer areas required. Buffer areas are required under the following circumstances:

   a. Along Public Roads. A Landscape buffer will be required for all new nonresidential development and which abut a public street. The buffer yard will be provided for the entire length of the public street frontage.

   b. Parking Lots and Loading Areas. A landscape buffer will be required around the perimeter of parking lots and loading areas in all zoning districts.

   c. Adjacent Uses. Buffer yards are intended to minimize impacts of different uses on adjacent sites or properties. When new development is proposed buffer yards will be required along the perimeter of the site. Buffer Yards In the CBD and NMU districts may be relaxed or eliminated at the discretion of the Borough where the development proposes reuse of existing structures on

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the site and where such site does not provide adequate area for the addition of a buffer.

d. Where the express standards and criteria for a conditional use or use by special exception in Article IV of this ordinance specify that a Buffer Yard is required.

B. General Provisions

1. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
2. Maintenance Required. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. Replacement shall be no later than the subsequent planting season.
3. Conflict between buffer areas and building setback requirements. When the width of a required buffer area is in conflict with the minimum building setback requirements of this Ordinance the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
4. Storm water management facilities in buffer areas. Storm water management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

C. Plant Sizes.

1. Deciduous Trees. All trees required to be planted shall be a minimum of two inches in diameter at a point one foot above the ground. All required trees shall be a minimum of six feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of 6 foot in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.
3. Shrubs. All shrubs required to be planted shall be a minimum of 24 inches in height at planting.

Section 502: Lighting Requirements

Lighting for all uses in the Borough shall meet the following requirements:

Section 502.01: Nonresidential Use Lighting Standards

All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, sidewalks, pathways, and loading spaces shall be sufficiently illuminated so as to provide safe movements on site.

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A. Illumination shall be by sharp cut-off fixtures with flush-mounted lens cap, with the following exceptions.

   1. Decorative street-lighting along streets (not including parking lot areas) are exempt from this requirement. However, streetlight poles for decorative street-lighting shall not exceed 24 feet in height, measured from finished grade to the top of the fixture.

   2. Decorative lighting along pedestrian walkways in front of buildings and in pedestrian plazas is exempt from this requirement. However, light poles for the decorative lighting shall not exceed 15 feet in height, measured from finished grade to the top of the fixture.

B. Fixtures (including those mounted on a building or other structure) shall be mounted parallel to the ground surface, with the following exceptions.

   1. Decorative street-lighting along streets, decorative lighting along pedestrian walkways in front of buildings, and decorative lighting in pedestrian plazas are exempt from this requirement.

   2. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement.

C. Pole height shall be a maximum of twenty-four (24) feet.

D. Illumination shall not exceed one footcandle at all property boundaries unless it is adjacent to a property used for residential purposes. In this event the lighting shall not exceed 0.25 foootcandles at the property line and efforts must be taken to avoid light spillover onto adjacent properties. In no event shall lighting of any part if the site exceed 10 footcandles. Footcandle illumination shall be measured horizontally on the ground surface and vertically at a five-foot height at the property lines or any other location where a measurement is taken.

E. All site lighting including architectural, landscape, and canopy lighting shall be from a concealed source that is not visible from the property boundaries or public street ROW. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.

F. All non-residential sites must have a minimum light dispersion of 0.5 footcandles at all developed locations throughout the property where employees, delivery agents and the public may be expected to occupy. Lighting dispersion shall not exceed 10 footcandles at any location.

Section 502.02: Residential Use Lighting Standards

A. For all residential uses that require parking lots that contain more than ten (10) parking spaces the proposed use shall comply with the requirements of the nonresidential use lighting standards above.

B. All other proposed lighting in residential districts shall be oriented so as not to interfere with adjacent properties. Decorative street lights constructed in conjunction with a

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proposed residential development shall be designed to minimize impact to existing developments or properties.

C. All residential sites must have a minimum light dispersion of 0.25 footcandles at all developed locations throughout the property where residents and guests may be expected to occupy. Lighting dispersion shall not exceed five (5) footcandles at any location.

Section 503: Fences and Walls

A. No fence or wall shall be erected, replaced, or altered unless an application has been made, and a permit issued by, the Zoning Officer.

B. Fences may be permitted on lots with no principal use subject to the requirements of this section.

C. Fence location. No fence exceeding four feet in height shall be allowed in the front yard. Fences, less than four feet in height, located in the front yard are required to be fifty percent (50%) opaque.

D. Fences and all supporting structures must be entirely on the property of the party erecting the fence and shall not encroach upon a public ROW.

E. Fence heights.

    1. The height of all fences or walls shall be measured from the finished grade to the top of the fence.
    2. Unless otherwise stated, no fence or wall shall exceed six feet in height.
    3. A fence of no more than 10 feet in height shall be allowed to enclose private or public recreation facilities provided that the fence is not more than 60% solid.

F. Fences or walls in nonresidential districts abutting residential districts shall not exceed six feet in height.

G. All fences and walls shall be maintained and, when necessary, repaired, removed or replaced.

H. Street intersections. No fence shall be installed that obstructs sight distance at street intersections or interferes with the required clear sight triangle.

Section 504: Flood Plains

All development and use of land and structures in floodplain districts shall comply with the most recently adopted flood plain management ordinance of the Borough as may be amended from time to time.

Section 505: Performance Standards

A. Noise. The ambient noise level of any operation, other than those exempted below, shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is

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the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this ordinance, ambient noise level is the average decibel level recorded during observations taken in accordance with industry standards for measurement and taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.

1. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
    a. Residential districts. At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA.
    b. Nonresidential districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA.
    c. Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
2. The following uses or activities shall be exempted from the noise regulations:
    a. Customary and usual farming activities in all zoning classifications.
    b. Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.
    c. Noises caused by safety signals, warning devices and other emergency-related activities or uses.
    d. Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.
    e. Normal utility and public works activities between the hours of 7:00 a.m. and 9:00 p.m., and emergency operations at any time.
3. In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable county, state and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

B. Vibrations. Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any district shall be prohibited. The prohibition on vibrations shall also be subject to any other separate ordinance adopted by the Borough.

C. Glare. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any district.

D. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

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E. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

F. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

G. Air pollution. No pollution by air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. Ultimately, air pollution may be acceptable provided that the use complies with all regulations or requirements of the DEP, EPA and all other regulatory agencies.

H. Determination of compliance with performance standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.

Section 506: Temporary Construction Trailers

Temporary construction trailers or offices shall be permitted in any zoning district subject to the following conditions:

A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit.

B. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction.

C. Temporary construction trailers shall be located on the lot on which the construction is progressing unless an alternative location is approved by the Zoning Officer based on circumstances that make it impractical to locate on the lot on which construction is occurring. In any case the temporary trailers shall not be located within 25 feet of any property line adjoining residential use.

D. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.

E. No combustible materials shall be stored in temporary construction trailers.

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Section 507: Outdoor Storage

A. In nonresidential zoning districts except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by an opaque fence or dense, compact evergreen hedge which is at least six feet in height.

B. In any other district, any material or equipment stored outside an enclosed building, except for the purposes identified above, shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. Buffering as identified in the buffer yard requirements of Article V of this Ordinance, may be required to screen material or equipment stored outside

C. All organic rubbish and discarded materials shall be contained in tight, verminproof dumpsters which shall be screened from public view by an opaque fence, masonry wall or dense, compact evergreen hedge which is at least six feet in height. Containers shall not be permitted in the front yard.

Section 508: Utilities

All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

Section 509: Exterior Finishes

The exterior finish of the building, whether finished face brick, wood veneer, siding or any other finished facing materials approved by the zoning officer, shall come down the building to within six (6) inches of finished grade. Plain Masonry block or poured concrete shall not be considered a finished product; nor shall either of these construction surfaces be considered as a finished product if painted, unless specified as a specific architectural exterior treatment by a design professional.

Section 510: Screening of Roof Equipment

Mechanical equipment designed to be located on the roof of a structure/building must be screened with typical building materials. The screen must be designed to complement building designs and conceal this equipment from neighboring property owners and the public on adjacent roadways.

Section 511: Wireless Communications Facilities

A. Purposes and Findings of Fact

1. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in Swissvale Borough. While the Borough recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation

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to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

2. By enacting this Ordinance, the Borough intends to:

   a. Promote the health, safety, and welfare of Borough residents and businesses with respect to wireless communications facilities;

   b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;

   c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the Borough, including facilities both inside and outside the public rights-of-way;

   d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other wireless communications facilities;

   e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;

   f. Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the Borough's authority;

   g. Protect Borough residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

   h. Update the Borough's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

B. General Requirements for All Tower-Based Wireless Communications Facilities.

The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

1. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code as adopted by the UCC of Pennsylvania, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

2. Conditional Use Required. Each applicant proposing the construction of a Tower-Based WCF shall complete and submit a Conditional Use application prior to beginning construction of such WCF. Such application shall be evaluated by the

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Borough and subject to the proceedings of Article IV of the Borough Zoning Ordinance.

3. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended).

4. Height. Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF applicants must submit documentation to the Borough justifying the total height of the structure. The maximum total height of any Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. Equipment buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.

5. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet, such as cabinets and accessory structures, shall not be located within fifty (50) feet of a lot in residential use or zoned residential.

6. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

7. Maintenance. The following maintenance requirements shall apply:

   a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

   b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.

   c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

8. Modifications. Applicants proposing the modification of any Tower-Based WCF shall submit a building permit application to the Borough and shall not commence such modifications until the complete application has been received by the Borough.

9. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

10. Historic Buildings or Districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Borough.

11. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an

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emergency. There shall be no other signage permitted on the WCF, except for that required by law FCC/FAA regulations.

12. Lighting. Tower-Based WCF shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

13. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

14. Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

15. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.

16. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Borough shall advise the applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

17. Non-Conforming Uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location within one year after damage occurs, but must otherwise comply with the terms and conditions of this Ordinance. Co-location on non-conforming Tower-Based WCFs is permitted.

18. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

    a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.

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b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF. In addition to and not in lieu of any other remedy available to the Borough to recover costs associated with removal, the Borough shall file liens against the WCF owner and the owner of any real property upon which a WCF is sited, in order to recover any unpaid legal fees, consultant fees, and court courts that may be incurred.

c. Any unused portions of Tower-Based WCFs, including antennae, shall be removed within six (6) months of the time of cessation of operations. The Borough must approve all replacements of portions of a Tower-Based WCF previously removed.

19. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs.

20. FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

21. Insurance. Each Person that owns or operates a Tower-Based WCF greater than forty-five (45) feet in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of $5,000,000 per occurrence and property damage coverage in the minimum amount of $5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty- five (45) feet or less in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering each Tower-Based WCF.

22. Indemnification. Each Person that owns or operates a Tower-Based WCF, or the property on which such WCF is located shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF and each owner of property upon which a Tower-Based WCF is located shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

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23. Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

24. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the applicant shall provide to the Borough financial security in the form of a letter of credit or bond sufficient to guarantee the removal of the Tower-Based WCF. The amount of said financial security shall be determined based upon industry standards for removal and shall remain in place until the Tower-Based WCF is removed.

C. Tower-Based Facilities Outside the Rights-of-Way

The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the public Rights-of-Way:

1. Development Regulations:

   a. Location. No Tower-Based WCF shall be located in an area in which all utilities are located underground, except as permitted by this Ordinance.

      1) The following regulations shall apply to Tower-Based WCFs:

         a) Such Tower-Based WCFs may be located in the following Zoning Districts:
            i. MFR – Multi Family District
            ii. PU – Public Use District
            iii. RD – Redevelopment District

      2) Such Tower-Based WCFs shall not be located in, or within one hundred (100) feet of an area in which all utilities are located underground.

   b. Site Requirements. A Tower-Based WCF may be located as permitted in the district regulations, as set forth in Article III of the Borough Zoning Ordinance.

   c. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage.

   d. Permitted as a Sole Use on a Lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in Article III of the Borough Zoning Ordinance.

   e. Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

      1) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.

      2) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security

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fence, and buffer planting if the proposed WCF is greater than fifty (50) feet in height.

3) Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district. The minimum setback shall be a distance that is at least equal to 1 1/2 times the height of the tower.

2. Notice. Upon submission of an application for a Tower-Based WCF, the applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The applicant shall provide proof of the notification to the Borough.

3. Co-Location and Siting. An application for a conditional use for a new Tower-Based WCF shall not be approved unless the Borough Council finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or on Borough property. Any application for a conditional use for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough Council that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

4. Design Regulations:

   a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Borough Council.

   b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Borough Council. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.

   c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

5. Surrounding Environs:

   a. The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible. Any plantings shall conform to the standards set forth in Article V of the Borough Zoning Ordinance.

   b. The WCF applicant shall submit a geotechnical report to the Borough to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used. The geotechnical report shall certify the appropriateness of the soils found on the site for the type of construction proposed. The geotechnical report must be signed and sealed by a Professional Engineer.

6. Fence/Screen:

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a. A security fence having a maximum height of eight (8) feet shall completely surround any Tower-Based WCF greater than fifty (50) feet in height, as well as guy wires, or any building housing WCF equipment.

b. A screen of evergreen trees planted eight (8) feet on center, and staggered in two (2) rows, shall be located along the perimeter of the security fence surrounding and Tower Based WCF greater than fifty (50) feet in height. Existing vegetation shall be preserved to the maximum extent possible.

7. Accessory Equipment:

   a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described above.

   b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

8. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Borough.

9. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.

10. Parking. For each Tower-Based WCF greater than fifty (50) feet in height, there shall be two off-street parking spaces, or one space per employee, whichever is greater.

11. Inspection. The Borough reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

D. Tower-Based Facilities in the Rights-of-Way

The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the public Rights-of-Way:

1. Prohibited in Underground Utility Areas.

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2. An applicant must site Tower-Based Wireless Communications Facilities along the following Collector Road in the Borough, provided that the facility is not sited within seventy-five (75) feet of an area in which utilities are underground:

    a. The East Busway

    b. I 376.

    c. S. Braddock Avenue

3. Any Tower-Based WCF sited in the public ROW shall not be located directly between the front facade of any structure and the public or private ROW on which the structure fronts.

4. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of Tower-Based WCFs in the ROW.

5. Notice. Upon submission of an application for a Tower-Based WCF, the applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The applicant shall provide proof of the notification to the Borough.

6. Co-location and Siting. An application for a new Tower-Based WCF in the ROW shall not be approved unless the Borough finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one- mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

7. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

8. Equipment Location. Tower-Based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:

    a. The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth Article V of the Borough Zoning Ordinance.

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b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.

c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.

d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti. If such graffiti is not removed within the aforementioned time period, the Borough will remove it and assess the cost of removal to the WCF owner.

e. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Borough Zoning Officer based on considerations of safety, accessibility and impact on use of the right of way.

f. Any Tower-Based WCF shall be located at, or as close to as practicable to, the point where a side lot line intersects with a street ROW line. The requirement of this section is subject to waiver by the Zoning Officer where such a side lot point is undesirable because of visual impact, proximity to a driveway, or other good cause.

9. Design Regulations.

a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Borough Council.

b. Tower-Based WCFs in the public ROW shall not exceed forty-five (45) feet in height.

c. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Borough, and shall not increase the overall height of the Tower-Based WCF to more than forty-five (45) feet.

d. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

10. Additional Antennae. As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennae without obtaining the prior written approval of the Borough.

11. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility

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Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

a. The construction, repair, maintenance or installation of any Borough or other public improvement in the ROW;

b. The operations of the Borough or other governmental entity in the ROW;

c. Vacation of a street or road or the release of a utility easement; or

d. An emergency as determined by the Borough.

E. General Requirements for All Non-Tower Wireless Communications Facilities – No Change

The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not substantially change the physical dimensions of the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough Zoning Officer.

2. Prohibited on Certain Structures. Non-Tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any accessory residential structure.

3. Building Permit Required. Applicants proposing the modification of an existing non-Tower-Based WCF shall obtain a building permit from the Borough zoning office. In order to be considered for such permit, the applicant must submit a permit application to the Borough Zoning Office.

4. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

5. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.

6. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).

7. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

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8. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

9. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

10. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

    a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.

    b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

11. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Borough, the Borough shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. The Borough shall notify the WCF Applicant as to completeness of the WCF Application within thirty (30) days of receipt. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.

12. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Non-Tower WCF.

13. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the Non-Tower WCF.

14. Indemnification. Each Person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the

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Non-Tower WCF and each owner of property upon which a Tower-Based WCF is located. Each Person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

F. General Requirements for All Non-Tower Wireless Communications Facilities – Change

The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCFs are permitted in all zones as conditional uses subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
2. Prohibited on Certain Structures. Non-Tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
3. Permit Required. Any applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, must obtain a Building Permit and conditional use approval.
4. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
5. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSIIEIA-222-E Code, as amended).
6. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
7. Historic Buildings. No Non-Tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Borough, or has been designated by the Borough to be of historical significance. The Borough Council may, in its

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discretion, waive this prohibition if the Applicant can demonstrate that the proposed location is less visually intrusive than other potential sites.

8. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

9. Maintenance. The following maintenance requirements shall apply:

    a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

    b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.

    c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

10. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

11. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

    a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.

    b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

12. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough's sixty (60) day review period.

13. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the

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Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.

14. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.

G. Non-Tower Wireless Facilities Outside the Rights-of-Way

The following additional standards and criteria shall apply to applications for conditional use approval of Non-Tower Wireless Communications Facilities located outside the Rights- of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCFs subject to the following conditions:

   a. Such WCF does not exceed the maximum height permitted in the underlying zoning district.

   b. If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

   c. An eight (8) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

2. Design Regulations.

   a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Borough Council.

   b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of ten (10) feet above the roof or parapet.

   c. The total height of any support structure and mounted WCF shall not exceed the maximum height permitted in the underlying zoning district.

   d. All Non-Tower WCF applicants must submit documentation to the Borough justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

   e. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

3. Non-Commercial Usage Exemption. Borough citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Ordinance.

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4. Removal, Replacement, Modification.

   a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.

   b. Any material modification, such as an increase in height or width, to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.

5. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

H. Non-Tower Wireless Facilities in the Rights-of-Way

The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

1. Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles in the public rights-of-way, such as utility poles or light poles.

2. Design Requirements:

   a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

   b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

4. Equipment Location. Non-Tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:

   a. The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth in Article V of the Borough Zoning Ordinance.

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b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.

c. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Borough.

d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

e. Any underground vaults related to Non-Tower WCFs shall be reviewed and approved by the Borough.

5. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

a. The construction, repair, maintenance or installation of any Borough or other public improvement in the ROW;

b. The operations of the Borough or other governmental entity in the ROW;

c. Vacation of a street or road or the release of a utility easement; or

d. An emergency as determined by the Borough.

Section 512: Temporary Use

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

1. Authorized Temporary Uses, Residential Districts.

a. 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.

b. Rental or sales office in a multi-family residential complex.

c. Outdoor fair, exhibit, show, other special event sponsored by a nonprofit organization.

d. Private garage/yard sale.

e. Other temporary uses, as approved by the Planning Commission.

2. Authorized Temporary Uses, all Other Zoning Districts.

a. Flea market.

b. Outdoor fairs, exhibits.

c. Temporary sales events.

d. Rental or sales office in a development complex.

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e. Other temporary uses, as approved by the Planning Commission.

B. Conditions of Approval for Temporary Uses.

1. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.
2. 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.
3. The Borough Chief of Police and Fire Chief shall be notified in writing of the temporary use.
4. 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.
5. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the Borough. This includes, but is not limited to, provisions for security, trash pick-up, and daily maintenance of the grounds.
6. The Zoning Officer may refer any application for a temporary use to the Planning Commission for review and recommendation prior to issuance of the occupancy permit.
7. 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.

C. 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.

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Article VI: Parking

Section 601: Parking

This section sets minimum parking standards for off-street requirements for new construction and expansion of or changes to existing uses. The purpose of this section is to ensure that uses have a minimum level of on-street and off-street parking to avoid congestion on surrounding streets.

Section 602: Parking Ratios

A. Applicability: The minimum parking ratio standards apply to all zoning districts except as may be modified in the provisions of this Ordinance.

B. Uses not identified: The Borough Planning Commission shall determine the parking requirement for uses that do not correspond to the categories listed in **Table 11**. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

    1. Type of uses;
    2. Number of employees;
    3. Building design capacity;
    4. Square feet of sales area and service area;
    5. Parking spaces proposed on site;
    6. Parking spaces provided elsewhere; and
    7. Hours of operation.

C. Multiple uses: Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure. This provision does not apply where the applicant has sought and secured approval under the shared parking requirements of Article VI, Section 603.B of the Ordinance.

D. Fractional measurements: When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction shall be rounded up to require a full off-street parking space.

E. Floor area measurement: Gross Floor Area and GFA are synonymous for purposes of this ordinance (see the definition of “gross floor area,”).

Section 603: Minimum Parking Ratios

Table 11 establishes the minimum numbers of parking spaces required for the uses indicated. Parking requirements may be met by one or more of a combination of the following methods:

A. **On-site parking**. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to **Table 11**. Only spaces that are designed

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consistent with this section are counted toward the minimum parking required. The following provision apply when providing the minimum number of required on-site parking spaces:

1. Required parking for single family dwellings may be stacked and do not require separate access to each required space.
2. No on-site parking is required for commercial uses in the CDB and NMU zoning districts when the use abuts a public street that has on street parking, or when other public parking is reasonably available to the site.
3. No part of a parking or loading space required for any building to comply with this ordinance shall be included as part of a parking or loading space required for another building.
4. Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.

B. **Shared Parking**.

1. Parking spaces required under this section may be provided cooperatively for two or more uses on a site as shared subject to the requirements of this section.
2. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
   a. The off-site, off-street parking facilities are within 300 feet of the property.
   b. The parking demands of the individual uses, as determined by the zoning officer, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required.
   c. A written agreement between the owners and lessees is executed for a minimum of ten (10) years, approved by the zoning officer as provided in this section. Should the lease expire or otherwise terminate the use for which the off-site parking was provided shall be considered in violation of its zoning approval and, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this ordinance.
   d. An application for approval of a shared parking plan shall be filed with the zoning officer by the owner of the land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or land development approval, the shared parking agreement requires approval of the planning commission and Borough Council.

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Section 604: Parking Dimensions and Surface Requirements

A. Off-street parking spaces shall have a minimum dimensions as established in **Figure 9.**

B. Required off-street parking space(s) and loading zones shall conform to the following: all off-street spaces shall be adequately marked and shall be constructed of an approved all-weather surface to provide safe and convenient access in all seasons. Said all weather surface shall be constructed only of concrete, asphalt or brick or other paved surface approved by the Borough Engineer. The construction of all such off-street loading spaces shall be subject to inspection and approval by the Borough Engineer, concerning the materials of construction and specification of construction, prior to, during and after the completion of construction of such off-street loading spaces.

C. In addition to the other standards of this section, the following regulations shall apply to parking spaces in the SFR zoning district: The term "parking space" shall include but is not limited to a parking pad, driveway and any other area provided for parking a vehicle. Each parking space provided, constructed or maintained for parking of vehicle(s) pursuant to the provisions of this ordinance must have a width not greater than 50% of the width of the front of the dwelling or building structure located on the same lot.

D. The minimum width of aisles internal to a parking lot or structure shall be as prescribed in **Figure 9,** provided that aisles having two-way traffic are required to provide a width of twenty-four (24) feet regardless of angle of parking.

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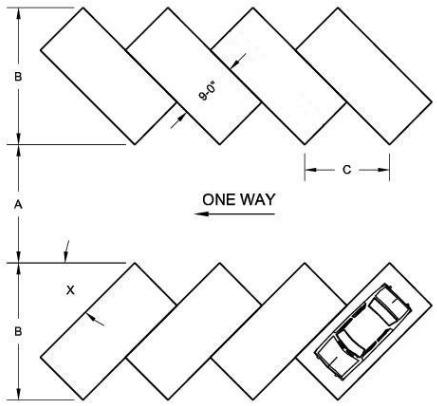
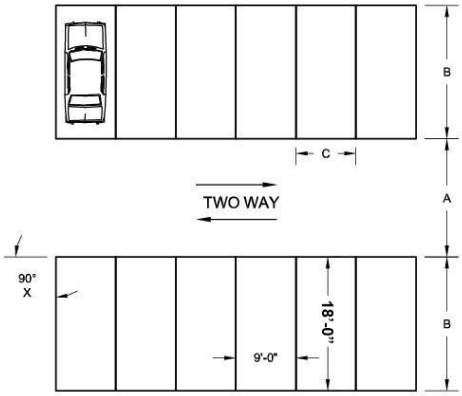
Figure 7 − Parking Dimension Standards

PARKING AREA DESIGN STANDARDS



TYPICAL ANGLE PARKING



TYPICAL 90° PARKING

MINIMUM PARKING SPACES AND AISLE DIMENSIONS			
PARKING ANGLE (X)	A	B	C
30°	11'-0"	17'-9 1/2"	18'-0"
45°	13'-0"	20'-6"	12'-9"
60°	18'-0"	21'-10"	10'-4 1/2"
70°	19'-0"	21'-10 1/2"	9'-7"
80°	**24'-0"**	21'-3"	9'-1 1/2"
90°	**24'-0"**	**18'-0"**	9'-0"

NOTE: THE MAXIMUM PERMISSIBLE SLOPE OF ANY PARKING AREA SHALL BE FIVE (5%) PERCENT.

Section 605: Parking, Access and Layout

A. Internal driveway system. All off-street parking lots with greater than 200 parking spaces shall include a separate internal access drive system which separates aisles which access individual parking spaces from the overall internal access driveway system. The purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.

B. Internal driveway systems shall be designed to connect into adjacent properties, where practical. The Borough may require an easement be placed on the property to allow for future connection to the adjacent properties.

C. Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.

D. All parking areas containing three or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public ROW.

E. Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.

F. All vehicular turning movements and maneuvering must take place on site.

G. Internal driveways systems shall be provided to permit on-site access to all parking and loading facilities and to permit emergency vehicle access.

H. Pedestrian walkways will be provided throughout all zoning districts. These walkways shall be parallel to the street, unless shown that an alternative system provides safe and convenient circulation. Walkways will be a minimum of six (6) feet wide unless located on an existing block where existing walkways are a differing width, in which case the width of the existing walkways shall be matched. Walkways shall be paved and maintained with a smooth surface of concrete. Pedestrian walkways shall be designed, graded, constructed, surfaced and maintained to be readily usable by persons with disabilities.

I. Pedestrian walkways shall be required within development sites to provide safe and convenient pedestrian access between buildings and to parking areas and transit stops. Sidewalks within development sites shall be differentiated when crossing vehicular lanes by lines, striping, signalization and/or different paving materials. They shall be constructed and designed to provide safe passage of pedestrians.

J. Aisles that do not provide for continuous circulation within the site shall provide for turnaround areas. Turnaround areas shall be a minimum of 25 ft. X 25 ft.

K. The end of each parking aisle shall have an end cap island of at least five (5) foot in width. The end cap island area shall not be used in meeting required minimum parking space or travel aisle dimensions.

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Section 606: Accessible Parking Requirements

A. Shall meet the standards of the most recently adopted Pennsylvania Uniform Construction Code (UCC) as may be amended from time to time.

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Section 607: Parking Ratios

TABLE 11 – PARKING RATIOS **

PARKING RATIOS	
LAND USE/ACTIVITY	**MINIMUM VEHICLE SPACES**
Residential Buildings	
Apartments Above First Floor	1 per dwelling unit
Conversion dwellings	2 per dwelling unit
Duplex	2 per dwelling unit
Group home	1 for every three beds plus one for each employee
Manufactured housing, residential design	2 per dwelling unit
Mobile home park	2 per dwelling unit
Multifamily dwellings	1.5 per dwelling unit
Quadruplex	2 per dwelling unit
Single-family	2 per dwelling unit
Townhouses	2 per dwelling unit
Hotels, Motels, or Other Accommodation	
Bed & Breakfast Inn	1 per guest room & 2 spaces for owner
Extended stay hotel/motel	1 per room plus 1 space per employee & 1 per 800 sq. ft. of public meeting area
Hotel, motel	1 per room plus 1 space per employee & 1 per 800 sq. ft. of public meeting area
Rooming and boarding house	1 per guest room plus 2 spaces for owner's portion
Commercial	
Adult business	Parking Demand Analysis to be performed by a traffic engineering firm
After hours club	1 per 200 sf. GFA
Airport	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Amusement park	1 per 600 sf outdoor recreation area
Animal cemetery	1 per acre, but not less than 5 spaces
Animal day care	1 per 600 sf GFA plus 1 per employee
Animal groomer	2 per grooming station plus one per employee
Art & craft studio	1 per each 200 square feet of floor area
Auditorium	1 per each 2 seats in the main seating area
Automobile repair and service	3 per repair bay and 1 per each employee
Bakery, Retail	I per 300 sf GFA
Beverage distributor	1 per 300 sf GFA
Billboards	1 Per Site
Car rental facility	1 per 375 sf GFA of sales and service building
Car wash Automatic	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Commercial (Continued)	
Car Wash, Self Service	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas
Catering Hall/Event Venue	1 per 300 sf GFA
Cemetery & mausoleums	1 per each employee and ample accessways to the cemetery sections so as to allow parking on the accessway for gravesite services and visitations
Commercial recreation – indoor	1.5 per 500 square feet GFA
Commercial recreation – outdoor	1 per each 3 participants at maximum utilization
Communication antenna	1 per service employee
Conference center	1 per 5 seats or 1 per 300 sf GFA if no permanent seats
Convenience stores or centers	1 per 300 sf GFA
Custom printing	1 per 300 sf GFA
Department stores	1 per 300 of GFA
Dormitories	1 per 4 students
Drive-through facilities	I per 250 sf GFA
Drug store	1 per each 200 square feet of floor area
Financial institution	1 per 300 sf GFA
Flea market	1 per 300 sf. of outdoor display area
Funeral home/Crematorium	1 per 4 seats
Garden center	1 per 1000 sf.
Gas station	1 per 375 sf GFA including service bays, wash tunnels and retail areas
Golf course	6 per hole
Hardware store	1 per each 200 square feet of floor area
Kennel	1 per each employee on the maximum shift and 1 per each 200 square feet of area devoted to the kennel area
Laundromat	1 per 300 sf GFA
Lumberyard	1 per 375 sq. ft. GFA of sales and service building
Manufactured home sales	1 per 300 sf GFA of sales building
Massage establishment	1 per each 200 square feet of floor area
Micro brewery	1 per 75 sf GFA
Night club	1 per 2 seats
Office – business & professional	1 per each 300 square feet of floor area
Pawnshop	1 per each 200 square feet of floor area
Personal services	1 per each 200 square feet of floor area
Post office	1 per employee and 1 per each postal vehicle stored on site and 10 customer spaces
Recording studio	1 per 300 sf GFA
Restaurant	1 per 100 sf GFA
Restaurant – drive-through	1 per 150 sf GFA
Retail store	1 per each 200 square feet of floor area
Shopping center (3+ Acres)	1 per 300 sf GFA
Tattoo parlor	1 per 300 GFA

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LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Commercial (Continued)	
Tavern or bar	1 per 2 seats
Vehicle/boat/equipment sales	1 per each 2,000 square feet of lot area for employee and customer parking (excludes vehicle display area)
Veterinarian services	1 per each 400 square feet of floor area
Warehouse/discount store	1 per 300 sf GFA
Industrial	
Asphalt plant	I per employee on max shift
Automobile Graveyard	1 per employee
Commercial motor vehicle repair	3 per repair bay and 1 per each employee
Constructions-related businesses	1 per 1,000 square feet GFA
Large area distribution Center	1 per 1000 square feet GFA
Light industrial structures and facilities	1 per 1000 square feet GFA
Manufacturing facility	1 per 1000 sf GFA
Mini-warehouse	4 spaces plus 2 for manager's quarters
Processing plants (metals, chemicals, etc.)	1 per 300 square feet GFA
Recycling business	1 per employee
Refrigerated warehouse and cold storage	1 per 1000 square feet GFA
Research and development	1 per 500 square feet of GFA
Specialized industrial facility	1 per 300 square feet GFA
Tank farms	1 per 1000 square feet GFA
Warehouse, mini-warehouse, self-storage & storage services (including distribution)	1 per 1000 square feet GFA
Public Assembly	
Clubs & lodges	1 per 3 persons
Community center	1 per 300 square feet GFA
Conference Center	1 per 1,000 square feet GFA
Place of worship	1 per 8 seats
Institutional or Community Facility	
Animal hospitals	1 per employee
Assisted living facilities	1 per 3 rooms
Aquarium/zoo facility	1 per 1,000 square feet GFA
College / university	1 per 4 students
Day care center	1 per 375 square feet GFA
Educational Institution	1 per 200 feet GFA
Emergency Shelter	1 per 1,000 square feet GFA
Exhibitions and art galleries	1 per 500 sf of GFA
Family Child Care Home	1 per 375 square feet GFA
Group care facility	1 per 3 rooms
Hospital building	1 per 400 square feet GFA
Life Care Community	1 per 3 rooms
Medical offices	1 space per employee, plus four (4) spaces per doctor or practitioner on duty at any given time
Methadone treatment facility	1 per each 200 square feet of floor area

Nursing home	1 per 3 rooms
LAND USE/ACTIVITY	**MINIMUM VEHICLE SPACES**
Institutional or Community Facility (Continued)	
Public clinic, medical	1 per each 200 square feet of floor area
Retirement housing facility	1 per three dwelling units
School	1 per classroom
Skilled nursing	1 per 3 rooms
Government Uses	
Ambulance Station	1 per employee plus 1 per 200 sf GFA
Correctional / rehabilitation facility	1 per employee on maximum shift, 1 per service vehicle
Emergency operation center	1 per employee
Fire station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space
Library	1 per 300 GFA
Magistrate office & Court	1 per 300 sf GFA
Municipal building	1 per 300 sf GFA
Park	Parking demand analysis
Police station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space
Salt storage facility	1 per employee
Transportation-related Facilities	
Airport control tower	1 per employee
Airport maintenance and hangar facility	1 per employee
Airport terminal	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Bus or truck maintenance facility	1 per employee
Bus terminal	1 per employee plus spaces required to satisfy projected peak parking needs
Courier and messenger services	1 per employee
Heliport facility	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Parking Structure, Commercial	Not Applicable
Park and ride facility	Not Applicable
Taxi and limousine service	1 per employee
Towing or other road services	1 per employee
Truck or freight transportation services	1 per employee
Utility Uses	
Co-location – communication tower	1 per service employee
Electric power generation facility	1 per employee
Essential facilities	None
Hazardous waste collection	1 per employee
Incinerator, or similar facility	1 per employee
Large solar energy production facility	1 per service employee
Large wind energy production facility	1 per service employee
Radio, television, or wireless transmitter	1 per service employee

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Railroad facility	1 per employee
LAND USE/ACTIVITY	**MINIMUM VEHICLE SPACES**
Utility Uses (Continued)	
Sewage treatment plant	1 per employee
Solid waste transfer station	1 per employee
Solid waste combustor or incinerator	1 per employee
Solid waste landfill facility	1 per employee
Telecommunications facilities	1 per service
Water supply pump station	1 per employee
Water tank (elevated, at grade, underground)	1 per service employee
Agriculture, forestry, fishing, and hunting	
Animal production	1 per 300 sf GFA
Farmers market	1 per 300 sf GFA
Forestry / logging	None
Grain silos and other storage structure for grains and agricultural products	1 per 300 sf GFA
Greenhouses/nurseries	1 per 375 sq. ft. GFA
Hatcheries and poultry houses	1 per 300 sf GFA
Livestock pens or hog houses	1 per 300 sf GFA
Stables, Private	1 per 300 sf GFA
Mining and extraction establishments	
Coal	1 per employee plus one per facility vehicle
Metals (iron, copper, etc.)	1 per employee plus one per facility vehicle
Natural gas compressor station	1 per employee plus one per facility vehicle
Natural gas processing plant	1 per employee plus one per facility vehicle
Nonmetallic mining	1 per employee plus one per facility vehicle
Oil or gas well	1 per employee plus one per facility vehicle
Quarrying and stone cutting	1 per employee plus one per facility vehicle

** Parking ratios may alternatively be approved if supported by a professional parking study and approved by Borough Council.

Section 608: Off-street Loading and Unloading

Intent. All new nonresidential buildings shall provide required off-street loading berths in accordance with this ordinance. In all zoning districts, whenever a new construction is proposed, off-street loading berths shall be provided in accordance with the requirements of this section.

A. Off-street loading design.

1. Size. Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
2. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall

be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.

3. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.
4. Screening. Loading berths shall be screened when facing any residential use or residential zoning district.
5. Surfacing. All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
6. Lighting. Any lighting used to illuminate loading berths shall be shielded from any adjoining residential use or zoning district and away from any street or highway.

B. Off-street loading requirements. In all zoning districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

1. Retail stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses, or any similar uses which receive deliveries.

TABLE 12 – BERTHS REQUIRED (RETAIL, INDUSTRIAL OR MANUFACTURING)

Gross Floor Area (square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

2. Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings, and similar uses which receive deliveries by tractor-trailer.

TABLE 13 – BERTHS REQUIRED (AUDITORIUMS, CONVENTION HALLS, AND OFFICE BUILDINGS)

Gross Floor Area (square feet)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

3. Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this section at the discretion of the Borough.

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

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Article VII: Signs

Section 701: Purpose

The intent of this Article is to encourage the use of various types of signs as a means of identification in the Borough while maintaining and enhancing the aesthetic and physical environment, community character and public safety. The purpose of this article is:

A. To require zoning approval for signs in all zoning districts subject to the standards and requirements of this Article.

B. To prohibit signs not expressly permitted by this article.

Section 702: Applicability

The regulations contained in this section shall apply to all signs in all zoning districts. No sign may be erected, placed, established, painted, created, altered or maintained except in conformance with the standards, procedures, regulations and requirements contained herein.

A. Method of sign authorization and approval. Signs shall be authorized for approval pursuant to the following:

    1. Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application if the application indicates compliance with this ordinance.

    2. Exempt signs are signs that are authorized but that are exempt from regulation under this ordinance and do not require zoning approval.

    3. Prohibited signs are those not authorized by this ordinance nor exempt from regulation.

B. Accessory Uses. Signs shall be considered accessory uses (other than Billboards) on the lot or site they are located and subordinate to the principal use of the lot. Signs shall be subject to the requirements of Article III "Accessory Uses" of this Ordinance in addition to the requirements of this Article.

C. Principal Uses. Billboards are considered the principal use of a lot or site on which they are located and shall comply with all the requirements of this Article.

D. Alteration of Sign Face. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require zoning approval and conformity to all the requirements of this Article.

E. Signs on Public Property. Any sign installed or placed on public property or within a public ROW, except in conformance with the requirements of this article shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Ordinance.

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F. Enforcement and Remedies. Enforcement and remedies of this article shall be pursuant to the provisions of this Ordinance and any other enforcement or remedies pursuant to state and federal law.

Section 703: Types of Signs

For the purposes of this section, all signs shall be classified by the following definitions:

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

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

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

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

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

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

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

BILLBOARD– a permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.

BUILDING IDENTIFICATION – A small pedestrian oriented sign attached to a building, which bears only the name, number(s) and/or logo of the building but not the tenant and

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which is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

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

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

COMBINED DEVELOPMENT – Two or more establishments or businesses occupying a common building or adjoining or adjacent buildings or buildings on adjoining parcels which are designed and developed in a coordinated manner and which may share parking, driveways and other common facilities.

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

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

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

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

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

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

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

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

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GOVERNMENTAL – A sign, which is owned, installed, and maintained by the Borough of Swissvale, County of Allegheny, the Commonwealth of Pennsylvania, or other governmental agency.

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

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

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

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

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

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

MARQUEE SIGN – A wall sign attached to a marquee.

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

OFF-PREMISE – A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. However billboard signs shall not be considered to be off-premise signs.

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

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

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

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

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

PORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public ROW, unless vehicle is used in the normal day to day operations of the business.

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

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

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

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

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

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

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

SIGN BASE – The support on which a sign face stands.

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

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

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

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

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

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

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

TRAFFIC CONTROL SIGN – A sign regulating traffic.

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

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

Section 704: Prohibited and Exempt Signs

A. The following signs shall be exempt from these regulations:

1. Holiday decorations displayed for recognized state and federal holidays
2. Official notices authorized by a court, public body or public safety official
3. Memorial / Historical plaques
4. Memorial signs and tablets when cut into any masonry surface or when constructed of bronze or other sculptured materials
5. Flags of a government organization or corporate entity
6. Signs authorized by the Borough such as street signs, safety control signs and traffic control signs
7. Community banners authorized by Council
8. Community message or bulletin board authorized by Council
9. Public notice / public warning signs

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10. Auction, garage sale or yard sale signs
11. Address numbering
12. Construction sign (Temporary, only during active construction).
13. Murals and/or artwork which do not contain any obscene or inappropriate content as determined by Council. Murals may contain community or historical messages but must be authorized by Council
14. Signs of any type placed on public or parks property by authorization of the Borough.
15. Real estate signs which advertise the sale, rental or lease of the premises upon which the said sign is located provided that the sign only relates to the rental, lease or sale of the property on which it is displayed. No more than two (2) such signs may be placed upon any property in single and separate ownership and not more than one (1) such sign facing one (1) street.
16. A-Frame (sandwich board) signs shall be permitted on sidewalks provided that only one (1) such sign per premises shall be permitted. Such sign shall not obstruct pedestrian travel and shall be removed each evening upon closing. A-Frame Signs shall not exceed 6 square feet per side.

B. Prohibited Signs: The following signs shall not be permitted in any zoning district:

1. Flashing, blinking, changing, animated or moving signs (except for LED Billboards authorized by this Article).
2. Pennants, flags or streamers.
3. Signs advertising a property for sale or rent that lists an improper use of the property that is not permitted in the subject zoning district.
4. Signs that resemble traffic signals or any sort of traffic device.
5. Off-premise sign (Other than Billboards)
6. Roof sign
7. Signs on trees, utility poles, and traffic devices
8. Signs that are hazardous to public safety

Section 705: Determining Sign Area and Height

The following shall control the computation of sign area and height.

A. Computation of Area of Single-faced Signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

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B. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 706: Permitted Signs in Residential Districts

In the SFR and MFR residential districts, only the following exterior signs shall be permitted. No ground or pole signs shall be permitted, except as provided for in Subsections B and F below.

A. A nameplate not exceeding two (2) square feet in area containing only the name of the resident, the title of the person practicing a profession, name of building and name of agents, or any combination of the foregoing and placed directly against a building wall.

B. A bulletin sign (instructional or directional) not exceeding twelve (12) square feet in area erected upon the premises of an educational, philanthropic or religious institution, including a church, hospital or similar institution for the purpose of displaying the name of the institution and its activities or services, which shall be limited to one (I) such sign. Pole signs are not permitted in the MFR District. Ground signs shall be located at least ten (10) feet back from the street ROW.

C. No sign shall be erected upon, or applied to, any roof. The term "sign" here shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower or spire of a place of worship.

D. Permitted illumination of a sign, nameplate or bulletin board shall be of a nonflashing, nonmoving, indirect type.

E. Signs shall be constructed in accordance with the provisions of this ordinance and shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or cause a public nuisance. The Borough may take all lawful and proper actions necessary to revoke all permits and licenses issued for such sign and may order said sign removed or brought into compliance with the borough ordinances and regulations within thirty (30) days of the date of issuance of such notice and order, in writing, by the Zoning Officer.

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F. In the MFR Residential District, only one exterior wall and/or ground sign shall be permitted not exceeding twenty-four (24) square feet in area in connection with a multiple-family dwelling or other authorized use and shall identify only the name of the structure or residential building. Pole signs are not permitted in the MFR District. Ground signs shall be located at least ten (10) feet back from the street ROW.

G. Directional signs as specified elsewhere in this ordinance.

Section 707: Permitted Signs in all Nonresidential Districts

In all nonresidential districts the following signs shall be permitted.

A. Any sign permitted in any residential districts and subject to any stated condition for said residential district sign.

B. Wall signs

1. Wall signs shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above the roof line of buildings having flat roofs, the deck line of buildings having mansard roofs or the gutter line of buildings having gable, hipped or gambrel roofs.

2. The size of business or identification wall signs (or signs) shall not exceed the greater of one (1) square foot multiplied by the width in feet of the principal building frontage along the Public ROW or a maximum of 150 square feet.

3. Multiple Occupancy Buildings.

a. Where several businesses or uses occupy a building, each business may be permitted to a share of the building's allowable sign area, at the direction of the building owner.

b. If the owner permits the allowable square footage to be shared they develop guidelines which require all signs located on the building to be compatible in terms of size, type, style, color, lighting and design characteristics. A copy of these guidelines shall be filed with the sign permit and shall be a condition of permit approval

4. Wall signs shall only identify the owner of or enterprise conducting the business, the business engaged in or upon the premises or products or services sold or any combination thereof.

5. Where a building has frontage on more than one public road the owner, occupant or agent may erect a sign on each wall facing the frontage with each sign meeting the square footage requirements of this section, provided that all other provisions of this section are observed.

C. Ground/Pole sign.

1. Ground/Pole signs are not permitted in the public ROW.

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2. The building setback or build-to line shall be the location standard for ground/pole signs. Ground/pole signs shall also be located a minimum of five (5) feet from any building and ten (10) feet from any side property line.
3. Ground/Pole signs are not permitted in the CBD unless they can be set back a minimum of five (5) feet from the ROW line. In cases were the building and/or structures located on the lot abut the public ROW, no Ground/Pole sign is permitted.
4. For signs over twenty-five (25) square feet in area, an additional one (1) foot of separation from adjacent side property lines shall be required for every ten (10) square feet of sign area
5. The square foot area of ground/pole signs shall be limited to one (1) square foot of sign area for every one (1) linear foot of property frontage on a public ROW; but no ground sign shall be permitted to exceed an area of sixty (60) square feet for each side.
6. The maximum height of a ground/pole sign shall be twenty (20) feet. The minimum height of the bottom edge of any ground/pole sign shall be ten (10) feet except when it is erected as a monument sign.

D. When property is occupied by a lawful permitted business without a building, one permanent identification sign not exceeding 40 square feet shall be permitted. Such sign shall be located at least 15 feet back from the street ROW.

E. Wall plaques. Wall plaques shall be all signs extending no more than 1 1/2 inches from the walls to which they are attached. The edges of wall plaques shall be rounded, tapered or treated in any other manner.

1. There shall be no minimum height above ground level for wall plaques.
2. Wall plaques shall have a maximum of three square feet.

F. Signs mounted perpendicular to the wall surface (including those over the public ROW) are only permitted in the CBD.

1. Signs mounted perpendicular to the wall surface to which they are affixed shall have their bottom edge at sufficient height above the ground or other supporting surface as to assure no interference with pedestrian or vehicular traffic under or around the sign, and in any event at a height not fewer than ten (10) feet.
2. When extending over a vehicular cartway, the minimum height above ground or cartway shall be fifteen (15) feet.
3. Signs mounted perpendicular to the wall surfaces shall not protrude more than eight (8) feet beyond the wall surface to which they are attached.
4. Signs mounted perpendicular to the wall surface shall be limited to a maximum area of thirty-two (32) square feet.

G. Temporary signs.

1. Temporary signs shall be located a minimum of fifteen (15) feet from any property or ROW lines and shall comply with all other height and location

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requirements of the category of permanent signs which they emulate. Temporary signs must be located on the same lot as the use which they advertise.

2. All temporary signs shall be attached to a building or the ground in a manner satisfactory to the Zoning Officer, in protecting the public health, safety and welfare.
3. Temporary signs shall be a maximum of thirty-two (32) square feet in area.
4. 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.
5. The sign permit shall be attached to temporary signs for the duration of the permitted use and easily visible from the street.

H. Window Signs.

1. Window signs shall be permitted to be installed on the inside of the window of nonresidential structures only.
2. Window signs shall not cover more than twenty-five (25) percent of the glazing of any window.
3. The copy of a window sign shall be designed to communicate information about an activity, business, community event or a sale or service offered.
4. Window signs shall not be permanently affixed to a window or windowpanes.

I. Advertising on awnings and canopies.

1. Shall be limited in size to a maximum of fifty percent (50%) of the allowable size of the wall sign permitted on the same structure. Such signage shall only include the name and/or logo of the business, industry or pursuit conducted therein.
2. Canopies shall comply with the height requirements of projecting signs as identified in this article.

J. Marquee signs. Marquee signs may be attached only to the front and sides of marquees and shall not project beyond the edges or the bottom of the marquee, nor extend more than ten (10) inches horizontally from the surface of the marquee.

K. Directional signs as specified elsewhere in this ordinance.

Section 708: General Regulations

A. All applications for permits for construction, installation, maintenance, repair and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the Borough Zoning Officer, prior to commencement of any activity or work by the applicant or the applicant's representative or delegate concerning installation, construction or modification of such sign. The provisions of this section and all of its subsections shall apply to, but are not limited to all replacement signs, new signs, changes or alterations to existing signs or signs which must be relocated for any reason.

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B. A site plan or sketch, drawn to scale, shall be submitted to the Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit, a written description of the materials and manner of construction and mounting of the sign, a description of the information and visual material to be included on all surfaces of the sign, a description of the illumination, if any, of the sign and one (1) or more photographs of the proposed sign location from each approach from which the sign will be visible.

C. Permit required. A permit shall be obtained from the Borough Zoning Officer, subject to filing the permit application and supporting information described above in this section and subject to payment of the required established fee, prior to the construction, alteration, modification or moving of any exterior sign. No exterior sign established before the effective date of this ordinance, shall be (except when ordered by an authorized public officer as a safety measure) altered in any respect, or moved, unless it be made to conform with the provisions of this ordinance.

D. Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this ordinance shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look/," "Drive-In, "Danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

E. Material and construction. All signs shall be securely built, constructed and erected in compliance with all regulations and requirements of the relevant building codes, and in addition:

    1. The Zoning Officer may require calculations by an architect or engineer certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over twenty-five (25) square feet in area or in the case of a ground sign whose height is greater than ten (10) feet or a sign which weighs in excess of one hundred (100) pounds.
    2. Any sign damaged by inclement weather that is proven to be unsafe and may not be restored in kind without engineering data as required above.

F. Illumination and animation.

    1. All illuminated signs shall be inspected by the authorized electrical inspection agency of the Borough during construction to verify compliance with the adopted electrical code of the Borough.
    2. Illuminated signs shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
    3. All signs shall be nonanimated with no exterior moving parts.

G. Maintenance.

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1. Any sign regulated by this ordinance shall be maintained in the proper structural and aesthetic condition by the owner or tenant.
2. If a sign no longer advertises a bona fide business or other activity conducted on the premises, it shall be taken down and removed by the owner, tenant or by the entity having the beneficial use of the sign and the building within thirty (30) days of the termination of such business or other activity.

H. Permit fees.

1. A permit shall be obtained for the installation of all signs not exempted by this ordinance.
2. The applicant shall pay a permit fee as specified by the Borough by Resolution

Section 709: Billboards

Billboards may be authorized by the Council as a conditional use upon a finding that compliance with the requirements of this ordinance, as well as the following specific criteria, have been met by the applicant:

A. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans and narrative and graphic materials set forth in the Article IV - Express Standards and Criteria for Special Exceptions and Conditional Uses.

B. The portion of any lot upon which the Billboard is to be located shall contain a minimum of 5,000 square feet in area.

C. All Billboards shall contain only one face for the display of lettered, written, printed, pictorial, or sculpted matter on only one side of its structure, and such face shall be oriented to be viewed from only one direction of travel from the nearest adjacent roadway (cross roadway viewing shall not be permitted).

D. The display area upon the face of a Billboard shall be a maximum of 300 square feet (12 feet by 25 feet), and all portions of any display shall fit within such area with no extensions beyond the edge of the Billboard sign's framework.

E. All utility lines serving the Billboard, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the Billboard is powered by nontraditional alternative energy sources (for example solar power).

F. All Billboards shall be set back from the below described items as follows:

1. From a roadway intersection: 300 feet.
2. From any other Billboard (whether such is located in the Borough or otherwise) on the same side of the roadway: 1,000 feet.
3. From any other Billboard (whether such is located in the Borough) on the opposite side of the roadway: 600 feet.

G. The maximum height of Billboards shall not exceed 30 feet, as measured from the grade of the roadway from which the advertising message is principally visible, and the bottom

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edge of the Billboard shall be no more than eight feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the Billboard.

H. A buffer yard shall be required between Billboards and any adjacent lot(s).

I. Billboards are considered as the principal use of a lot or site and as such the land area utilized for a billboard shall not be otherwise required to support another use upon such lot, including, but not limited to, buffer yard, parking area or setback necessary to any preexisting use upon such lot.

J. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.

K. Except as otherwise may be specified herein, all development of Billboards shall comply with the provisions of the subdivision and land development ordinance and this Ordinance.

L. All Billboards (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of the cessation of use.

M. All Billboards shall be constructed to all applicable structural standards for such devices, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.

N. All Billboards shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.

O. No Billboard shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate Resolution of the Council) and received a permit thereof from the Borough..

P. Prior to erection all proposed applicants for Billboards shall be required to obtain any necessary permit from and to conform, in all respects, to any regulation thereof promulgated by an agency of the Commonwealth of Pennsylvania, including, but not limited to its Department of Transportation.

Q. When changeable light emitting diode (LED) lighting is utilized to create the sign face, such lighting shall automatically adjust the LED light levels of the sign face to account for the ambient lighting so as not to create significant glare or a measurable foot candle level of 0.5 or greater, as such level is measured at the road ROW line. LED Billboards shall not change the content or message more than every 10 seconds.

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Article VIII: Reserved

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Article IX: Nonconforming Uses, Structures, and Lots

Section 901: Purpose

The purpose of this article is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots and nonconforming signs. The zoning districts established by this ordinance are designed to guide the future use of the Borough's land by encouraging the development of desirable residential, commercial and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety and general welfare. The regulations of this article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

Section 902: Nonconforming Use

A. Continuation of nonconforming use. Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed.

B. Change of nonconforming use to conforming.

    1. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this ordinance or its amendments.

    2. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this ordinance should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or non-compliance.

C. Expansion or extension of nonconforming use.

    1. No nonconforming use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming.

    2. No such nonconforming use shall be enlarged or increased or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this ordinance, unless the Zoning Hearing Board shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use. For the purposes of determining if an enlargement or expansion of nonconforming use meets this requirement the applicant shall file an application for Special Exception pursuant to the requirements of Article IV of this Ordinance. The applicant must meet all the

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applicable requirements and criteria of Article IV in addition to providing evidence that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use.

3. Whenever a use district shall be hereafter changed by a duly adopted amendment to this ordinance, then any existing legal, nonconforming use of such changed district may be continued, and such use may be extended throughout the structure.

D. Abandonment or discontinuance of nonconforming uses.

1. The lawful use of the land existing at the time this ordinance or any of its amendments was adopted, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is abandoned for a period of one year, any future use of said land shall conform to the provisions of this ordinance.

2. Any subsequent use shall conform to the applicable provisions of this ordinance or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this ordinance or its amendments.

E. Nonconforming accessory uses and structures. No use, structure or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

Section 903: Nonconforming Buildings or Structures

A. Continuation of nonconforming buildings or structures. Any nonconforming building or structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this section.

B. Structural alteration of nonconforming buildings or structures. A lawful nonconforming use of a building or structure existing at the time of the adoption of this ordinance or an amendment hereto may be structurally altered. Such alteration shall not expand its nonconformity in areas not previously occupied by the nonconforming use unless meeting the requirements of expansion and extension of nonconforming uses as required in this Ordinance. No parking, yard, space or bulk nonconformity may be created or increased.

C. Changes to nonconforming buildings or structures to conforming.

1. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this ordinance shall make such building or structure conforming with the provisions of this ordinance or its amendments, then such building or structure shall remain in conformance with the applicable provisions of this ordinance or its amendments.

2. If a later amendment to this ordinance should make the building or structure as changed or altered nonconforming with its provisions, then the building or

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structure as changed or altered will become a non-conforming building or structure to the extent of such nonconformance or noncompliance.

D. Damage or destruction of nonconforming buildings or structures.

1. When a building or structure is damaged or destroyed by any means not within the control of the owner, to the extent of fifty (50) percent or more of the cost of replacement of the structure, the structure shall not be restored unless it thereafter conforms to the regulations of the zoning district in which it is located. No parking, yard, space or bulk nonconformity may be created or increased.
2. When a structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of forty-nine (49) percent or less of the cost of replacement of the structure new, repair or restoration of such structure may be made; provided, however, that no parking, yard, space or bulk nonconformity is created or increased.
3. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this section.

E. Expansion or extension of nonconforming buildings or structures.

1. No nonconforming building or structure may be extended on the lot on which it is located, nor may any nonconforming building or structure be moved to a different position upon the lot on which it is located, except to a position in conformity with the current codes.
2. Legal non-conforming residential structures may be expanded up to 100 square feet to allow for necessary accessibility improvements.
3. Whenever a use district shall be hereafter changed by a duly adopted amendment to this ordinance, then any existing legal, nonconforming structure of such changed district may be continued, and such use may be extended throughout the structure.
4. Structures that are nonconforming on the effective date of this Ordinance that already encroach on a required set back can extend that encroachment and not be considered an expansion of the nonconforming structure subject to the following:
   a. The structure is only extended on a parallel plane of the existing nonconforming encroachment and does not extend any closer to a property line.
   b. The extension is no more than twenty-five (25) percent of the length of the side of the existing nonconforming structure on the side of the encroachment.
   c. A determination is made by the zoning officer that there is no impact to immediately adjacent property. If any uncertainty exists regarding impacts to immediately adjacent properties the zoning officer may refer the request to the zoning hearing board for an interpretation.

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F. Repairs, renovation and modernization of nonconforming buildings or structures.

1. Repairs, renovations and modernization of nonconforming buildings or structures, such as renewal or replacement of outer surfaces, windows, addition of soundproofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure shall be permitted notwithstanding other provisions of this ordinance.

2. Such repairs, renovations, or modernizations are allowed provided they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.

3. No increase in the size of or area covered by the nonconforming use or area of the use within the building or structure is allowed except as provided for in this Ordinance. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.

Section 904: Nonconforming Lots of Record

A. In any district in which single-family dwellings are a use by right, notwithstanding the regulations imposed by any other provisions of this ordinance, a single-family detached dwelling which complies with the yard, space and bulk requirements of the district in which it is located may be erected on a nonconforming lot adjacent to an improved street. Nothing in the requirements of this ordinance relating to lot area per dwelling unit shall be held to prohibit the erection of a single-dwelling unit upon a lot having less than the required street frontage or the area of which is less than that prescribed as the lot area per dwelling unit, provided that such lot, at the time of the passage of this ordinance, was held under separate ownership from any adjoining lots or provided that, at the time of the passage of this ordinance, a recorded plan of lots or subdivision of property shows such lot to be a separate and distinct numbered lot.

B. In any district in which single-family dwellings are not permitted, a nonconforming lot of record may be used for any use by right in the district in which it is located if land development approval is granted in accordance with the provisions of Ordinance.

Section 905: Nonconforming Signs

Continuation of nonconforming signs: Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this ordinance:

A. Alteration or moving. A nonconforming sign of any type may not be moved to another position or location upon the building, structure or lot on which it is located, nor may the size or area of such nonconforming sign be changed or its structure or construction changed unless such changes are to change the face of the sign.

B. Damage, destruction or replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this ordinance. Damage only to the face of a sign shall not be construed to constitute 50% of its market value, and the sign face may be replaced.

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C. Abandonment. If use of a nonconforming sign is abandoned or interrupted for a continuous period of more than one hundred eighty (180) days, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within 14 days from the end of the aforesaid period and the use of such sign shall not be resumed except in accordance with the provisions of this ordinance.

D. Health, Safety, Welfare. If any sign or supporting structure subject to the regulation of the provisions of this Ordinance constitutes a threat to health, safety or welfare of the area surrounding said sign or has been constructed, installed or maintained in violation of any provision of this ordinance, the Borough Zoning Officer shall give written notice to the person or entity who owns or is maintaining such sign. If the owner or entity maintaining such sign fails to modify the sign so as to comply with the provisions of this Article within twenty (20) days after the date of said written notice from the Zoning Officer, then the Zoning Officer and other borough officials shall take steps as necessary to promptly have said sign brought into compliance with this Ordinance up to and including removal of the sign to comply with this Ordinance.

Section 906: Registration of Non-Conformity

In the course of administering and enforcing this ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Officer may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the property owner.

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Article X: Administration and Enforcement

Section 1001: Applicability

A. It shall be unlawful to use or occupy any structure or lot or part thereof until zoning approval has been issued by the Borough. Further, no structure shall be erected, added to or otherwise have any structural alterations made to it until zoning approval has been issued by the Borough. No zoning approval shall be issued until prior approvals and requirements of this ordinance and the Borough's Subdivision and Land Development Ordinance, have been complied with, including but not limited to conditional use, use by special exception and recording of the final plat of a subdivision or land development. Any zoning approval issued in conflict with the provisions of this ordinance shall be null and void.

B. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this ordinance. Any change in use category shall require compliance with Article 3, District Regulations and the Tables of Authorized Uses.

Section 1002: Repairs and Maintenance

Repairs and maintenance – Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by themselves be regulated by this ordinance.

Section 1003: Authorization of Types of Uses

A. Permitted by right uses. The Zoning Officer shall issue a permit under this ordinance in response to an application for a use that is permitted by right if it meets all of the requirements of this ordinance.

B. Special exception use or application requiring a variance. A permit under this ordinance for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

C. Conditional use. A permit under this ordinance for a use requiring conditional use approval shall be issued by the Zoning Officer only after the Borough Council grants conditional use approval.

Section 1004: Permits Required

A Zoning permit for use and occupancy shall be required prior to use or occupancy of any structure or lot or part thereof throughout the Borough. A permit shall be applied for on forms supplied by the Borough and submitted to the Zoning Officer.

Section 1005: Enforcement Penalties

Note: Users should be aware that the following section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

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If it appears to the Borough that a violation of this Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

B. The enforcement notice shall state at least the following:

    1. The name of the owner of record and any other person against whom the Borough intends to take action.
    2. The location of the property in violation.
    3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this ordinance.
    4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
    5. That the recipient of the notice has the right to appeal to the Borough Zoning Hearing Board within 30 days of the mailing date of the notice in accordance with procedures set forth in this ordinance.
    6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, and upon being found liable therefore in a civil enforcement proceeding, shall pay a fine of not more than $500, plus all court costs, including reasonable attorney fees incurred by the Borough, or alternatively sentenced to pay a fine or not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed ninety (90) days.

Section 1006: Causes of Action

Note: Users should be aware that the following section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

A. In case any building, structure, landscaping, sign or land is or is proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough or any aggrieved owner or tenant of real property who shows that his property or person will be substantially effected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, sign or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough, by certified mail, at least 30 days prior to the time the action is

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to begin by serving a copy of the complaint on the Borough Council. No such action may be maintained unless such notice has been given.

B. Jurisdiction. Magisterial district judges shall have initial jurisdiction over proceedings brought under section 1007.

Section 1007: Enforcement Remedies; Violations and Penalties

Note: Users should be aware that the following is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough , pay a fine of not more than $500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof, or alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Judge; and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid to the Borough.

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

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

Section 1008: Fees

The Borough Council shall establish and revise, from time to time, a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Borough Manager.

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Section 1009: Amendments

Note: Users should be aware that the following is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

The regulations and provisions of this ordinance may be amended from time to time, upon recommendation of the Planning Commission or the Borough Council, or by application of an effected party.

A. Enactment of Amendments. Zoning amendments procedures shall adhere to the requirements of § 609 of the MPC, 53 P.S. § 10609.

B. Public Hearing. The Borough Council shall hold a public hearing on a proposed amendment pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within a municipality or an owner of the mineral rights in a tract or parcel of land within the municipality who has made a timely request in accordance with Section 109 of the MPC before voting on enactment of an amendment. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition to the requirement that the notice be pasted, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

C. Planning Commission Review. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on the proposed amendment for recommendations.

D. County Planning Review. The recommendation of the County planning agency shall be made to the Borough Council within 45 days and the proposed action shall not be taken until such recommendation is made. If, however, the County fails to act within 45 days, the Borough Council shall proceed without its recommendation.

Section 1010: Zoning Officer

A. Appointment. The Zoning Officer(s) shall be appointed by the Borough Council pursuant to qualifications that may be established by Council. The Zoning Officer shall not hold any elective office within the Borough.

B. Duties and powers. The Zoning Officer's duties and powers shall include the following:

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1. Administer this ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this ordinance, and issue or refuse permits within the provisions of this ordinance;
2. Conduct inspections to determine compliance, and receive complaints of violation of this ordinance;
3. Keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;
4. Review proposed subdivisions and land developments for compliance with this ordinance;
5. Take enforcement actions as provided by the Pennsylvania MPC;
6. Maintain available records concerning nonconformities, provided that the Borough is not required to document every nonconformity; and
7. Serve such other functions as are provided in this ordinance.

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Article XI: Zoning Hearing Board

Note: Users should be aware that the following sections are a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

Section 1101: Membership

A. Appointment. The membership of the Zoning Hearing Board shall consist of Five (5) residents of the Borough appointed by motion of the Borough Council. Their terms of office shall be five (5) years and shall be so fixed that the terms of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the municipality nor shall any member be an employee of the municipality.

B. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the board. The term of office of an alternate member shall be five (5) years. Alternates shall hold no other elective or appointive office in the Borough including service as a member of the planning commission or as a zoning officer, nor shall any alternate be an employee of the Borough. Any alternate may participate in proceedings or discussions of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member pursuant to the following process:

    1. The Chairman of the Board may designate alternate members of the board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum.

    2. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final decision on the matter or case.

    3. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. Vacancies. Appointments to fill vacancies on the Board shall be for the duration of the unexpired portion of the term only.

D. Removal of members. Any member of the Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Council. No vote shall take place until such time as the member has received a fifteen (15) day advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

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E. Compensation. Members of the board shall not receive compensation for the performance of their duties.

Section 1102: Organization

A. Conduct of the Board. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board may appoint a hearing officer from its own membership to conduct the hearing on its behalf, and the parties may waive further action by the Board and accept the decision or findings of the hearing officer as final, as provided in Section 908 of the MPC, 53 P.S. §§

B. Establishment of procedure. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and the laws of the Commonwealth. The Board shall maintain full public records of its business.

Section 1103: Expenditures; Fees

A. Expenditures. Within the limits of funds appropriated by the Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

B. Fees. An applicant before the Zoning Hearing Board shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of the Council.

Section 1104: Powers and Functions

The Zoning Hearing Board shall function in strict accordance with and pursuant to the MPC and shall have the following powers:

A. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map of the Borough or any valid rule or regulation covering the duties of the Zoning Officer.

B. Special exceptions. The Board shall hear and decide requests for special exceptions authorized by this ordinance in accordance with the standards and criteria set forth in this section and Article IV of this Ordinance. The Board may attach such reasonable conditions and safeguards as it may deem necessary.

C. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this ordinance create unnecessary hardship on an applicant when applied to a tract of land. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary.

D. Validity of the Zoning Ordinance. The Board shall hear and make findings on challenges to the validity of any provision of this ordinance with respect to substantive questions.

E. Jurisdiction in the matters as granted by section 909.1 of the MPC. 53 P.S. §10909.1

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Section 1105: Hearing Procedures

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

Filing appeals and requests to the Zoning Hearing Board - Requests for hearings before the Zoning Hearing Board shall be made as follows:

A. An appeal to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the Borough or any person aggrieved. Such appeal shall be taken within the time as stipulated by the MPC and the rules of the Board, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The appropriate fee, established by Resolution of the Borough, shall be paid in advance for each appeal or application. Requests for a variance and special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

B. Notice – Public notice shall be given pursuant to this Ordinance and written notice shall be given to the applicant, zoning officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

C. Timing – A hearing shall be held within 60 days from the official application date requesting a hearing unless the applicant has agreed to an extension of time. The hearings shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, when no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.

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

E. Powers of the Chairman – The Chairman, Acting Chairman, or hearing officer, presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. Rights of the parties – The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence and to argue and cross-examine adverse witnesses on all relevant issues.

G. Exclusion of evidence – Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded by the Board.

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H. Record of the proceedings – A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board. Any party requesting the original transcript or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.

I. Communications – Once a formal application has been duly filed, the Board shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Further, the Board shall not take notice of any communication unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

Section 1106: Decisions

A. The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.

   Conclusions based on any provisions of any act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under section 916.1 of the MPC 53 P.S. §10916.1 where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 1105.C., the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

B. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

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Section 1107: Standards for Review of Variance Requests

A. Required findings – The Zoning Hearing Board may grant a variance to the provisions of this ordinance, provided that the findings prescribed in Section 910.2 of the MPC 53 P.S. § 10910.2. are made where relevant in a given case.

B. Conditions – In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance.

Section 1108: Standards for Review of Special Exception Requests

The Zoning Hearing Board shall hear and decide all requests for special exceptions, as identified within this section and Article IV of this ordinance.

Section 1109: Appeals to Court

The provisions for appeals to court that are stated in the Pennsylvania MPC, as amended, shall apply.

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