

BOROUGH OF BLAWNOX

**ZONING
ORDINANCE**

*Ordinance Number 624
Adopted 2022*

FINAL

**ALLEGHENY COUNTY
PENNSYLVANIA**

**BLAWNOX BOROUGH
376 Freeport Road
Blawnox, Pennsylvania 15238**

BLAWNOX ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE ONE – GENERAL PROVISIONS		
1-101	Short Title	7
1-102	Statement of Purposes	7
1-103	Chapter Previsions	7
1-104	Application of the Regulations	8
1-105	Interpretations	8
1-106	Repeal of Conflicting Ordinances	9
1-107	Validity	9

ARTICLE TWO – DEFINITIONS		
2-201	Language Interpretations	10
2-202	Definitions	10

ARTICLE THREE – SCHEDULE OF DISTRICT REGULATION		
3-300	Establishment of District Classifications	40
3-301	Zoning District Map and Boundaries	40
3-302	R-1: SINGLE FAMILY RESIDENTIAL	41
	302.1 Purpose	41
	302.2 Permitted Uses	41
	302.3 Conditional Uses	41
	302.4 Area and Bulk Regulations	42
	302.5 Offstreet Parking Requirements	43
	302.6 Standards for Planned Residential Development	43
3-303	R-2: SINGLE FAMILY & TWO FAMILY RESIDENTIAL	43
	303.1 Purpose	43
	303.2 Permitted Uses	43
	303.3 Conditional Uses	43
	303.4 Area & Bulk Requirements – Permitted & Conditional Uses	44
	303.5 Offstreet Parking Requirements	44
3-304	R/C-1: RESIDENTIAL & COMMERCIAL	45

	304.1	Purpose	45
	304.2	Permitted Uses	45
	304.3	Conditional Uses	45
	304.4	Area and Bulk Requirements – Permitted and Conditional Uses	46
	304.5	Offstreet Parking/Loading Requirements	47
	304.6	Other Standards	47
3-305		C-1 COMMUNITY BUSINESS DISTRICT	48
	305.1	Purpose	48
	305.2	Permitted Uses	48
	305.3	Conditional Uses	49
	305.4	Area and Bulk Requirements – Permitted and Conditional Uses	50
	305.5	Offstreet Parking/Loading Requirements	51
	305.6	Other Standards	51
3-306		I-1: GENERAL INDUSTRIAL DISTRICTS	52
	306.1	Purpose	52
	306.2	Permitted Uses	52
	306.3	Conditional Uses	53
	306.4	Area and Bulk Requirements – Permitted and Conditional Uses	53
	306.5	Offstreet Parking/Loading Requirements	54
	306.6	Other Standards	54
3-307		CONSERVATION DISTRICTS	54
	307.1	Purpose	54
	307.2	Permitted Uses	54
	307.3	Conditional Uses	54
	307.4	Area and Bulk Requirements – Permitted and Conditional Uses	55
	307.5	Offstreet Parking/Loading Requirements	55

ARTICLE FOUR – SUPPLEMENTAL REGULATIONS			
4-401		General Intent	56
4-402		General Provisions and Exceptions	56
	402.1	Pending Building Permits	56
	402.2	Principal Building	56
	402.3	Mixed Uses	56
	402.4	Dwelling in a Basement	56
	402.5	Trash and Garbage Disposal Storage	56

	402.6	Floodplain District	57
	402.7	Stormwater Management	57
	402.8	Visibility at Intersections	57
4-403		General Height Provisions and Exceptions	57
	403.1	Measurement of Height	57
	403.2	Height Exceptions	57
4-404		General Lot Area Provisions and Exceptions	58
	404.1	Required Lot Area	58
	404.2	Unenclosed Porches	58
	404.3	Projections into a Permitted Yard	58
	404.4	Front Yard Exceptions	58
4-405		Accessory Uses	59
	405.1	Permitted Accessory Uses	59
	405.2	Prohibited Accessory Uses	59
	405.3	Location of Accessory Uses	60
	405.4	Use Limitations	61
	405.5	Permit and Maintenance Requirements	61
4-406		Fencing and Screening, Retaining Walls	62
	406.1	Placement, Materials, Height	62
	406.2	Performance Standards for Fences, Walls and Screens	62
	406.3	Screening, Fencing for Commercial and Industrial Uses	62
	406.4	Permit and Maintenance Requirements	63
4-407		Signs	63
	407.1	Application	63
	407.2	Permitted Signs and Size Limitations	64
	407.3	Placement of Signs	65
	407.4	Height of Signs	66
	407.5	Area of Signs	66
	407.6	Additional Requirements	66
	407.7	Temporary Signs	67
	407.8	Exemptions	69
	407.9	Permit and Maintenance Requirements	69
4-408		Offstreet Parking Requirements	70
	408.1	Application	70
	408.2	General Provisions	70
	408.3	Required Spaces by Types of Use	72
4-409		Offstreet Loading Requirements	75
	409.1	Applicability	75
	409.2	General Provisions	75

	409.3	Required Offstreet Loading Spaces	76
4-410		Home Occupations	76
	410.1	Authorization	76
	410.2	Use Limitations	76
	410.3	Particular Home Occupations Prohibited	77
4-411		Gasoline Service Stations	78
	411.1	Definition	78
	411.2	Use Limitations	78
4-412		Automotive Repair Facilities and Car Washes	79
	412.1	Definition	79
	412.2	Use Limitations	79

ARTICLE FIVE – PLANNED RESIDENTIAL DEVELOPMENTS			
5-501		Statement of Intent	80
5-502		Minimum Site Requirements	80
5-503		PRD Development Standards	80
	503.1	Permitted Uses	80
	503.2	Density Standards	81
	503.3	Lot Sizes and Setbacks	81
	503.4	Building Groupings	81
	503.5	Screening	82
	503.6	Parking Requirements	83
	503.7	Construction of Streets and Parking Areas	83
	503.8	Stormwater Management	83
	503.9	Common Open Space, Improvements and Facilities	83
	503.10	Maintenance of Common Open Space and Facilities	83
5-504		Application for Tentative Approval of PRD Plan	84
	504.1	Contents and Forms of Application	84
	504.2	Review of Tentative Application	85
	504.3	Status of the Plan after Tentative Approval	87
5-505		Application Procedure for Final Approval of PRD	88
	505.1	Scope of Application	88
	505.2	Review Procedure	88
	505.3	Status of the Plan after Approval	88
5-506		Judicial Review	89
5-507		Fees	89

ARTICLE SIX – CONDITIONAL USES		
6-601	Applicability	90
6-602	Application Procedure	90
	602.1 Application Content	90
	602.2 Review Procedure	90
	602.3 Revocation of Approval	90
6-603	General Standards and Criteria	91
6-604	Special Standards and Criteria	92
	604.1 Standards for Group Residences and Family Boarding Homes	92
	604.2 Day Care Centers, Private School for Pre-Primary Aged Children	93
	604.3 Manufactured (or Mobile) Home Parks	93
	604.4 Video Game and Amusement Arcades	95
	604.5 Adult Use Businesses	95

ARTICLE SEVEN – NONCONFORMITIES		
7-701	Definitions	97
	701.1 Nonconforming Lot of Record	97
	701.2 Nonconforming Building or Structure	97
	701.3 Nonconforming Use	97
7-702	Continuation	97
7-703	Alterations, Repair, Enlargement, Reconstruction of Nonconforming Structures	97
7-704	Alteration, Enlargement or Expansion of Nonconforming Use	98
	704.1 Residential Mixed Use, Conservation Districts, and Industrial Districts	98
	704.2 Commercial, Industrial Districts	98
7-705	Change of Use	98
7-706	Construction Approved Prior to Ordinance	99
7-707	Abandonment	99
7-708	Unlawful Use Not Authorized	99
7-709	District Changes	99
7-710	Nonconforming Lot of Record	99
7-711	Status of Conditional Uses	100
7-712	Termination of Nonconforming Signs	100

ARTICLE EIGHT – ENVIRONMENTAL PERFORMANCE STANDARDS		
8-801	Applicability	102
8-802	Fire and Explosive Hazards	102
8-803	Toxic, Hazardous and Radioactive Materials	102
8-804	Air Pollution and Odors	102
8-805	Glare	103
8-806	Noise	103
8-807	Determination of Compliance	104

ARTICLE NINE – ADMINISTRATION AND ENFORCEMENT		
9-901	Zoning Officer	105
	901.1 Appointment and Qualifications	105
	901.2 Duties of Zoning Officer	105
9-902	Required Zoning Permits	106
	902.1 Permit Application and Issuance Procedure	106
	902.2 Period of Validity	107
	902.3 Temporary Zoning Use and Occupancy Permits	107
9-903	Schedule of Fees	107
9-904	Zoning Hearing Board	108
	904.1 Membership of the Board	108
	904.2 Removal of Members	108
	904.3 Organization of the Board	108
	904.4 Expenditures for Services	108
	904.5 Hearings	108
	904.6 Functions of the Board	110
	904.7 Parties Appellant Before the Board	113
	904.8 Time Limitations	113
	904.9 Stay of Proceedings	114
9-905	Zoning Appeals	114
9-906	The Property and Planning Committee	115
9-907	Amendments to the Zoning Ordinance or Map	116
	907.1 Procedure	116
	907.2 Curative Amendments by Landowners	116
	907.3 Municipal Curative Amendments	117
9-908	Enforcement Remedies	118
9-909	Enforcement Penalties	118
9-910	Effective Date	118
	Enactment	119
	Appendix A	120

**ZONING ORDINANCE OF
THE BOROUGH OF BLAWNOX
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 517**

AN ORDINANCE OF THE BOROUGH OF BLAWNOX ALLEGHENY COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 305 AND ITS SUPPLEMENTS AND AMENDMENTS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE BOROUGH OF BLAWNOX, AND PASSING A NEW ZONING ORDINANCE OF THE BOROUGH OF BLAWNOX, WHICH IS CONSISTENT WITH AND DESIGNED TO CARRY OUT THE OBJECTIVES OF THE PENNSYLVANIA LEGISLATURE AS SET FORTH IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, PASSED JULY 31, 1968, AS AMENDED.

ARTICLE ONE

GENERAL PROVISIONS

1-101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Borough of Blawnox Zoning Ordinance" and the district map shall be known and may be cited the "Borough of Blawnox Zoning Map."

1-102 STATEMENT OF PURPOSES

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

1-103 CHAPTER PROVISIONS

This Ordinance is to render a legal basis and framework to the future land use plan and development goals established in the Statement of Community Development objectives, adopted by Resolution No. 83-3 by Borough Council on March 21, 1983.

The provisions of this Chapter are intended to achieve the following purposes: A. To promote and protect the public health, safety, and welfare of the residents and businesses of the Borough and of the public generally B. To encourage and facilitate orderly community growth and development (add in accordance with the Comprehensive Plan and Official Map Ordinance when prepared) C. To provide adequate light, air, amenities, and access to public and private property D. To guide development in order to provide adequate community facilities and utilities E. To prevent the overcrowding or incompatible development or use of land F. to prevent blighting conditions, congestion, and hazard in travel and transportation G. To divide the borough into various zoning districts that restrict and regulate therein the location, construction, alteration, and use of buildings, structures, and property H. To encourage new development that is well-designed, of high quality and suited to the natural conditions of its site I. To encourage the coordinated growth of communities. J. To encourage compact, efficient, and economic patterns of development. K. To avoid excessive public costs of scattered development L. To prevent development which may be hazardous because of the physical conditions of said development

1-104 APPLICATION OF REGULATIONS

In interpreting and applying the provisions of this Chapter, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of health, safety, morals and the general welfare of the Borough and its citizens. It is not intended by this Chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the borough which are not in conflict with any provisions of this Chapter, nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Chapter shall control.

No building, structure or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

1-105 INTERPRETATIONS

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

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

Regardless of any other provision of this Ordinance, no land shall be used, and no structure erected or maintained in violation of any state or federal environmental protection law or regulation.

1-106 REPEAL OF CONFLICTING ORDINANCES

All existing ordinances or parts of ordinances which are contrary to or conflict with the provisions of this chapter are hereby repealed to the extent necessary to give this chapter full force and effect.

1-107 VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts or sections remaining shall remain in effect as though the part of the section declared unconstitutional had never been a part thereof.

ARTICLE TWO

DEFINITIONS

2-201 LANGUAGE INTERPRETATIONS

201.1 For the purpose of this Ordinance certain terms and words used herein should be interpreted or defined as follows:

Words used in the present tense shall include the future.

Words in the singular shall include the plural.

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

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

The term "shall" is always mandatory.

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

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

201.2 The particular shall control the general.

2-202 DEFINITIONS

In addition to the following definitions, diagrams illustrating key lot, area and bulk terms appear at the end of this Article.

ACCESSORY STRUCTURE: A detached subordinate building or structure, the use of which is clearly incidental to that of the principal structure or principal use of the land, and which is located on the same lot as occupied by the principal structure or use.

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

ADA: The Federal Americans with Disabilities Act, 42 U.S.C. §1201 et seq., as amended, and the Federal regulations promulgated thereunder.

ADMINISTRATIVE OFFICE: Same as "business or professional office".

ADULT 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, sexual encounter center, or massage center not bearing licenses identified in the Massage Therapy Establishment definition.

ADULT PERMISSION REQUIRED BUSINESSES: Non-medical establishments such as tattoo parlors and piercing boutiques where minors may receive services with the permission of a parent and/or guardian following the signing of a release.

AGRICULTURE: The science and art of farming, the work of cultivating the soil.

AGRICULTURAL OPERATIONS: An enterprise that is actively engaged in production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALLEY: A narrow service way providing a secondary public means of access to the rear or side of properties otherwise abutting on a street.

ALTERATIONS: Any construction or renovation to an existing structure other than repair or addition.

AMPHITHEATER: An indoor or outdoor structure or area having tiers of seats, risers, benches, or grassy slope rising gradually outward from a central open space or arena where fee-based or nonfee-based events, programs, spectacles and the like are performed or displayed.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his/her 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 class or plan or for the approval of a building development plan.

AMUSEMENT ARCADE: A business or portion thereof, having on its premises for use by the public, video or electromechanical devices operated by inserting a coin or token.

ANIMAL GROOMING FACILITY: An establishment for the grooming and aesthetic enhancement of domestic animals that does not include medical or surgical treatment, or overnight boarding facilities.

APARTMENT: (See Dwelling, Multifamily).

ARCHITECT: A professional architect licensed as such in the Commonwealth of Pennsylvania.

ASSEMBLY OR FABRICATION FACILITY: Any building or part thereof where promanufactured parts are assembled or fashioned into a finished product for wholesale or retail sale.

AUTO CONVENIENCE MARKET: A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

AUTOMOBILE SALES, RENTAL AND SERVICE: A retail establishment which may include one or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; and the service of the same buildings which may contain offices and showrooms.

AUTOMOTIVE, REPAIRS FACILITIES: Automotive repair facilities provide major mechanical repairs, painting, and body work, in addition to parts and routine maintenance.

BANQUET FACILITY: A building or part of a building rented for a specific occasion or purpose for a particular group of people such as, but not limited to, a birthday party, wedding reception, reunion, retirement party or similar events such as concerts, conferences, or sporting events.

BASEMENT: Any portion of a building that is partly or completely below ground or the adjacent ground level of the lot.

BED AND BREAKFAST: A detached dwelling which is the principal residence of the operator and in which a maximum of five sleeping rooms are provided for overnight guests for a period of not more than 14 consecutive nights in a 30-day period, with or without breakfast meals, for compensation. This definition shall not include a boarding

house, rooming house, domiciliary hostel, group home, motel, or hotel.

BILLBOARD: A sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted, or lettered; it may be either freestanding, mounted on a building wall or other structure, or applied directly on the surface of a wall-mounted or freestanding display area. The sign may be painted, a lit and painted sign, or electronic.

BLOCK: An area bounded by three or more streets.

BOARDING HOUSE: An establishment with lodging for three or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

BOROUGH: The Borough of Blawnox.

BUFFER AREA: An area of land which may include natural or artificial landforms or a planted area with shrubs, bushes, trees, grass or other ground cover material, and within which no structure or building shall be authorized except a wall or fence which meets requirements of this Ordinance.

BUILDING: Any covered structure composed of two or more walls and a roof, that is affixed to the land.

BUILDING COVERAGE: Same as "lot coverage."

BUILDING HEIGHT: The vertical distance from the average elevation at finished grade level to the highest point of the roof.

BUILDING LINE: same as "building setback line."

BUILDING LINE, FRONT: same as "front building setback line."

BUILDING, MAIN OR PRINCIPAL: same as "principal building."

BUILDING SETBACK LINE: a line parallel to a lot line, defining the yard required by this Chapter. In calculation set back lines steps and permanently open porches.

BUILDING SETBACK LINE, FRONT: the building setback line that is parallel to the front lot line, located at a distance equal to the front yard required by this Chapter for the zoning district in which the lot is located.

BUILDING SETBACK LINE, REAR: the building setback line that is parallel to the rear lot line, located at a distance equal to the rear yard required by this Chapter.

BUILDING SETBACK LINE, SIDE-the building setback line that is parallel to the side lot line, located at a distance equal to the side yard required by this Chapter.

BUSINESS AND PROFESSIONAL OFFICE: The office of an engineer, doctor, dentist, psychoanalyst, psychologist, public accountant, optometrist, chiropractor, attorney, real estate broker, insurance broker, architect, or other similar professional person; and any office used primarily for accounting, correspondence, research, editing or administration.

CANOPY: A lightweight structure attached to the ground and/or to a wall and extended over a sidewalk or other pedestrian walkway, where such structure is used primarily for purposes of shelter and not advertising.

CARPORT: A structure used for the shelter of a vehicle, and which includes a roof attached to the side or back of the principal building and/or supported by two or more columns, and which is open on two or more sides from the roof to the ground over which it stands (unless specified otherwise herein).

CAR WASH: An area of land and/or a structure with machine or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles and whereas no repairs or sales of petroleum fuel or lubricants are performed.

CARTWAY: That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders and berms.

CEMETERY: A burial place or graveyard which may include a mausoleum, or columbarium.

CHILD DAY CARE HOME: A facility where childcare is provided for four, five or six children under the age of 16, at any one time for part of a 24-hour day and which is licensed by the Department of Public Welfare as a "child day care home." A child day care home may qualify as a home occupation, as provided for in the conditional use criteria for home occupation. Day care for fewer than four children shall be permitted as a no-impact home-based business.

CHURCH: (See Place of Worship).

CLEAR-CUTTING: See definition under "forestry."

CLEAR SIGHT TRIANGLE: The unobstructed sight along both roads or driveways at an intersection and across their included corner for distances sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. The minimum sight triangle may vary according to type of street and speed limit. Sight distance along the street shall be measured at the height of the driver's eye, which is assumed to be 3.75 feet above the road service (See illustration in Appendix A).

CLUB: (Private and/or Semi-private) An association organized and operated not for profit for persons who are bona fide members paying annual dues, and which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

COMMERCIAL: Engaging in a business, enterprise, activity, or other undertaking for profit.

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 use or enjoyment of residents of the development, but excluding streets, offstreet parking areas, and areas set aside for public facilities.

COMMERCIAL RECREATION: Bowling alleys, billiard and pool halls, golf courses (regular and miniature), gymnasiums, exercise or fitness centers, swimming pools, and similar uses which are operated on a commercial, for-profit basis. Such uses do not include theaters, amusement arcades (as defined by this Ordinance), amusement or theme parks, or major sports arenas/stadiums or race tracks.

COMMUNICATIONS STRUCTURES: Performance towers, communications facilities, telecommunication antennas, tower sites and other structures relating to the transmission of radio signals, telecommunications wireless services, mobile cellular radio telecommunications services, radio, TV, and/or communication services for public or private use, excluding Over the Air Reception Devices [OTARDs] and police, fire, and emergency transmissions governed by governmental units.

CONDITIONAL USE: A use which may be permitted in one or more zoning districts upon approval of Borough Council who may grant approval pursuant to expressed standards and criteria and the provisions of this Ordinance - pursuant to express standards and criteria prescribed in this Chapter, after review and recommendations by the Property and Planning Committee and a public hearing conducted by Borough Council pursuant to public notice.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For purposes of this Ordinance, condominium refers to a method of owning real estate and not to a type of unit or structure.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

CONVENIENCE RETAIL: Establishments selling merchandise for daily consumption and purchase, such as food, drugs, and similar items. For purposes of this Ordinance, eating and drinking establishments, along with adult-oriented businesses, are excluded from this category.

CORNER LOT: (See Lot, Corner).

COUNCIL: Blawnox Borough Council.

COUNTY: Allegheny County, Pennsylvania.

COURT: An open, unoccupied, uncovered space partially or wholly surrounded by the walls of a building or structure

COVERAGE: (See Lot, Coverage).

CREMATORIUM: A location containing property installed, certified apparatus for use of the act of cremation.

CULTURAL CENTER: A facility operated for the collection of natural, scientific, artistic, or literary objects or works of art, or which provides exhibits and interpretative information on the natural environment botanical or geological exhibits, trails and pathways with interpretive signage, and structures which provide lecture and exhibit space.

DAY: Days shall be measured by calendar days whenever a time period is stipulated in this Ordinance.

DAY-CARE CENTER: A facility, other than a residential dwelling unit, where day care for the elderly or childcare and educational instructions are provided for seven or more children under the age of 16 or any number of elderly persons, at any one time for part of a 24-hour day, operated for profit, and which is licensed by the Department of Public Welfare as a "daycare center." Day care for fewer than four children shall be permitted as a no-impact home-based business.

DENSITY: The number of dwelling units per acre of land.

DEVELOPMENT: Any change to real estate, including but not limited to the erection, construction or placement of a structure or building, utilities, streets, parking and loading areas or other paved filling, grading, excavation, mining, drilling, or dredging operations, or the placement of mobile homes.

DEVELOPMENT PLAN: The provisions for the development of a planned residential development, including a plot of subdivisions, all covenants relating to use, location and bulk of building 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" shall mean the written and graphic materials referred to in this definition.

DEVELOPMENT RATIO: The proportionate area of a sensitive natural resource that is permitted to be developed.

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development; a subdivider.

DISTRIBUTION ACTIVITIES: The activities that are associated with the process of directly marketing, storing, and supplying wholesale goods. In terms of area these activities include, but are not limited to, the following: any building, parking lot, loading dock, bufferyard, setback area, or open space associated with the distribution center.

DISTRIBUTION CENTER: Any building or part thereof where distribution activity take place.

DRIVE-THROUGH FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted,

directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY: A private vehicular access route serving only one parcel or lot which provides access to a public street or private street, but which does not provide access to any other lot or parcel under separate ownership.

DUPLEX: (See Dwelling, Two Family).

DWELLING UNIT: Any building or portion thereof constituting a separate independent human habitation establishment for one or more persons, and containing independent cooking, sanitary and sleeping facilities. Each basement unit must have direct access to street level. It shall not be deemed to include hotels, boarding or rooming houses, institutional facilities and residence clubs.

SINGLE FAMILY DWELLING: A detached residential dwelling unit, other than a mobile home, occupied by only one family.

TWO FAMILY DWELLING: A detached building occupied by only two families, independent of each other, with the two units either attached side by side or one above the other.

MULTIFAMILY DWELLING: A residential structure containing three or more separate dwelling units, including townhouses, garden dwellings, multiplexes, multistory/multifamily and similar multiple dwelling structures.

DWELLING UNIT DENSITY: The minimum number of dwelling units authorized per acre when making this calculation: When making this calculation, neither easements nor right of ways shall be taken into consideration.

EATING AND DRINKING ESTABLISHMENT: A place for the sale and consumption of food and/or beverages to the general public, which includes restaurants, bars, taverns, and similar establishments.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, as the engineer for Blawnox Borough.

ESSENTIAL SERVICES: The provisions of distribution systems by public utilities regulated by the Pennsylvania Public Utilities Commission (PUC), municipal authorities, borough or other government agencies of underground or overhead water, sanitary or storm sewers, gas,

electrical, telephone, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith and where reasonably necessary for the furnishing of adequate services by such public utilities regulated by the PUC, municipal authorities, borough or other governmental agencies for the public health, safety or general welfare. Essential services do not include communications antennas, communications equipment structures, and communications towers.

EXISTING USE OR STRUCTURE: A use or structure in existence as of the effective date of this Ordinance.

FAMILY: One or more persons occupying a dwelling unit and maintaining a single human habitation unit, provided, however, that "family" shall not include boarding houses, dormitories, fraternity houses, sorority houses, group care facilities, group residences, life care facilities, nursing homes, or similar uses. Unless all members are related by blood, marriage or adoption no such family shall contain more than 5 persons. Unless all members are related by blood, marriage, or adoption, no such family shall contain more than 5 such persons.

FAMILY BOARDING HOME: A facility, located in a residential area, where the resident household provides room, board, and specialized services to eight or fewer unrelated persons. These individuals may be children, handicapped, elderly, or otherwise in need of specialized supervision and care. This category of facility requires licensing, certification, or supervision by the Pennsylvania Department of Public Welfare. Unless all members are related by blood, marriage, or adoption, no such family shall contain more than 5 such persons.

FAST FOOD RESTAURANT: A restaurant where the retail sale of prepared or pre-measured food items are ordered by the customer at a window, counter or vehicle rather than from a table and which is designed to facilitate quick service and take-out orders.

FENCE: Any structure constructed of including but not limited to wood, metal, wire, mesh, stone, vinyl, or masonry erected for the purpose of screening one property from another to assure privacy, protection or confinement of the property. The term "fence" shall include screening walls and hedges exceeding 30 inches in height.

FINISHED GRADE: The completed surfaces of lots, walks, streets, and roads brought to grades as shown on official plans or designs related thereto.

FIRST FLOOR: That floor of a building that is immediately above a basement or, where there is no basement, that floor of a building that is at ground level. A basement shall not be considered a first floor.

FLOODPLAIN: See definitions in Flood Plain Ordinance, which are incorporated herein.

FORESTRY: The growing or harvesting of trees for commercial or related purposes which does not include land development.

FRONTAGE: The length of a lot line bordering a street that is open to vehicular traffic.

FUNERAL HOME: A building used for the embalming of the deceased prior to burial, including cremation and for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE: A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold, or repair or other service is performed.

GARDEN APARTMENT: A multifamily structure, usually not exceeding three stories in height, sometimes designated around courts or common open areas, frequently having private balconies or patios.

GASOLINE SERVICE STATION: Building and premises where petroleum products, batteries, tires and automobile accessories may be supplied and sold at retail, and where services may be rendered in connection with these products, including but not limited to inspection, greasing, car washing, polishing, servicing, and adjustment of vehicles providing no major repair work is done.

GLARE: Direct or indirect light from such activities of greater than one-half (0.5) foot candle at habitable levels.

GRADE: A reference plane representing the average of finished ground level.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of the walls separating two buildings. For the purposes of determining permissible size and off-street parking and loading requirements, "floor area" shall include:

- (a) Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets.
- (b) Any basement floor area devoted to retailing activities; and
- (c) Floor area devoted primarily to storage purposes (except as noted above), off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

GROSS LEASABLE AREA (GLA): Total floor area designed for the exclusive use and occupancy of building occupants, including basements, mezzanines and upper floors, but not including public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether open or enclosed. GLA shall be measured from the center line of joint partitions and from the outside wall faces. It is the area upon which tenants pay rent, including sales area and integral stock areas.

GROUP HOME: A single family dwelling designed and used as a residence by individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate county, commonwealth, or federal agency.

HEIGHT, MAXIMUM: The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located, flag poles, television aerials, water towers and tanks, steeples, bell towers, broadcasting and electrical transmission towers and similar projections shall not be included in calculating maximum height. Appendix B

HOME OCCUPATION: An occupation conducted in a dwelling unit solely by members of the family residing on the premises, provided such occupation shall be clearly incidental and subordinate to the unit's residential purpose and shall be conducted entirely within the

principal residential structure, or when permitted in an accessory building.

HOSPITAL: A duly licensed institution providing acute medical or surgical care and treatment for the sick and injured, either through inpatient care or on an emergency outpatient basis.

HOTEL/MOTEL: A building or group of buildings containing rooms which provide sleeping accommodations for transient guests on a daily or weekly basis. The term shall include motor hotel, motor inn, motor lodge, tourist court, inn, and similar uses.

INDUSTRIAL: (See Manufacturing).

INSTITUTIONAL FACILITY: A facility providing room and board for more than six persons who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be staffed on a 24 hour basis by qualified personnel and operated by a governmental agency, or agent thereof, or social service corporation in accordance with Commonwealth and Allegheny County laws and regulations. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar agency. The facility shall be appropriately staffed on a 24-hour basis as normally prescribed by County or Commonwealth regulations. This facility shall not include business or professional offices, business activities, fraternal or social clubs, hospitals, nursing homes, rooming or boarding homes.

IMPERVIOUS SURFACE: Those surfaces that do not absorb precipitation. Parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, asphalt or similar materials shall be considered impervious surfaces. The Borough Engineer shall have the final determination with respect to what materials are impervious.

JUNK VEHICLE: A vehicle that is either uninspected and/or unregistered within the public right-of-way.

JUNKYARD: Any area where scrap metal, paper, rags, tires, and other waste and/or used materials are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery or motor vehicles are collected, dismantled, stored or sold for parts. Any use conducted entirely within an enclosed building is not a salvage yard.

KENNEL: An establishment where 4 or more domestic pets that are 4 months or older are kept, bred, trained, or boarded at any one time, whether for profit or not. A kennel shall not be considered a no-

impact home-based business, or a home occupation, or an accessory use to a residential dwelling, unless specifically permitted by this Chapter.

LAND DEVELOPMENT: (i) The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space 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; or (ii) a subdivision of land.

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

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. "Light manufacturing" includes, but not limited to, the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering or curing.

LOADING FACILITIES: The total composite of all off-street structures and facilities for a loading and unloading area to include, but not limited to, the loading space(s), docking approach, access drive(s) and all related accessory facilities.

LOADING SPACE, OFFSTREET: Space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

LOT: Any parcel or tract of land on which a main building and any accessory buildings are placed, together with the required open spaces. Such lot shall front on an improved public street or on an approved private way. In case of subdivision or combination of lots, no lot shall be created which does not meet the requirements of this Ordinance and pursuant to the laws of the Commonwealth.

LOT AREA: The total area within the boundary of a lot but excluding the area of land bounded by any front lot line, the center line of a street right-of-way on which it fronts, and the side lot lines intersecting the front lot line and extended to the center line of the street right-of-way.

LOT, CORNER: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT, INTERIOR: A lot other than a corner lot with frontage on only one street.

LOT, THROUGH: A lot with the frontage on two parallel, or approximately parallel streets, and which is not a corner lot; may also be referred to as a double frontage lot.

LOT AREA PER DWELLING UNIT: The quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot.

LOT COVERAGE: That percentage of a lot which when viewed directly from above would be covered by a structure or structures, or any part thereof, excluding protecting roof caves.

LOT DEPTH: The distance between the midpoints of the front lot line and the rear lot line.

LOT WIDTH: The distance between the side lot lines measured at right angles to the lot depth at the established front building line.

LOT LINE, CORNER: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT LINE, FRONT: A street right-of-way line forming the boundary of a lot.

LOT LINE, REAR: The lot line that is most distant from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is

less than 15-feet long, or if the lot comes to a point at the rear, the rear lot lines shall be a line at least 15-feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of Allegheny County Department of Real Estate or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MANUFACTURING: Business engaged in the mechanical or chemical transformation of materials or substances into new products or engaged in assembling component parts of manufactured products if the new product is neither a structure nor other fixed improvement.

MASSAGE THERAPY ESTABLISHMENT: Any business or part thereof where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools, or equivalent agency if trained in another State, by a person certified through a massage therapy certification exam approved by the National Commission for Certifying Agencies, by a person certified through the National Certification Board for Therapeutic Massage and Bodywork, or by a person who is a practitioner or higher level member of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

MEDICAL CLINIC: An establishment, excluding a medical office and business or professional office, where two or more medical professionals licensed by the Pennsylvania Department of Health provide diagnostic health, medical, surgical and/or psychiatric services and/or treatment to the general public, where patients are not provided with board or kept overnight, and shall include such uses as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, provided that all such uses have access only from the interior of the building or structure.

MEDICAL OFFICE: An establishment where one or more licensed medical professionals, provide diagnosis and treatment by appointment to the general public, without surgical procedures or pharmacy, where patients are not provided with board or kept overnight, and shall include such uses as reception areas, offices, consultation rooms, and x-ray, provided that all such uses have access only from the interior of the building or structure.

MIXED USE OR OCCUPANCY: The conduct or carrying on of two or more uses of one building.

MODULAR UNIT:[Also known as a Manufactured Home] A unit transported on a removable or non-removable frame, in which some or all of the component parts are fabricated, formed or assembled off-site in a factory, transported to the site for assembly and installed on the building site. The term includes "module", "prefab", "factory-built", "panel-built", and similar terms. The completed unit shall comply with the building code standards for conventionally constructed units; the modular unit is considered real property.

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

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utilities' connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile homes erected on the lot.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

MULTI-STORY BUILDING: Structure of over three stories, but not exceeding the height limitation for the district in which it is located, with an elevator as well as stairs to all levels. All units are accessible through an entrance hall shared with other dwelling units. This term shall also include the terms "low-rise, mid-rise or high-rise apartments."

NEIGHBORHOOD CONVENIENCE STORE: An establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Neighborhood convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores. Establishment not to exceed 2000 square feet.

NET FLOOR AREA: The total of the floor areas of a building, measured from the interior faces of walls, excluding stairwells and elevator

shafts, common hallways which are not leasable space, lobbies, rest rooms, storage (except in conjunction with warehouses and other industrial uses) and equipment rooms, food preparation areas in a restaurant, interior vehicle parking or loading areas and any other areas not accessible to the general public.

NIGHTCLUB: A commercial enterprise (including all or a portion of a restaurant, bar, hotel, or motel) which offers dancing and entertainment, either live or recorded, and may be characterized by low light levels, closely packed tables and/or a dance floor, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. Nightclubs shall not include banquet facilities, private clubs, recreation facilities or other buildings used primarily for social gatherings of members of condominiums, cooperatives, homeowner associations, civic, charitable, or fraternal organizations which periodically have dances, stage shows, or music, and alcoholic beverage consumption and admission fees. For purposes of this definition, entertainment shall not include television viewing of sporting events, programs, or movies.

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

- (a) The business activity shall be compatible with the residential use of the property and the surrounding residential uses;
- (b) The business shall employ no employees other than family members residing in the dwelling;
- (c) There shall be no display and no exterior stockpiling or inventory;
- (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 that 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 percent of the habitable floor area; and
- (h) The business may not include any illegal activity.

NONCONFORMING BUILDING OR STRUCTURE: A structure, or part of a structure, manifestly not designed to comply with the applicable minimum yard or other dimensional requirements of this Chapter, or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment. Such nonconforming structures include, but are not limited to, nonconforming signs

NONCONFORMING LOT: A lot which does not comply with the applicable area and dimensional requirements of this Chapter, or an amendment hereinafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment

NONCONFORMING USE: A use, whether of land or of structure, which does not comply with the applicable use provisions of this Chapter, or amendment hereafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment.

NONRESIDENTIAL USE: Any use that is nonresidential. Also, an institutional use in which persons may reside, such as a dormitory, correctional facility, nursing home, or hospital shall be considered a nonresidential use.

NURSING OR CONVALESCENT HOME: An institution for the care of children, the aged or infirmed, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed or certified in accordance with state and county laws and regulations. The term shall not include facilities or acute care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OCCUPANCY PERMIT: A permit issued by the Zoning Officer before the occupancy of any new or remodeled building, use of land, or change of use, which certifies that all the requirements of this Ordinance and other applicable ordinances have been met.

OUTDOOR AND IN-HOUSE FARMING: The growing, harvesting, production, keeping or maintaining of, for sale, lease, or personal use of plants useful for humans and animals including but not limited to grains and seed crops, fruit of all kinds, vegetables, sod, nursery, floral, ornamental and greenhouse products.

OPEN SPACE: Land set aside and used for recreation, agriculture, resource protection or a buffer area which is freely accessible to all residents of a development although restrictions may apply to agricultural areas. Open space does not include land occupied by nonrecreational buildings, roads and required parking areas or yards of dwelling units required by this Ordinance. Open space is normally left in a natural state, except if safety precludes this, and also with the exception of recreation areas which may be surfaced.

OUTDOOR STORAGE: The storage of materials, equipment, containers, and/or trailers outside of a completely enclosed building. The term "outdoor storage" shall not be construed to include: outdoor storage of motorized vehicles (such as automobiles, boats and buses) that do not constitute junk vehicles.

PARK: An area specifically designed for outdoor use for active or passive recreation purposes, open space and/or sports that offers all of its activities and services to the general public for no fee or charge; provided, however, a park owned by the Federal, State, County and/or Borough may charge fees for usage or activities that are established by the appropriate governing body or governmental entity. A park shall also include a parcel of land owned by a homeowner's association or condominium association, as part of a Borough-approved subdivision, land development and/or planned residential development, that is dedicated, either publicly or privately, specifically for the use as a park, open space, and/or active or passive recreation area.

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

PARKING SPACE: An offstreet space available for parking of a motor vehicle and which has a hard, all-weather surface and is at least an area nine-feet wide by eighteen-feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PERIMETER: The outer boundary of a development site or area.

PERMITTED USE: An authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the requirements of this ordinance.

PERSON: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME: A residential facility, operated for profits or otherwise, providing food, shelter and personal assistance or supervision for adults who require assistance or supervision in daily routine activities such as bathing, dressing, diet or the taking of medication prescribed for self-administration.

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

THE PROPERTY AND PLANNING COMMITTEE: The Blawnox Borough Property and Planning Committee.

PORCH: An open roofed or enclosed exterior appendage to a main or accessory structure, projecting from the front, side, or rear walls of the structure. For purposes of this Ordinance, porches shall include structures and home additions commonly referred to as patios, sunrooms, sunporches, decks and similar structures or construction. Stoops or slabs which extend beyond the front, side, or rear walls of a main structure a distance of more than four feet and/or exceed the length of six feet along said front, side or rear walls are deemed to be porches by definition. Permanent or temporary awnings which extend beyond five feet from the front, side, or rear walls of the main structure, or which are partially or wholly supported by posts, poles, spires or similar construction or structures set beyond the walls of the main structure are deemed to be porches by definition.

PRINCIPAL BUILDING: A building or buildings in which is conducted the main or principal use of the lot on which the building is situated.

PRINCIPAL USE: The main use of land or structures as distinguished from a subordinate or accessory use.

PRIVATE: Of or pertaining to any building, structure, use, or activity limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, and other facilities to be owned, maintained, or operated by a private entity as an individual, corporation, or homeowners' association for which plans and specifications must comply with the provisions of this Chapter.

PUBLIC: Of or pertaining to any building, structure, use, or activity belonging to, or affecting, any duly authorized government body.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Members of Council or the Property and Planning Committee, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC IMPROVEMENTS: All streets, walkways, gutters, stormwater management facilities, curbs, sewers, and other facilities to be dedicated to and accepted by or maintained by the borough or other public entity for which plans, and specifications must comply with the provisions of this Chapter.

PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act", 53 P.S. §271 et seq.

PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 7 days from the date of the hearing.

PUBLIC SERVICE FACILITY: Land or a building or structure and its equipment erected and used for the purpose of facilitating service to the public, by a governmental agency or publicly franchised or regulated corporation.

PUBLIC WATER SYSTEM: A municipal water supply facility approved and permitted by DEP and owned and operated by a municipality or a municipal authority, or a water supply facility owned by a public utility and operated in accordance with a certificate of public convenience granted by the Public Utility Commission (PUC).

RECREATIONAL FACILITY, PUBLIC OR PRIVATE: Land or buildings for the pursuit of sports and similar leisure time activities such as parks, swimming pools, tennis courts or ballfields, which are operated by governmental or nonprofit organization. Excluded are any

amusement establishments or other recreational facilities of a commercial nature. (See Commercial Recreation).

RECREATIONAL VEHICLE: A single or multiple-axle, non-self-propelled or self-propelled structure mounted on wheels or otherwise capable of being made mobile for the purpose of travel, recreational and vacation use, including but not limited to, travel trailers, motor homes, tent trailers, boats and boat trailers, horse trailers, or campers.

RESEARCH/DEVELOPMENT FACILITY: A use devoted to research, design, laboratory work and or experimentation and any processing and fabrication incidental thereto, provided no materials or finished products shall be manufactured, processed, or fabricated on the premises for sale except such as are incidental to said laboratory research, design and or experimentation conducted on said premises.

RETAIL BUSINESS. Commercial establishments engaged in selling merchandise directly to customers for personal or household consumption and rendering services incidental to the sale of goods.

RESTAURANT: An establishment where the principal business is the sale of food and beverages to the public in a ready-to-consume state, where the food preparation is completed in the on-site kitchen, and where the design or principal method of operation consists of one or more of the following: (1) High turnover restaurant-a restaurant where food is inexpensive or moderately priced and the customer turnover time is generally less than 1 hour, including drive-through restaurants and take-out establishments. (2) Low turnover restaurant-a restaurant where food is more expensively priced than in a high turnover restaurant and where the customer turnover time is generally 1 hour or longer. (3) Drive-through restaurant-a restaurant which includes a principal building and adjoining parking area used for the purpose of furnishing food and beverages to the public normally for consumption outside the confines of the principal building, or in vehicles parked upon the premises, regardless of whether or not seats are provided inside for patrons. A restaurant does not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, to entertainment, to the sale of merchandise or nonfood related services.

RESIDENTIAL USE: Those activities customarily conducted in living quarters in an urban setting but excluding such activities as the keeping of livestock or fowl; activities resulting in noise which constitutes a nuisance in a residential area; and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

RIGHT-OF WAY: Land reserved for use as a street, alley, interior walk, or other public purpose and dedicated for public use; all must be recorded in the County Recorder of Deeds Office. For purposes of this Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way.

ROOMING OR BOARDING HOUSE: A residential building other than a hotel in which part or parts are kept, used, or held out to be a place where sleeping accommodations are offered for hire for three or more persons.

SCHOOL: Any public, private or parochial place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors and meeting all the requirements of the Pennsylvania Dept. of Education for providing primary, secondary, vocational, or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, or business.

SERVICE BUSINESS: Commercial establishments providing a wide variety of services for individuals, business and government establishments and other organizations.

PERSONAL SERVICES: Establishments providing services generally involving the care of the person or his/her apparel such as laundries, dry cleaning shops (excluding dry cleaning plants), barber/beauty shops, photographic studios, shoe repair and similar services. For the purpose of this Ordinance, funeral homes/mortuaries and vehicular repair services are excluded from this category.

BUSINESS SERVICES: Establishments providing services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, computer and data processing services, medical, legal and psychological services.

SHOPPING CENTER: A group of commercial businesses developed, owned and maintained as a single entity and sharing a common parking lot.

SHORT TERM RENTAL: The use of a Dwelling Unit in which the owner rents any area of a Dwelling Unit to one [or more] individuals for compensation or fee, including offer of exchange in kind, or any type [whether of not involving overnight accommodations or separate sleeping quarters] for less than thirty [30] consecutive days. This definition applies to all types of residential dwellings including, but not limited to, single family dwelling, two-family dwelling, multi-family dwelling and residential properties commonly considered as seasonal dwelling units, vacation homes, or tourist homes. A short-term rental use shall not cause an increase in vehicular or pedestrian traffic, or the use of water, sewage, garbage, public safety, or any other municipal services, beyond that which is normal for a Dwelling Unit in the neighborhood nor increase the occupancy of the Dwelling Unit beyond what the Dwelling Unit is built to hold.

SIGN: A structure that is arranged, intended, designed, or used to advertise, announce or direct; or any device, illustration, description or identification posted, painted, or placed in some fashion on a building, structure or any surface for such a purpose. For the purpose of removal, signs shall also include all sign structures.

AWNING, CANOPY SIGN: A sign consisting of individual cut-out letter and/or symbols which are painted, stenciled, or otherwise placed on a non-permanent awning or canopy.

FLASHING/ANIMATED SIGN: Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

FREE STANDING SIGN: A sign erected on a free-standing frame, mast or poles and not attached to any building. Also known as a ground or detached sign.

IDENTIFICATION SIGN: A sign indicating only the name of the individual or organization occupying the premises; the profession of the occupant; or the name and/or address of the building or management thereof.

MARQUEE SIGN: A sign placed on or under the edge of any canopy of permanent construction projecting from the wall of a building.

OFF-LOT DIRECTIONAL SIGN: A sign which conveys instructions or directions with respect to the use of the lot or building on which the sign is located, including but not limited to signs which indicate street addresses and the availability of parking, telephones, restrooms, and other conveniences for the general public.

OUTDOOR ADVERTISING SIGN: (See Billboard).

PROJECTING SIGN: Any sign supported by a building wall and/or roof attached along one edge by a bracket, perpendicular to the wall surface or hung from a support attached to a building wall, projecting no more than 6 feet, this may include a message board with internal lighting.

WALL SIGN: A sign attached to or erected against a wall of a building with the face horizontally parallel to the building wall.

WINDOW GRAPHIC SIGN: A sign which is painted permanently on or similarly applied to the inside or outside of a window.

SIGN AREA: The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the copy or letters of the said sign.

SIGN FACE: The area or display surface of a sign, including the advertising surface and any framing, trim, or molding, used for the message on a single pane.

SIGN, TEMPORARY: A sign which offers the premises for sale, rent or development; or advertises the services of professionals or building trades during sale, construction, or alteration of the premises upon which the sign is located.

SITE PLAN: A plan of a proposed development or use on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Borough or prescribed by this Ordinance.

SPECIAL EXCEPTION: Approval for a particular use granted by the Zoning Hearing Board according to the provisions of the ordinance.

STEEP SLOPE: An area where the inclination (vertical distance over horizontal distance) of the land's surface is 15 percent or greater and encompassing a vertical grade differential of 10 feet within the slope. Slope is calculated based upon contours at intervals of not more than 5 feet where the slope is greater than 10 percent and at intervals of not more than 2 feet where the slope is 10 percent or less.

STORAGE SHED: A small accessory structure, either wholly or partially enclosed, serving for storage of tools, equipment, supplies or other similar materials for safekeeping.

STORY: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five feet above finished grade. Building Code

STREET: Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or other way, whether public or private, used or intended to be used by vehicular or pedestrian traffic.

STREET GRADE: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STREET - TYPE: Streets may be classified according to the following:

STREET, ARTERIAL: Streets designed to carry high volumes of traffic from one area of the community to another or to link one community with another.

STREET, COLLECTOR: Streets designed to collect traffic from local street and then to convey it to the major arterials.

STREET, LOCAL: Streets designed to serve only the traffic needs of and provide access to a limited area or neighborhood.

STRUCTURE: Any assembled, erected or constructed object having a stationary location on or in land or water, whether or not it is affixed to the land. This includes, but is not limited to, gazebos, storage sheds or containers, free standing posts, pillars, and similar uses.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer or ownership, or building, or lot development, provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new structure or easement of access, shall be exempted.

SURVEYOR: A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

SWIMMING POOL: A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, used as a recreational facility for swimming, bathing, or wading and having a depth of over 24 inches. A swimming pool shall be deemed to include all building, equipment, and appurtenances incidental to such a pool.

TAVERN: A business selling food and alcoholic beverages for consumption on the premises and duly licensed by the Commonwealth of Pennsylvania.

TEMPORARY STRUCTURE OR USE: Any structure or use which, by the type of materials, construction or intended purpose, is erected or located for not more than one year. Included are tents, stands, construction trailers and other structures or uses of similar character.

TOWNHOUSE DWELLINGS: An attached single-family dwelling consisting of a structure with a series of three to six attached dwelling units, separated from one another by continuous vertical walls without an opening from basement to roof.

TRAILER: A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes having a body width not exceeding eight feet.

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

VARIANCE: Permissive waivers from the terms of this Ordinance, granted by the Zoning Hearing Board in cases where a literal enforcement of provisions of the Ordinance will result in unnecessary hardship, due to special conditions that are self-imposed, and are determined not to be contrary to the public interest and the spirit and intent of this Ordinance.

VIDEO GAME OR AMUSEMENT ARCADE: A business, or portion thereof, having on its premises for use by the public, more than five video or electromechanical devices operated by inserting a coin or token.

WAREHOUSE: A building where wares or goods are stored before distribution to retailers or are kept in reserve or bond.

WHOLESALE BUSINESS: Commercial establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, instructional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

YARD: An open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. (See illustrations.)

YARD, FRONT: A yard extending along the full length of a front lot line and back to the required building line.

YARD, REAR: The required open space extending from the rear of the main building to the rear lot line (not necessarily a street line) across the entire width of the lot.

YARD, SIDE: The required open space between the side (face) of any building and the side lot line, extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed as a sideline.

ZONING HEARING BOARD: The Zoning Hearing Board of Blawnox Borough.

ZONING OFFICER: The duly constituted official designated to administer and enforce this Ordinance.

ZONING PERMIT: A permit, issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this

Ordinance for the zoning district in which it is located or is to be located.

ARTICLE THREE

SCHEDULE OF DISTRICT REGULATION

3-300 ESTABLISHMENT OF DISTRICT CLASSIFICATIONS

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

Residential Districts

- R-1 Single Family Residential
- R-2 Single Family and Two Family Residential

Mixed-Use Districts

- RC-1 Residential/Commercial
- RC-2 Mixed Residential/Limited Manufacturing

Commercial, Industrial Districts

- C-1 Community Business
- I-1 General Industrial

Special Districts

- CD Conservation

3-301 ZONING DISTRICT MAP AND BOUNDARIES

The boundaries of the various zoning districts established on the map entitled "Official Zoning Map" are kept on file in the office of the Borough Manager. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The Official Zoning Map shall be dated and shall carry the signature of the President of Council, the Mayor and the Borough Manager certifying that it is the true map adopted by the Council, and this map shall be sealed with the official Borough seal. All amendments shall be identified on the map and similarly certified.

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

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

In the event that a street, alley or other way shown on the Official Zoning Map is vacated, the property formerly in said street or right-of-way shall be included within the zoning district of the adjoining property on either side of said vacated street or way. Where said street forms a zoning district boundary, the new district boundary shall be the new property line created by the former centerline of said vacated street.

3-302 R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS

302.1 Purpose

R-1 districts are intended to be principally single-family homes on individual lots with customary residential accessory uses. Certain residentially related uses will be permitted as conditional uses provided they meet the criteria contained in this Ordinance. Among the permitted uses are planned residential developments which may include a variety of housing types and whose development standards may vary from those otherwise applicable in the R-1 district. (See Article 5)

302.2 Permitted Uses

1. Single family detached dwellings.
2. Residential accessory uses, such as garages, gardens, private swimming pools.
3. Home occupations, as permitted by Article 4 of this Ordinance.
4. Signs, as permitted by Article 4 of this Ordinance.
5. Essential services and public service facilities, as defined by this Ordinance.

302.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance:

1. Schools, excluding boarding facilities.
2. Churches or other places of worship.
3. Public recreational facilities, other public buildings/use.
4. In-home day care facilities.
5. Planned residential development, as defined by this Ordinance.
6. Short Term Rental

302.4 Area and Bulk Regulations - Permitted and Conditional Uses

302.4.1 Minimum Lot Area

- a. Single family dwelling - 6,000 square feet per dwelling.
- b. School, church or place of worship - 10,000 square feet per use.

302.4.2 Minimum Yard Requirement

- a. Front: 20 feet, or the average of the two abutting structures where these yards are less than the minimum required, but no less than 10 feet.
- b. Side: Residential: 5 feet for each side yard. On a corner lot the side yard abutting a public street shall be the same depth as the front yard. Other uses: two side yards, each 15 feet, for any principal structure or use.
- c. Rear: 25 feet for any principal structure and a minimum 5 feet for any accessory structure.

302.4.3 Maximum Lot Coverage: 30 percent for all uses.

- 302.4.4 Maximum Height: Principal structures - 35 feet;
accessory structure; 14 feet.
- 302.4.5 Lot With- 30 Feet

302.5 Offstreet Parking Requirements

As specified by Section 4-408 of this Ordinance.

302.6 Standards for Planned Residential Development

As specified by Article 5 of this Ordinance.

3-303 R-2 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL

303.1 Purpose

This district provides for a mix of single- and two-family residential units at varying lot sizes and densities. It also includes, as conditional uses, certain specialized housing types, such as group residences and nursing homes, where these can be developed so as to be compatible with the existing neighborhood and adjacent residences.

303.2 Permitted Uses

1. Single family detached dwellings.
2. Two family detached dwellings.
3. All other uses permitted in R-1, excluding Planned Residential Developments.

303.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance.

1. Schools, excluding boarding facilities.
2. Churches or other places of worship.
3. Day care centers, as defined by this Ordinance.
4. Public recreational facilities, other public Building/uses.
5. In-home day care facilities,

6. Funeral home.
7. Planned Residential Development
8. Short Term Rental

303.4 Area and Bulk Requirements - Permitted and Conditional Uses

303.4.1 Minimum Lot Area

- a. Single family - 5,000 square feet/unit.
- b. Two family - 2,500 square feet/unit.
- c. Funeral Home 7,200 square feet
- d. All other uses 10,000 square feet

303.4.2 Minimum Yard Requirements

- a. Front Yard: 15 feet for dwellings; 30 feet for other uses.
- b. Side Yard: Residence (other than multifamily) two side yards totaling 10 feet but none less than 3 feet. On a corner lot, a side yard abutting a street shall be at least equal to the front yard of the rear abutting lot which fronts on that street, but in no event less than 10 feet.

Other Uses - 15 feet each side yard.

- c. Rear Yard: 25 feet for principal structures, and 3 feet for accessory structures.

303.4.3 Maximum Lot Coverage: 40 percent for all uses.

303.4.4 Maximum Height All uses 35 Feet

303.4.5 Minimum Lot Width All uses 30 Feet

303.5 Offstreet Parking Requirements

As specified by Section 4-408 of this Ordinance.

304.1 Purpose

This district designates neighborhoods where new commercial uses may be located, as conditional uses, although the area is still predominately residential. These areas, generally adjacent to other commercial or industrial zones, are ones where older homes already have been converted to businesses. Additional conversions may be appropriate, provided they meet certain standards to avoid negative impacts on other residences.

304.2 Permitted Uses

1. Single and two family detached dwellings.
2. Townhouses.
3. Multifamily dwellings.
4. Customary residential accessory uses, such as garages, gardens, private swimming pools.
5. Home occupations, as permitted by Article 4 of this Ordinance.
6. Signs, as permitted by Article 4 of this Ordinance.
7. Essential and public services, as defined by this Ordinance.

304.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance.

1. Neighborhood convenience store such as food store, drug store, bakery, clothing shop, speciality store.
2. Personal services, such as barber and beauty shops, shoe repair, laundry (no cleaning or processing on premises).

3. Business services, such as stationery supplies and printing and copying, computer and data processing.
4. Banks and financial institutions.
5. Business and professional offices.
6. Public or private schools.
7. Day care centers, as defined by this Ordinance.
8. Group homes, Rooming or Boarding House and Family Boarding Homes as defined by this Ordinance.
9. Manufactured (or mobile) home parks.
10. Public recreation, other public building/use.
11. Institutional Facility.

304.4 Area and Bulk Regulations - Permitted and Conditional Uses

304.4.1 Minimum Lot Area

- a. Single family dwelling - 2,600 square feet per dwelling.
- b. Two family dwelling - 3,000 square feet per dwelling.
- c. Multifamily - 1,200 square feet per dwelling.
- d. Manufactured or mobile home parks - five acres for the park area and 5,000 square feet per manufactured home unit.
- e. Nonresidential, conditional uses - no prescribed minimum, lot areas shall be sufficient to meet requirements for yards, setbacks, lot coverage, offstreet parking and loading, and other applicable provisions of this Ordinance.

304.4.2 Minimum Yard Requirements

a. Dwellings: Front - 10 feet or an average of the setbacks of the structures abutting both sides of property; Side - 3 feet each; Rear - 10 feet.

b. Manufactured Homes - See Article 6 of this Ordinance.

c. Nonresidential: Front - same as nearest abutting structures; if these setbacks vary, then the setback shall be the average setback of the abutting structures.

Side and Rear - no minimum, provided that no structure shall be closer than three feet from any property line and that the three feet setback be maintained as a planted or otherwise screened buffer area, as provided in Section 4-406 of this Ordinance.

304.4.3 Maximum Lot Coverage: None

304.4.4 Maximum Height

a. Single Family, Two Family Townhouse Structures - 35 feet.

b. Multifamily, Nonresidential - 45 feet.

c. Accessory Structures - 14 feet.

304.5 Offstreet Parking and Loading Requirements

As specified by Sections 4-408 and 4-409 of this Ordinance.

304.6 Other Standards

1. Conversions of existing structures to multifamily dwellings must comply with the offstreet parking, lot area, and yard requirements of this Ordinance and applicable standards of the borough building code.
2. Where an existing business proposes to expand by thirty (30) percent or more of its gross area, it shall provide the required offstreet parking and loading areas for the entire use, based on the gross area of both existing facilities and the proposed expansion.

3. All nonresidential uses must meet the performance standards for noise, air and water quality and similar items, which are contained in Section 4-410 of this Ordinance.

3-305 C-1 - COMMUNITY BUSINESS DISTRICT

305.1 Purpose

This district provides for a broad range of commercial uses and offices typical of the borough's central business area along Freeport Road. The intent of this district is to encourage continued business and employment growth, as well as additional residential development.

The C-1 district, located along Freeport Road, is primarily retail and service business located on separately owned lots, rather than unified shopping centers. Businesses in this district should be compatible in terms of general market and operating characteristics.

305.2 Permitted Uses

C-1 District

1. Neighborhood convenience store and general retail uses, such as food, drugs, bakery, apparel, hardware, appliances and furniture, jewelry, speciality shops.
2. Personal services such as barber and beauty shops, laundry, and cleaning (no processing on premises), and shoe repair.
3. Business and personal service, such as financial institutions, insurance/real estate offices, printing and copying, computer and data processing.
4. Eating and drinking establishments (excluding drive-in restaurants).
5. Medical and dental offices.
6. Business and professional office buildings.
7. Funeral home.

8. Private school or day care center for pre-primary age children.
9. Private school for dancing, music or similar art or craft instruction.
10. Private clubs and fraternal organizations.
11. Public facility, building, or recreational areas.
12. Customary accessory uses, such as parking, enclosed storage, to any permitted uses.
13. Essential services and public service facilities, as defined by this Ordinance.
14. Signs, as permitted by Article 4 of this Ordinance.
15. Multifamily dwellings, including townhouses and garden apartment.
16. Theater

305.3 Conditional Uses

1. Multifamily dwellings as accessory to commercial structures.
2. Commercial recreation uses, such as bowling, racquetball, exercise clubs.
3. Gasoline service stations, as defined by this Ordinance.
4. Retail plumbing, heating, electrical and similar building material sales (excluding wholesale and warehousing).
5. Animal hospital or veterinarian offices (excluding boarding facilities).
6. Video game or amusement arcades, as defined by this Ordinance.

7. Drive-in restaurants.
8. Auto convenience market as defined by this Ordinance.
9. Adult permission required business
10. Bed & Breakfast
11. Short Term Rental

305.4 Area and Bulk Regulations - Permitted and Conditional Uses

305.4.1 Minimum Lot Area

- (a) Commercial Uses- 3,000 square feet.
- (b) Multifamily dwellings as accessory to commercial structures an additional 1,400 square feet per dwelling unit.

305.4.2 Minimum Yard Requirements:

- (a)
 - (1)- Front set back 10 feet.
 - (2)- Side set back 5 feet.
 - (3)- Rear set back 3 feet
- (b) Where the rear yard abuts a residential property the rear yard setback shall be 5 feet and shall require a buffer as set forth in Section 4-406. Where the rear yard abuts a public access roadway, the parking requirements as set forth in Section 4-408 may be developed in the front or rear yard area and there shall be no setback requirement.

305.4.3 Maximum Lot Coverage:

- a. 60%

305.4.4 Maximum Height:

a. 35 feet or no more than three (3) stories.

305.4.5 Building Groups: In C-1 District, groupings of building within a single development site shall be arranged so as to ensure adequate light and air exposure for walls containing main window exposure or main entrances and so as to be accessible on all sides of the building to emergency vehicles.

305.5 Off street Parking and Loading Requirements

As specified by Sections 4-408 and 4-409 of this Ordinance.

305.6 Other Standards

1. Conversions of existing structure to multifamily dwellings or commercial uses must comply with the offstreet parking and lot area requirements of this district and applicable provisions of the borough building code.
2. A conversion of existing structures to nonresidential uses must provide a minimum three-foot planted screen along any side or rear property line abutting a residential use, in accordance with Section 4-406 of this Ordinance.
3. Offstreet parking may be located in a required rear yard, provided a minimum three-foot setback is maintained along the rear property line. This setback must be planted or otherwise screened in accordance with Section 4-408 of this Ordinance.
4. To preserve the traffic capacity and safety of Freeport Road, vehicular access to properties fronting on the north side of Freeport Road shall be from the rear of the property with approval of Zoning Officer, whose approval shall not be unreasonably withheld taking into consideration public safety. All driveways must be located and designed in accordance with the Pennsylvania Department of Transportation (PennDot) requirements (67 PA Code, Chapter 1). If direct access is proposed from Freeport Road, the required permit must be obtained from PennDot prior to approval of the conditional use application.

Access to these properties must be approved by Borough Council. As a condition of approval, applicants may be asked to:

- a. Provide a shared access with one or more adjacent properties.
- b. Construct, or dedicate land for, a portion of service or frontage road along Freeport Road which provides ingress and egress at points which do not impede normal operating conditions of the road or do not create hazardous traffic conditions.

Council may impose any other reasonable conditions to assure safe traffic and pedestrian access and preserve the safety and traffic operating characteristics of Freeport Road and the surrounding street system. Any costs incurred by the Borough for traffic engineering studies relative to these determinations shall be paid by the applicant or developer and made part of the application process.

3-306 I-1 - GENERAL INDUSTRIAL DISTRICTS

306.1 Purpose

This district designates suitable areas for new and expanded manufacturing industrial uses which comply with the performance standards of this Ordinance.

306.2 Permitted Uses

1. Any production, fabricating, processing, cleaning, servicing, repair, testing, or storage of goods or products provided the use conforms to the performance standards in Section 4-410 of this Ordinance.
2. Any business or commercial establishment which provides supplies or services to industrial and manufacturing customers, and which conforms to the performance standards in Section 4-410 of this Ordinance.
3. Railway, truck, and freight terminals.

4. Wholesale and distribution centers, including warehousing, parcel delivery, storage, and beverage bottling plants.
5. Any light industrial use.
6. Animal hospitals and kennels.
7. Gasoline sales and service stations.
8. Vehicular repair.
9. Customary accessory uses, such as business offices, storage areas, snack bar or cafeteria.
10. Public facilities and essential services.
11. New or used auto sales.
12. Outdoor and in-house farming
13. Assembly and Fabrication Facility
14. Light manufacturing, including production, processing, testing, repair, or servicing of apparel and other textile products, furniture and fixtures, paper and allied products, printing and publishing, rubber and plastics, leather and leather products, instruments and related products, jewelry, musical instruments, toys and sporting goods, pencils, pens and art supplies, signs and advertising displays and burial caskets.

306.3 Conditional Uses

1. Car Wash.
2. Adult Oriented Use Business, as defined by this Ordinance.
3. Theater

306.4 Area and Bulk Regulations - Permitted and Conditional Uses

306.4.1 Minimum Lot Area: 4,000 square feet for all uses.

306.4.2 Minimum Yard Requirements:

a. Front - 25 feet.

b. Side - 10 feet each side.

c. Rear - 18 feet.

306.4.3 Maximum Lot Coverage: 70 Percent.

306.4.4 Maximum Height: 50 Feet.

306.5 Off street Parking and Loading Requirements

As specified by Sections 4-408 and 4-409 of this Ordinance.

306.6 Other Standards

1. Storage or other outdoor operations shall not be conducted in required front yards. They may be located inside or rear yards if such area is separated from a public street or property (except property in I-1 District) by a planted or screened buffer area, in accordance with this Ordinance.

2. If a lot in an I-1 District adjoins a R/C-1 District, a planted or otherwise screened buffer area shall be provided at the lot line to protect on a year-round basis the privacy of the adjoining residential uses. In accordance with section 4-406.

3-307 CONSERVATION DISTRICTS

307.1 Purpose

This district includes natural and environmentally sensitive areas, such as floodplains, the Allegheny River Island or islands, or steep slopes, which require special regulations to assure their protection, preservation, and/or safe use.

307.2 Permitted Uses

None.

307.3 Conditional Uses

The following uses are permitted subject to the conditions of this Ordinance, the Borough Floodplain Ordinance, or other applicable federal, state and local regulations:

1. Single Family.
2. Townhouse Development.
3. Public or private recreational uses and related facilities.
4. River-oriented recreation and commercial uses adjacent to the Allegheny River, such as marinas, boat docks, storage and launching facilities, fishing piers or area, eating and drinking establishments, specialty shops, and similar uses.
5. Farming, greenhouses, plant nursery, and gardens.
6. Permitted accessory uses to a use permitted in an I-1 or R/C-1 district where the property in the I-1 or R/C-1 district fronts on the Allegheny River.

307.4 Area and Bulk Regulations - Permitted and Conditional Uses

309.4.1 Minimum Lot Area: 8,000 square feet.

309.4.2 Minimum Yard Requirements: All yard and setback requirements will be established by Borough Council during the review of the conditional use application, based on the type of use proposed, site access, connection required to adjacent uses or properties, and similar conditions.

309.4.3 Maximum Lot Coverage: Total impervious surfaces shall not exceed 30 percent of lot area.

309.4.4 Maximim Height: 35 Feet.

307.5 Off street Parking and Loading Requirements

As specified by Section 4-408 and 4-409 of this Ordinance.

ARTICLE FOUR
SUPPLEMENTAL REGULATIONS

4-401 GENERAL INTENT

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

4-402 GENERAL PROVISIONS AND EXCEPTIONS

402.1 Pending Building Permits

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

However, any building permit which was issued thirty (30) days prior to the adoption of this Ordinance shall be declared void at the time of adoption of this Ordinance if the structure or use does not conform to the provisions of this Ordinance and if no substantial construction has begun or contract(s) let.

402.2 Principal Building

In the R-1 District, there shall be only one principal building on each zoning lot.

402.3 Mixed Uses

Land, buildings, and structures shall be designed and used only for authorized uses within respective zoning districts. Except where specifically authorized by this Ordinance, multiple uses of land, buildings or structures are prohibited.

402.4 Dwelling in a Basement

No dwelling unit or units shall be contained in a basement or cellar.

402.5 Trash and Garbage Disposal Storage

In C-1, and I-I Districts and for conditional uses in R/C-1, and CD Districts, exterior trash or garbage storage shall be screened from a public street or adjacent property.

The first violation shall result in the issuance of a written warning which shall provide that the violation must be corrected within fourteen (14) days. A second violation shall result in the assessment of a fine of \$50.00. Any violation thereafter shall be deemed a reoccurring violation and shall result in the assessment of a fine a \$500.00 a day until the violation is corrected. If the Borough is required to enforce this section in a Court or collection of any fines in a Court then, in addition to any fines and costs, the Borough shall be entitled to reasonable attorney's fees.

402.6 Floodplain District

No zoning use or occupancy permit shall be issued to any use or structure unless the required floodplain building permit has been obtained.

402.7 Stormwater Management

Any landowner shall comply with the Storm Water Management Ordinance, Ordinance #603

402.8 Visibility at Intersections

No use or structure, whether publicly or privately owned, shall obstruct the clear sight distances at street or driveway intersections. The entire clear sight triangle, as defined by this Ordinance, shall be maintained. Required sight distances along intersecting streets shall be in accordance with the requirements of the Pennsylvania Department of Transportation regulations (67 PA Code, Chapter 1). Zoning Hearing Board may approve a modification of these requirements where the applicant can demonstrate that a pre-existing condition, which is not created by the applicant, makes it impossible to provide the required sight distances. Zoning Hearing Board may consider a variance approving a modification of these requirements where the Applicant can demonstrate that pre-existing condition, which was not created by the Applicant, makes it impossible to provide the required sight distances.

4-403 GENERAL HEIGHT PROVISIONS AND EXCEPTIONS

403.1 Measurement of Height

The authorized height of buildings shall be measured in accordance with the definition of "Height, Maximum" in this Ordinance.

403.2 Height Exceptions

Chimneys, flues, smokestacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar rooftop structures required to operate the building, as well as flag poles, television aerials, water towers and tanks, church spires and towers, electric transmission towers, and transmission towers for licensed amateur radio operators may exceed the maximum height standard. No such object shall exceed a height of seventy-five (75) feet, and the required side yards shall be increased one foot for each five (5) feet such object exceed forty-five (45) feet.

4-404 GENERAL LOT AREA PROVISIONS AND EXCEPTIONS

404.1 Required Lot Area

A portion of a lot once designated as a yard, or a lot area, or portion thereof, used in calculating the number of dwelling units permitted on that lot, shall not be again used as a factor in determining the required area for another lot or building, nor shall it be sold as a lot or parcel thereof, separate from the lot of which it is a part.

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

404.2 Unenclosed Porches

For any residential structure, an unenclosed porch may be erected in a required front or rear yard, provided it does not extend more than ten feet into a required yard and does not exceed 14 feet or one story in height.

404.3 Projections into a Permitted Yard

A buttress, chimney, cornice, pier or pilaster, not projecting more than two (2) feet from the wall of a building, as well as unenclosed fire escapes, may project into a required yard.

404.4 Front Yard Exceptions

The front yard set back of a lot may be reduced to the average of the front yard of the two abutting structures. Where the lot is situated between two lots on which the principal structures has maintained a lesser set back since the enactment of this ordinance.

Where the lot adjoins only one lot having a main building that projects beyond the established front yard line, the front yard on such lot may be the average of the front yard of the existing building and the established front yard line.

4-405 ACCESSORY USES

405.1 Permitted Accessory Uses

A permitted accessory use must comply with the definition of "accessory use" contained in Article II of this Ordinance. Examples of permitted uses are:

1. Garage, carport, shed or building for domestic storage, or open storage of a boat, trailer or camper shall be limited to the rear yard.
2. Child's playhouse, garden house, gazebo, and private greenhouse.
3. Private residential swimming pool or private recreational facility shall be limited to the rear yard only and must comply with the IPMC.
4. Civil defense shelter for not more than two (2) families.
5. Storage of merchandise normally carried in stock on the same lot with a permitted retail, service, or business use, only in the rear yard area, unless such storage is excluded by the district regulations.
6. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, in the rear yard only, unless such storage is excluded by the district regulations.
7. Offstreet motor vehicle parking areas and loading and unloading facilities. See 408.2 (2)
8. Signs were permitted by this Ordinance.

9. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.

405.2 Prohibited Accessory Uses

1. Outdoor storage or overnight parking of commercial trucks or vans designated as Class III or above by the Pennsylvania Motor Vehicle Code, or construction vehicles or equipment shall be prohibited in any residential or mixed-use district. Construction vehicles or equipment may be parked on a lot while construction activity is proceeding, provided a building permit and/or zoning approval has been duly granted for the construction activity.
2. Outdoor storage of campers, boats and boat trailers or similar recreational vehicles is permitted in a rear yard in residential and mixed-use districts.
3. Outdoor storage, except as specifically permitted by the district regulations.

405.3 Location of Accessory Uses

Unless otherwise stipulated by this Ordinance, the following standards shall apply.

1. R-1 Districts

a. Accessory uses, excluding signs permitted by this Ordinance, shall not be located in a required front or side yard. However, a garage or carport attached to the main structure may extend into a required side yard, provided it is set back at least three (3) feet from the side lot line. On a corner lot, the minimum setback shall be five (5) feet.

b. Accessory uses and structures may be located in a required rear yard provided they are set back at least three feet from the rear lot line and shall maintain the same side yard as that required for the principal structure, unless otherwise permitted by this Ordinance.

2. R-2 District

a. Locational requirements for accessory uses for single and two family detached dwellings shall be the same as for R-1 districts (Subsections 1(a), (b) above).

b. For new of converted multifamily dwellings and other uses, accessory uses, excluding permitted signs, shall not be permitted in a required front or side yard.

3. R/C-1, I-1 and CD Districts

a. Accessory uses shall not be located in a required front yard.

b. Accessory uses and structures shall be located in a required rear yard provided they are set back at least three (3) feet from the rear lot line and shall maintain the same side yard as that required for the principal structure, unless otherwise permitted by this Ordinance.

4. Notwithstanding any other provision of this Ordinance, no part of any accessory structure shall be located closer than six (6) feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than three (3) feet to another accessory structure on an abutting property.

5. Accessory structures and uses shall otherwise comply the bulk regulations applicable in the district in which they are located.

405.4 Use Limitations

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

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

405.5 Permit and Maintenance Requirements

A zoning permit must be obtained from the Borough Building Inspector for any new, expanded or altered accessory use or structure. The owner is responsible for maintaining the accessory use/structure in safe condition in accordance with all applicable regulations.

If the Building Inspector finds that an accessory structure is not being used for its intended purpose or not being maintained, the Building Officer shall give written notice to the owner to immediately repair or remove it within twenty (20) days from the receipt of the notice. In the event the owner fails to comply with the Building Inspector's written notice, the owner shall be considered in violation of this Ordinance and subject to all of the penalties contained herein.

4-406 FENCING AND SCREENING RETAINING WALLS

Unless otherwise stipulated, the following standards shall apply.

406.1 Placement, Materials, Height

1. Fences, walls (other than retaining) or screens may be erected only in a side or rear yard, and within lot boundaries, in any zoning district.
2. A retaining wall may be erected along any property line where it is required to prevent a landslide or other hazardous conditions.
3. A fence or screen may be erected in a public right of way, at the property owner's risk.
4. For residential uses, a fence or screen shall not exceed six (6) feet in height, except for private pools which shall be controlled by the IPMC.
5. Fences or screens for schools, playgrounds, parks, and public pools shall have a ratio of open to solid portion of not less than 6:1 and shall not exceed 8 feet in height, unless otherwise approved by Borough Council.

406.2 Performance Standards for Fences, Walls and Screens

1. In any district, trees, shrubs, and other planting are permitted in any front yard provided they do not block a clear view or vision for vehicular traffic.
2. Authorized fences and screens whether publicly or privately owned, shall not obstruct the clear sight distances at street intersections, as required by Section 402.8 of this Ordinance.

3. Fences shall not contain barbs or similar types of injurious hazards, unless specifically approved by Borough Council for security reasons.

406.3 Screening, Fencing for Commercial, Industrial Uses

Wherever this Ordinance requires screening of a commercial or industrial use, or portion thereof, that screening shall be in accordance with SALDO if applicable the following standards shall apply:

1. A planted screen shall be of sufficient density and type of planting material to provide a year-round visual barrier, within two growing seasons of planting. The minimum height shall be eight (8) feet, but the Zoning Officer may require additional height where it is necessary to achieve adequate visual screening of the use.

2. Walls, fences or other visual screens may be used in accordance with Section 4-406 of this Ordinance.

3. Screening of offstreet parking and loading areas shall be in accordance with Section 4-408 of this Ordinance.

4. The property or business owner shall be responsible for the continuing maintenance of any planted screen, fence, or wall.

5. Water towers, storage tanks, processing equipment, fans, cooling towers, vents, and any other structures or equipment that rise above the roof line, other than a radio, television, or cellular antenna, shall be effectively shielded from view of any public or private street by an architecturally sound method.

406.4 Permit and Maintenance Requirements

A zoning permit must be obtained from the Borough for the erection of any fence, wall, or screen.

If a fence, wall, or screen is not maintained in a safe condition and in accordance with Borough regulations, the Zoning Officer shall give written notice to the owner to repair or remove the fence within twenty (20) days of receipt of the notice. In the event the owner fails to comply with the order, the owner shall be considered in violation of this Ordinance and subject to the penalties contained herein.

If a fence, wall, or screen is destroyed or deteriorates beyond 50 percent of its total linear displacement, then it must be

replaced or removed within forty-five (45) days of receipt of written notice from the Zoning Officer. Temporary fencing is required until full fence replacement.

4-407 SIGNS

407.1 Application

No sign shall be erected, altered, painted, relocated, remodeled, expanded, or maintained that is not in accordance with the provisions of this Ordinance and all other applicable Borough Codes.

407.2 Permitted Signs and Size Limitations

1. Residential Districts (R-1, R-2)

a. Nameplates or identification signs indicating the occupants of the residence or a permitted home occupation, not exceeding one (1) square foot and attached to a wall of the residence.

b. Principal identification signs for authorized conditional uses, planned residential developments, multi-family developments, not exceeding twelve (12) square feet. Such signs may be either attached to a building or free standing provided their placement conforms to this Ordinance.

c. Real estate signs, not exceeding six (6) square feet, advertising the premise for sale or lease and to be removed within twenty (20) days of the sale or lease of the premises. One (1) real estate sign per road frontage, up to a maximum of two (2) such signs on any one (1) lot at a time.

d. Signs advertising the sale or lease of a planned residential development, multifamily development or lot subdivision development shall not exceed twelve (12) feet and shall be removed within fifteen (15) days of the last sale or lease of property. One (1) real estate sign per road frontage up to a maximum of two (2) such signs on any one (1) lot at a time.

e. Construction signs advertising the development or improvement of a property by a builder, contractor, or similar person provided that not more than one such sign shall be permitted for a development property. The sign

shall not exceed twelve (12) square feet, and it shall be removed within ten (10) days of the completion of work. One (1) real estate sign per road frontage, up to a maximum of two (2) such signs on any one (1) lot at a time.

2. Mixed Use Districts (R/C-1)

a. Signs for any permitted or conditional residential use shall be the same as for R-1 Districts.

b. Identification or business signs for commercial, office or industrial uses, permitted as conditional uses, indicating the services or products sold on the premises, but not exceeding sixteen (16) square feet.

c. Nameplates or identification signs for other authorized conditional uses, not exceeding twelve (12) square feet.

d. Construction signs as permitted in R-1 Districts.

3. Commercial Districts (C-1,) and Conservation District (CD)

a. Any sign authorized on R-1 District.

b. Identification or business signs, indicating the services or products sold on the premises and not exceeding thirty (30) square feet.

4. Industrial Districts (I-1)

a. Any sign authorized in residential or commercial districts.

b. Identification or business signs for uses permitted in these districts shall not exceed fifty (50) square feet.

407.3 Placement of Signs

1. No sign shall be erected except on the property to which it is related, except in accordance with Sections 407.5.8.

2. No sign shall be erected upon or applied to any roof.

3. Identification or business establishment signs in R/C-1 and C-1 Districts shall be attached to a front or side wall of a building, parallel to the facade of the building. Signs shall

be erected so that no portion of the sign is less than nine (9) feet above entrance grade.

In I-1 Districts, business identification signs may be free standing or attached to a main building.

4. No sign shall project beyond any property line. Permitted free standing signs in residential districts shall be set back a minimum of five (5) feet from the property line. Free standing signs permitted in other zoning districts shall be set back a minimum of ten (10) feet from the street right-of-way.

5. A free-standing sign shall not obstruct in a required clear sight triangle.

407.4 Height of Signs

1. No authorized free-standing sign in an R-1, R/C-1 District, shall exceed eight (8) feet in height, as measured from ground level at the base of, or below, the sign to the highest element of the sign.

2. In I-1 Districts, free-standing signs shall not exceed twenty (20) feet in height, as measured from ground level at the base of, or below, the sign to the highest element of the sign.

407.5 Area of Signs

1. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself, except for canopy signs which shall only include the lettering, wording, or accompanying design or symbol.

2. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape that can enclose such letters or symbols.

4. In computing square foot area of a double-face sign, only one (1) side shall be considered provided both faces are identical. If the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

407.6 Additional Requirements

1. Signs that are animated or have flashing illumination are prohibited in all districts.

2. Illuminated signs shall be designed and placed so as not to interfere with, distract, confuse, or blind operators of motor vehicles, however illuminated signs shall be pointed so not as to affect neighbors.

3. Flood lighting shall be placed so that it is not visible from any point off the lot and only the sign is directly illuminated, however flood lighting shall be pointed so not as to affect neighbors.

4. Every authorized sign must be constructed of durable materials and maintained in good condition and repair. If any sign becomes dilapidated to that point that it constitutes an unsightly or hazardous condition, then the Zoning Officer shall order it repaired within ten (10) days or removed.

5. If a use ceases for a period of 30 days all signs for that use must be removed.

6. Zoning permits for the erection, alteration, relocation, or replacement of any sign must be obtained according to provisions of of this Ordinance.

7. No sign shall be attached to any tree or utility pole on public or private property.

8. Billboards, outdoor advertising signs or electronic mechanical signs which are not related to the use of the property on which they are located, shall only be permitted in I-1 Districts. Only one such sign shall be permitted per property or lot, and it shall comply with applicable standards for yards and sign height for I-1 Districts. No billboard shall be placed so as to face a lot on the same street with a church, public school or building, park, playground or scenic area.

9. No more than three permanent signs shall be permitted for any single commercial or industrial establishment, provided that the total square footage of all signs does not exceed the maximum sign area for the zoning district in which it is located. Where a business established fronts on more than one (1) street, one sign may be located on each street frontage, and the total permitted sign area may be increased to 48 square feet; the total of three (3) signs may not be exceeded.

407.7 Temporary Signs

Temporary outdoor signs advertising special business promotional activities, business openings or closings, temporary activities such as a church carnival or a street fair or festival, are permitted provided:

1. The temporary sign received a permit from the Zoning Officer; the period of the permit shall not exceed thirty (30) days and may only be replaced twice a year.
2. The sign is only located on the premises where the special activity is taking place, and only one such sign shall be permitted for the premises.
3. The sign does not exceed six (6) square feet.
4. The sign is not animated or flashing, and any illumination for the sign does not create an unsafe condition for motorists or glare on surrounding properties.
5. Temporary signs identified as banners must be hung a minimum of twenty (20) feet above the street, with supports and fastenings to be approved by the Building Inspector. Temporary cloth signs, banners, streamers, etc., requested to be hung over streets shall be for civic or community affairs of a public or semipublic nature and not for private gain. They shall be removed as soon as torn or damaged, and not later than thirty (30) days after erection. Also, an indemnification is required, saving the Borough harmless from any and all judgments, costs or expenses which the Borough may incur or suffer by permitting the erection of the temporary sign.
6. Political signs may be erected or maintained for a period not to exceed thirty (30) days prior to the date the election to which such signs are applicable is scheduled to occur. The same shall be removed within five (5) days following the election. Temporary political signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the

nearest adjacent roadway, whichever is higher. The following provisions shall also apply:

(a) Public right-of-way. There shall be no limit on the permitted number of temporary signs displayed.

(b) In the public right-of-way, no such sign may be located across, over or extending onto the paved portion of any public roadway. Temporary political signs located in a public right-of-way shall be erected or installed in such a manner so as not to interfere with or obstruct access, activity, or vision along any public right-of-way. Further, such signs shall not be attached to or placed on traffic signals, utility poles, trees, or other similar vegetation.

407.8 Exemptions

The following signs shall be exempt from the requirements of this Section:

1. Flags or emblems of a government, political, civic, philanthropic, educational, or religious organization displayed on private property.
2. Signs placed by a governmental body, including, but not limited to, promotional activities, traffic or directional devices, legal notices, and warning, instructional or regulatory signs.
3. Address numerals and other signs required to be maintained by law or governmental regulation, provided that the content and size of the sign does not exceed the requirements of such law or regulation.
4. Small signs, not exceeding five (5) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances, and the like.
5. Incidental signs displayed inside a window of a commercial establishment to advertise special sales of products sold, credit cards accepted, or those required by law or ordinance.
6. Official notices posted by public officers or employees in the performance of the officer's or employee's duties.

7. Directional signs for hospitals, medical clinics, ambulances, essential services, libraries and churches, up to four (4) square feet, with no more than three (3) erected at different locations, at any one (1) time, throughout the Borough, each to be under ten (10) feet in height. Same may not be located within the public right-of-way.

407.9 Permit and Maintenance Requirements

A zoning permit must be obtained from the Borough Zoning Officer for any new, expanded or altered sign. The owner is responsible for maintaining the sign in a safe and functional condition in accordance with all applicable Borough Ordinances.

If the sign is not maintained, the Zoning Officer shall give written notice to the owner to repair, replace or remove the sign with twenty (20) days of the receipt of the notice. In the event the owner fails to comply with the order, the owner shall be considered in violation of this Ordinance and subject to a \$25.00 per day fine until repaired or removed.

4-408 OFFSTREET PARKING REQUIREMENTS

408.1 Application

In any zoning district, all structures built, and all uses established hereafter shall provide offstreet parking areas in accordance with this Ordinance. When an existing structure or use is expanded, parking spaces for the area or capacity of such expansion shall be required in accordance with this Ordinance.

408.2 General Provisions

1. Utilization. Required offstreet parking facilities shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such use.
2. Access. Each required offstreet parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. This provision does not apply to dwelling units where parking in a driveway is counted as part of the required offstreet parking.
3. Open Parking. Open-air parking areas shall be located in accordance with this zoning ordinance.

4. Enclosed Parking. Enclosed buildings containing offstreet parking shall be subject to the area and bulk requirements of the district in which they are located, unless otherwise stipulated by this Ordinance.

5. Design and Maintenance.

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

b. Design. The minimum dimension of interior drives and parking aisles shall be:

<u>Parking Angle</u>	<u>Minimum Aisle Width</u>
90°	20 feet
60°	18 feet (one-way)
45°	13 feet (one-way)
30°	11 feet (one-way)

Driveways and aisles shall be designed so that each vehicle may have ingress and egress from the space without moving any other vehicle. All accessways shall be designed so as to provide safe exit and entrance from the public street, in accordance with applicable Borough standards or PennDot specifications.

c. Surfacing. All parking areas, except required parking spaces for a single-family dwelling, shall be graded and paved or otherwise improved with an all-weather, dustless material, and shall require a minimum of eight (8%) percent green space area.

6. Screening. All open offstreet parking areas containing more than eight (8) parking spaces shall be effectively screened on each side by a wall, fence or densely planted compact evergreen hedge not less than four (4) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Clear sight triangles, as defined by this Ordinance, shall be maintained.

7. Lighting. Any lighting used to illuminate offstreet parking areas and driveways shall be directed away from residential properties or public street in such away as not to interfere with such uses. The lighting system shall furnish minimally an

average of two (2) foot candles during hours operation with lighting standards being located not more than eighty (80) feet apart.

8. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.

9. Multiple Parking Occupancy. When a number of different uses are proposed within a structure, facility or complex, and when it can be demonstrated that one or more of such use require parking spaces at times other than normal business or operating hours for other uses, the applicant may present to the Zoning Officer a written report stating that a maximum combination of all such uses will not require that total accumulative parking spaces required by this Ordinance. If the Zoning Officer, after review, determines that a reduced overall parking requirement can satisfy the offstreet parking needs of the combined facilities, the applicant shall be permitted to reduce the parking spaces provided in accordance with the plan approved by the Zoning Officer.

10. Location. All parking spaces required to serve structures or uses shall be located on the same zoning lot as the structure or use served or within 600 feet of a main entrance to the structure of use served.

408.3 Required-Spaces by Type of Use

<u>Use Type</u>	<u>Residential Uses</u>
R-1 Districts	
Single Family, Two Family	Two spaces per dwelling unit
Multifamily in Planned Residential Developments	One and one-half (1 1/2) space per dwelling unit
R-2 R/C-1,	
Single Family, Two Family, Multifamily	Two spaces per dwelling unit
C-1 District	
Single Family, Two Family, Multifamily	One space per dwelling unit

Commercial Uses

Automotive Repair	One per 150 square feet of GFA
Bank, Savings & Loan Association	One per 200 square feet of Gross Floor Area (GFA)
Bank, Drive-in	2 for each interior Teller window
Business & Professional Offices other than medical or dental offices	One per 500 square feet of GFA
Day Care Center, Pre-Primary School	One per staff member, plus one space per six (6) children
Doctor and Dentist Offices Including Clinics	One per 300 square feet of GFA In addition to 1 per every 2 staff/professional members.
Eating and Drinking Establishments (sit-down type) With or without drive through	One per four seats (one per two employees)
Eating and Drinking Establishments (drive-in type)	One per employee
Gasoline Service Station	Two spaces per service bay, Plus, one per employee. If the Property includes a convenience Retail then 2 additional parking Spaces required.
Laundromats	One per three washing machines or dryers
Medical and Dental Laboratory	One per 200 square feet GFA
Funeral Home	One per three seats in any chapel or seating area and not less than five spaces for each viewing area or room
Motel or Hotel	One per guest room plus parking requirements for any restaurant,

	bar or other facilities as required by this Ordinance
Personal Service & Repair Establishments	One per 100 square feet of GFA plus one for each two employees
Retail Business	One per 200 square feet of GFA unless specifically listed
Theater	One per four seats
Veterinary Office or Clinic or Hospital	One per 150 square feet of GF plus one per staff member
<u>Commercial Recreation</u>	
Bowling alleys	Two per lane
Swimming pools and clubs	One space per 40 square feet of water area
Tennis, racquetball courts, etc.	Two spaces per court
Other commercial recreational facilities not specifically mentioned	Based on review of Borough Council
<u>Public. Semi-Public Uses</u>	
Elementary, Junior or Senior High School	Based on review by Zoning Hearing Board
Colleges, Universities and other special institutions	Based on review by Zoning Hearing Board
Private School for Art, Music, Crafts, Dance, etc.	One per staff member, plus one per three students
Hospitals	One and one-half per bed plus one for each staff physician and one for each two other employees
Nursing or Convalescent Homes	One per three beds
Recreation Facility	One per four persons of design

Public Or Private	capacity for the facility
Private clubs and lodges	One per four persons of Of design capacity for the facility
Churches	One per three fixed seats, plus one per employee
Public utilities	One per two employees on two Largest shifts combined
<u>Industrial Uses</u>	
Manufacturing, warehouse and wholesale	One per two employees on the Two largest shifts combined

For all other uses not specifically covered above, parking shall be provided as determined by Borough Council based on the number of employees, normal visitors or patrons and site location.

4-409 OFFSTREET LOADING REQUIREMENTS

409.1 Applicability

In any zoning district, all structures and uses which require the receipt or distribution of materials or products by trucks or similar vehicles, shall provide accessory offstreet loading spaces, as required by this Ordinance. When an existing structure is expanded, accessory offstreet loading spaces shall be provided for the area of such expansion in accordance with the following regulations.

409.2 General Provisions

1. Location. All required loading spaces or berths shall be located on the same lot as the use served, and no portion of the vehicle shall project into any traffic lane. All motor vehicle loading berths which abut or are adjacent to a residence district or use shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, door, planted screen, or any combination thereof, not less than six (6) feet nor more than eight (8) feet in height.

No permitted or required loading space or berth shall be located within forty (40) feet of the nearest point of intersection of any two public streets or highways. No loading space or berth shall be located in a required front yard, and any loading space

or berth located in a required rear yard shall be open to the sky.

2. Area. Unless otherwise specified, a required offstreet loading space shall be ten (10) feet in width by at least thirty (30) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least sixteen (16) feet. The required length may be reduced by ten (10) feet, if the applicant certifies that the offstreet loading use will only be single-unit trucks or smaller.

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

4. Surfacing. All open offstreet loading shall be improved with a compacted select gravel base, not less than seven (7) inches thick, surfaced with an all-weather dustless material.

5. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any offstreet loading facilities.

6. Utilization. Space allocated for any offstreet loading berth shall not be used to satisfy the space requirements for any offstreet parking facilities or portions thereof.

409.3 Required Offstreet Loading Spaces

<u>Use</u>	<u>Required Berth</u> <u>(based on gross floor area)</u>
Manufacturing	One berth for every 10,000 square feet
Wholesale, Other Uses	One berth for every 8,000 square feet
Business and Professional Office	One berth for every 10,000 square feet. Not exceeding a total of two Required stalls.
Food Stores and Other Retail Stores	One berth for every 5,000 square feet up to a maximum of two stalls And then one berth for every 20,000 Square feet or fraction thereof.

Uses for which offstreet loading facilities are required by this Section, but which are located in buildings that have a floor

area that is less than the minimum for which offstreet loading facilities are required, shall provide adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive, or open space on the same lot, in accordance with the applicable provisions of this Section.

4-410 HOME OCCUPATIONS

410.1 Authorization

Home occupations, which comply with the definition and standards of this Ordinance, shall be permitted as an incidental use to any principal dwelling unit.

410.2 Use Limitations

The following regulations shall apply to all home occupations permitted under the provisions of this Ordinance:

1. No more than one person other than members of the family occupying the dwelling shall be employed.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square-foot in area, non-illuminated, and mounted flush with the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or

television receivers off the premises or causes fluctuations in line voltage off the premises.

6. There shall be no outdoor storage of equipment, materials, or finished products related to the home occupation.

410.3 Particular Home Occupations Prohibited

The following uses do not constitute "Home Occupations", therefore are not permitted as a home occupation.

1. Nursery schools, dancing schools, exercise, or health centers, day care centers, (except for a "no-impact home based business" as specified in the definition of "day care center"), unless specifically permitted by the district regulations.

2. Funeral homes.

3. Eating and drinking establishments.

4. Animal kennels or hospitals.

5. Tourist homes, rooming houses, unless specifically permitted by the district regulations.

6. Medical or dental clinic or hospitals.

7. Automobile, truck, bus, or boat repairs or rental facilities.

8. Video game and amusement arcades.

9. Theaters and other entertainment and commercial recreation facilities.

10. Home tanning booths, massage parlors, and/or sauna, steam or other therapy facilities and exercise facilities.

4-411 GASOLINE SERVICE STATIONS

411.1 Definition see definition 2-202

411.2 Use Limitations

1. No gasoline service station shall be located within 1,000 feet of a similar facility, which shall be measured from the property lines at the closest points.

2. Fuel pumps, air towers, water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than 15 feet of any property line.

3. Inspections, lubrication, oil changes, tire changes and similar minor repairs are permitted if conducted entirely, within a building.

4. 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 five feet from the pumps.

5. All refuse shall be stored within a building or enclosed area.

6. No more than two vehicles, awaiting repairs, shall be stored outdoors during non-business hours. Junk vehicles shall not be stored in the open at any time.

7. Automobile, van (less than 20 feet) or utility trailer rental is an authorized accessory use, provided that no more than three vehicles are visible on the premises at any time.

8. Offstreet parking spaces shall be provided in accordance with Section 4-408 of this Ordinance.

4-412 AUTOMOTIVE REPAIR FACILITIES AND CAR WASHES

412.1 Definition see definition 2-202

412.2 Use Limitations

1. All repair services shall be conducted within an enclosed building which complies with state and borough regulations for such uses.

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

3. All refuse must be stored within a building or enclosed area.

4. No more than two vehicles shall be stored outdoors during non-business hours; junk vehicles shall not be stored in the open at any time.

5. Offstreet parking spaces shall be provided in accordance with Section 4-408 of this Ordinance.

ARTICLE FIVE

PLANNED RESIDENTIAL DEVELOPMENTS

5-501 STATEMENT OF INTENT

It is the intent of the Borough to provide, through the planned development concept, an increased amount of flexibility in the type, location, density, and design of residential development and to encourage innovative design and site planning in order to better meet current housing demands, to relate development of the land to the specific site, to permit economies in the provision of public services, and to conserve and protect open space and steep slope areas within the Borough.

These developments are permitted only in R-1 Zoning Districts. The housing type, minimum lot area, dwelling unit densities, yard, height, accessory uses, and similar requirements shall be determined by the provisions set out below, which shall prevail over conflicting requirements of this Ordinance.

5-502 MINIMUM SITE REQUIREMENTS

502.1 The minimum land area for a planned residential development (PRD) shall be three (3) contiguous acres.

502.2 Principal access to the PRD site shall be from public streets with sufficient operating capacity and structural condition to carry the proposed traffic generated by the development.

502.3 The proposed PRD shall be served by sanitary sewage treatment and water supply systems which shall be sufficient to meet the needs of the projected population, and which have received approvals and operating permits from the appropriate governmental agencies.

5-503 PRD DEVELOPMENT STANDARDS

503.1 Permitted Uses

1. Single family detached dwelling.
2. Two family detached dwelling.
3. Townhouse dwellings.
4. Multifamily, multi-story dwellings (not to exceed four stories).

5. Open space and recreational facilities designed to serve residents of the development.

6. Customary residential accessory uses such as garages, gardens, and similar uses.

503.2 Density Standards

1. A maximum of 80 percent of the site may be used for residential uses, including structures, streets, parking areas, private open spaces, courts, and patios.

2. A minimum of 20 percent of the site must be set aside for open-air recreational use or other open space which may be preserved in its natural condition but is accessible to and usable by PRD residents.

3. The gross development density (total units per acre) shall be established by Borough Council during the review of the PRD application, based upon topography of the site, geological and soil conditions, the amount and location of common open space, the adequacy of utilities, public facilities and services, streets, and traffic circulation. However, the following maximum densities shall apply:

a. Single family detached - 4,000 square feet.

b. Two family detached - 8,000 square feet.

c. Townhouse - 2,000 square feet/unit.

d. Multifamily, multi-story - 1,500 square feet/unit.

503.3 Lot Sizes and Setbacks

1. There shall be no minimum lot size, setbacks (unless otherwise required), percentage of lot coverage or lot width. Proposals for these items shall be shown on the site plan and either approved, modified or disapproved by Borough Council.

2. However, each residential unit shall have access to a public street or other approved right-of-way

3. All structures shall be set back at least 25 feet from any perimeter of the PRD site and 20 feet from street rights-of-way.

503.4 Building Groupings

1. There shall be no townhouse structure containing more than six (6) dwelling units. Townhouse and other multi-unit structures shall be arranged so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. In no case shall any structure be located closer than 10 feet to any other structure when having a side-to-side (wall), rear-to-side, or rear-to-rear orientation; or closer than 20 feet when having a front-to-front, front-to-rear, or front-to-side orientation.

2. Each building shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings and adjacent lots. All buildings shall be sited so as to be accessible by emergency vehicles.

503.5 Screening

Screens shall be provided along perimeter lines of the PRD site including public rights-of-way. Such screens shall be one, or a combination, of the following:

1. A continuous planted strip of at least 12 feet in width and not less than 6 feet in height, and of such species and size of plants so as to provide an effective year-round visual screen within three years of planting.

2. Natural or artificial landforms, including natural slopes and wooded areas, may be used to achieve visual screening, provided such areas are preserved from future development by easement, deed restriction, covenant, or similar measure.

3. Decorative fencing may be used as a screen along public rights-of-way.

4. The maintenance plan for common open space and facilities in the PRD, as required by this Ordinance, shall include provisions for the continuing maintenance of all planted screens and fencing. If any plant dies within the one year of planting, it shall be replaced.

5. Clear sight triangles, as specified by this Ordinance, shall be maintained.

6. Additional requirements may be imposed by the Borough Council where necessary to shield adjacent lots from on-site lighting, headlights and otherwise to reduce the visual encroachments of multiple dwellings.

503.6 Parking Requirements

Offstreet parking shall be provided at the ratio of two spaces for each dwelling in a single- or two-family house and 1.5 spaces for each townhouse or multifamily dwelling.

Wherever possible, parking lots and areas shall be level except for necessary drainage purposes. Open parking areas shall be interspersed with landforms and planting. Parking and loading areas shall be designed in accordance with Section 4-408 of this Ordinance.

503.7 Construction of Streets and Parking Areas

The construction of roads, parking areas and pedestrian ways, whether or not they are to be dedicated to the Borough, shall conform to all applicable Borough ordinances and/or PennDot 408 Specifications. However, Borough Council may waive or modify certain standards where it finds that such specifications are not consistent with the PRD site or overall design and that such modifications are not inconsistent with the interests of the entire Borough.

503.8 Stormwater Management

The proposed PRD shall provide a stormwater management system in accordance with the provisions of Section 402.4 of this Ordinance.

503.9 Common open Space, Improvements and Facilities

Common open space must be appropriate to the scale and character of the development considering its size, density, anticipated population, topography, and types of dwelling unit, and consistent with the minimum requirements of Section 503.2.2.

It must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any structures or improvements which are added shall conserve and enhance the amenities of the open spaces and be properly related to their topography and natural condition.

All common open space and recreation areas must be conveyed in one of the following ways, as approved by Council: (1) in part or totally to the Borough; or (2) in part or totally to an organization for ownership and maintenance according to the provisions of the municipalities Planning Code and any other applicable state statutes.

503.10 Maintenance of Common Open Space and Facilities

In cases where the Borough will not be accepting dedications of streets, sidewalks, utilities, drainage facilities, recreation areas or open spaces, or other common areas, the landowner shall provide for an organization or trust for ownership and continuing maintenance.

The owner shall submit a plan describing the proposed organization, its powers, rights, dues, responsibilities in regard to the ownership and continuing maintenance of common facilities and open space. This plan must be approved by Borough Council prior to approval of the final PRD application.

Such organization or trust shall not be dissolved, nor shall it dispose of any common facilities or open space in any manner whatsoever, except to another organization or trust established to maintain such common areas. However, common facilities or areas may be dedicated to the Borough at a later date, subject to approval by Borough Council.

In the event of default of ownership and/or maintenance responsibilities by the established organization, the Borough may assume control and the resulting costs may be assessed against the properties that have right of enjoyment of these spaces and facilities as specified by applicable state statutes. It shall be prima facie evidence of default where no organization or trust has been set up or is inoperative for one year. The recorded plan of lots shall contain a statement to this effect. Also, the landowner shall record in the Department of Real Estate of Allegheny County an agreement between the landowner and Borough to this effect so that future owners are properly advised of this condition.

Whether common facilities and open spaces are to be owned by the PRD organization or in trust, or dedicated to the Borough, the landowner shall be required to post financial security to guarantee the structural integrity and functioning of such common areas. Such financial security shall be in accordance with the Pennsylvania Municipalities Planning Code for guaranteeing improvements for subdivisions and land developments. The term for the security shall be 18 months from the date of acceptance of ownership and shall equal to 15 percent of the actual cost of installation of the improvements, facilities and open spaces.

5-504 APPLICATION FOR TENTATIVE APPROVAL OF PRD PLAN

504.1 Contents and Forms of Application

The landowner, or agent(s) acting in his behalf, shall submit to Council a tentative application consisting of the following:

1. Five (5) copies of the overall site plan of the PRD showing the location of the site and its size and topography; all existing and proposed structures and uses; the amount of acreage to be devoted to each use; the proposed density; the height and bulk of all structures; and the location of and amount of common open space recreation areas.
2. Five (5) copies of the plan showing the proposed circulation system for vehicular and pedestrian traffic, and the location and widths of proposed streets, public and private.
3. Five (5) copies of the plan for the provision of sanitary sewerage and water systems, the plan for adequate storm drainage facilities, and the plan to prevent soil erosion and sedimentation during and after development and construction.
4. A statement relative to the form of the organization proposed to own and maintain the common open space areas.
5. A statement of any covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
6. A statement indicating any required modification in the land use regulations otherwise applicable to the subject property.
7. A written statement by the applicant indicating his/her interest in the land proposed to be developed and the reasons why the applicant believes the planned development would be in the public interest and would be consistent with the Borough's Statement of Community Development Objectives.

504.2 Review of the Tentative Application

1. Borough Council shall refer the application to the Blawnox Borough Property and Planning Committee (here and after referred to as the Property and Planning Committee) and the Allegheny County Planning Department for study and recommendation. The County Planning Department shall be required to report to the Borough within 30 days or forfeit the right to review. The Property and Planning Committee shall submit its review at least ten days prior to the public hearing. Copies of this report shall be available to the applicant and public.

2. Within sixty (60) days after receipt of the tentative application, Council shall have a public hearing pursuant to public

notice in a manner prescribed for the enactment of an amendment to this Ordinance. Council may continue the hearing from time to time and may refer the plan back to the Property and Planning Committee for additional study. However, the public hearing shall be concluded within sixty (60) days.

The presiding officer at the hearing may administer oaths and compel the attendance of witnesses. All testimony by witnesses at the hearing shall be given under oath and every party of record at the hearing shall have the right to cross-examine adverse witnesses. A verbatim record of the hearing shall be made and whenever a copy of such records is requested by any party to the proceedings, the cost of such record shall be borne by that party. All exhibits accepted into evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion shall be noted in the record.

3. Within thirty (30) days following the conclusion of the public hearing, Council shall make a written report by certified mail to the applicant. Said report shall either grant tentative approval of the development plan as submitted or grant tentative approval subject to specified conditions not included in the development plan or deny tentative approval to the plan. Failure to act within the thirty (30) day period shall be deemed to be a grant of tentative approval of the development plan as submitted.

If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify Council of his/her refusal to accept all said conditions. In this case, Council shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify Council of his/her refusal to accept all said conditions, tentative approval of the development plan, with said conditions, shall stand as granted.

4. The granting or denial of tentative approval by official written communications shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the communication shall be a statement of the respects in which the development plan is or is not in the public interest, including, but not limited to, findings of fact and conclusions on the following:

a. In those respects, in which the development plan is or is not consistent with the Statement of Community Development Objectives and/or other pertinent plans for the development of the Borough.

b. The extent to which the development plan departs from zoning regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest.

c. The purpose, location and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance and conservations of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

d. The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services; provide adequate control over vehicular traffic; and further amenities of light and air, recreation and visual enjoyment.

e. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the planned residential development in the integrity of the development plan.

504.3 Status of the Plan After Tentative Approval

The official written communication shall be certified by the Borough Secretary and filed in his/her office. Where tentative approval has been granted, the same shall be noted on the Official Zoning Map. Tentative approval shall not qualify a plat of the planned residential development for recording, development, or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked, or otherwise impaired by action of the Borough without consent of the applicant, if the time periods for submission of final application specified in said written communication are being fulfilled.

In the event tentative approval was granted, but prior to final approval, the applicant elects to abandon said plan and notifies Council in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked. All the area in the development plan which has not received final approval shall be subject to this Ordinance as otherwise applicable thereto and the same shall be noted on the Official Zoning Map and in the records of the Borough.

5-505 APPLICATION PROCEDURE FOR FINAL APPROVAL OF PRD PLAN

505.1 Scope of the Application

The application for final approval of the PRD Plan may be: (1) for all the land included in the plan, or (2) to the extent set forth in the tentative approval, for a section thereof. In either case the final application(s) shall be made to Council within the time specified in the tentative approval.

505.2 Review Procedure

1. A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided the development plan or part thereof submitted for final approval is in compliance with the development plan given tentative approval and with any specific conditions attached thereto.

2. When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the official written communication of tentative approval, Council shall, within thirty (30) days of such filing, grant final approval to said plan.

3. When the final application contains variations from the plan given tentative approval, Council may refuse to grant final approval and shall, within thirty (30) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations is not in the public interest.

When a final application is refused, the applicant may either: refile his application without objected variations or request a public hearing on the application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passed when the applicant was advised of the denial.

If no action is taken by the applicant, the plan is deemed to have been abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval. Within thirty (30) days after the hearing, Council shall, by written communication, either grant or deny final approval in the form and content required for an application for tentative approval.

505.3 Status of the Plan After Final Approval

A PRD plan or any part thereof which has received final approval shall be certified by Council and filed by the landowner within ninety (90) days with the Allegheny County Recorder of Deeds. No development shall take place until the plan has been recorded, and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

In the event a plan or section thereof has been given final approval and the landowner decides to abandon said plan or section and so notifies Council or fails to develop the plan according to Council's annually updated schedule, no development shall take place on the property included in the plan until the said property is resubdivided and reclassified by enactment of an amendment to this Ordinance.

5-506 JUDICIAL REVIEW

Any decision of Borough Council under this PRD provision granting or denying tentative or final approval of a development plan shall be subject to appeal to the court in the same manner and within the same time limitation established for zoning appeals, as provided by Pennsylvania Municipalities Planning Code.

5-507 FEES

A fee of \$2,500.00 shall accompany each PRD application for tentative approval. Such fee shall be payable to the Borough of Blawnox and shall be used to cover expenses for all technical, administrative, and legal reviews of the tentative application. Following final approval or denial, any unused portion of the fee shall be returned to the applicant. In the event the costs of reviewing the application exceeds the \$1,000.00 fee, the applicant shall reimburse the Borough directly for the additional expenses.

No fee shall be required for an application for final PRD approval, unless an additional public hearing is required, in which event an additional \$1,000.00 fee shall be remitted to the Borough. Council may, at its discretion, impose other fees to defray actual expenses incurred during the course of the PRD review.

ARTICLE SIX

CONDITIONAL USES

6-601 APPLICABILITY

Applications for conditional uses, when listed as permissible by this Ordinance, shall be approved or denied by Borough Council in accordance with the standards and criteria of this Article.

6-602 APPLICATION PROCEDURE

602.1 Application Content

Applications for conditional uses shall be submitted to the Zoning Officer in the form prescribed by the Borough. Such materials shall include site and building plans which clearly identify the location, size, shape, and use of the proposed use/structure, surrounding land uses within one-quarter mile, proposed vehicular and pedestrian accesses, and other information necessary to evaluate the application according to the standards contained in this Ordinance.

602.2 Review Procedure

The Zoning Officer shall forward the application to Council and the Property and Planning Committee for review. The Property and Planning Committee shall submit its comments, in writing, to Council within thirty (30) days.

Borough Council shall act to approve or deny the application within seventy-five (75) days of its filing. Council, at its discretion, may hold a public hearing on the application.

Within ten (10) days of its approval or denial of the application, it shall provide the applicant with a written decision, identifying the reasons for its determination and making reference to the facts, ordinance provisions, rules, or regulations upon which Council based its decision. In approving an application, Council may impose reasonable conditions and safeguards, which it determines necessary to accomplish the objectives of this Ordinance.

Where Council fails to render a decision within the seventy-five (75) day period, the application shall be deemed to be approved, unless an extension of time has been agreed to by the applicant.

602.3 Revocation of Approval

The approval of a conditional use application shall be valid for a period of twelve (12) months from date of approval. If within this period, the building permit has not been applied for and/or construction/development begun, then the conditional use approval shall be revoked, and the applicant must re-apply for conditional use approval. One extension of up to six (6) months may be granted by the Zoning Officer where the applicant can show good cause for the delay.

6-603 GENERAL STANDARDS AND CRITERIA

Before approving a conditional use application, Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. Council shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Ordinance for a specific type of use or development.

1. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Borough, County and Commonwealth ordinances, laws and regulations.
2. The proposed use is compatible with the surrounding land uses, and it does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, potential hazards, illumination and glare, and restrictions to natural light and circulation.
3. The proposed site for the conditional use is suitable in terms of topography and soils conditions and size, based on number of projected users and the frequency of use of the proposed use.
4. The proposed use and site provide for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient offstreet parking and loading.
5. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
6. The proposed use provides screening and/or buffer areas as required by this Ordinance.

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

6-604 SPECIAL STANDARDS AND CRITERIA

For the types of uses identified in this Section, Council shall also determine that the proposed use complies with these additional standards.

604.1 Standards for Group Home and Family Boarding Homes

1. Group Home and family boarding homes are allowed as conditional uses only in the zoning districts listed in this Ordinance.
2. In order to prevent the concentration of group residences or family boarding homes in a neighborhood and to avoid impacting existing residences, no group home or family boarding home may be located within the same block or within 1,000 feet, whichever is more, of a similar facility, nursing or convalescent home, or institutional facility.
3. Offstreet parking requirements for a single-family home shall apply, provided that at least one space is provided per resident-supervisor or full-time staff member, and one space per two residents where the facility includes residents capable of operating a motor vehicle.
4. Minimum lot area, yard setback and structural heights shall be as prescribed for single family dwellings in the district where the property is located, unless otherwise stated in this Ordinance. Borough Council may reduce these dimensions when the group home or family boarding home is to be located in an existing structure.
5. Change of sponsorship or of any other condition contained in the original approval of the group or family boarding facility shall constitute a new use, and the procedure for obtaining conditional use approval of a new facility shall be executed.
6. The operator of the group home or family boarding home shall obtain any required licenses or certifications from the appropriate commonwealth or county agency prior to the conditional use approval. In no case shall an occupancy permit be granted for the facility

until proof of such licenses or certifications has been filed with the Borough.

604.2 Day Care Centers, Private Schools for Pre-Primary Age Children

1. The operator of the day care center or school shall obtain the required licenses and approvals from the appropriate Commonwealth agencies prior to approval of the conditional use application and/or the occupancy permit.

2 The proposed facility shall provide parking in compliance with this Ordinance, and parking areas, regardless of the number of cars, shall be screened as prescribed by Section 408.2 of this Ordinance.

604.3 Manufactured (or Mobile) Home Parks

1. A manufactured home park shall have principal access from a street or highway capable of handling the traffic generated by the park and providing adequate access for the individual mobile units without impairing the normal traffic operations of the street or highway.

2. Ten (10) percent of the park's gross site area shall be set aside for common open space, including recreation areas, community buildings, storage facilities for park residents, laundry facilities, management offices for the park, and storage of park maintenance equipment.

3. All internal roads and parking areas shall be improved with an all-weather, dust-free surface. Internal roads shall be designed to meet anticipated traffic loads and shall have a minimum cartway width of 28 feet.

4. Screening around the entire perimeter of the mobile home park shall be provided in accordance with the screening provisions for a planned residential development (see Article 5).

5. The park operator shall obtain required permits and approval from the Pennsylvania Department of Environmental Resources, Allegheny County and Borough agencies for the sanitary sewer and water supply systems.

6. The storm drainage standards for a planned residential development shall apply to a manufactured home park (See Article 5). A park shall have an erosion and sedimentation plan in compliance with Pennsylvania Department of Environmental Resources regulations and reviewed by the Allegheny County Conservation District and approved by the Borough Engineer.

7. Landscaping and planting shall be provided throughout the mobile home park at a ratio of at least two deciduous trees and four deciduous and/or evergreen shrubs per mobile home.

8. No individual mobile home shall be closer than twenty (20) feet to any street right-of-way or to any property line of the park. Nor shall any unit be located within a 100-year floodplain as designated on the Zoning Map.

9. The following lot area and setback requirements shall apply for individual home lots:

a. Lot Area: 5,000 square feet.

b. No mobile home unit shall be sited to be within 15 feet of any other unit or accessory structure.

10. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.

11. No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.

a. Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed on the pad.

b. The pad, at least six (6) inches in thickness, shall be constructed from either concrete, asphalt, or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six ties-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

c. Each mobile home shall be set level on sturdy and substantial supports.

12. Two offstreet parking spaces shall be provided for each mobile home lot. Parking areas shall comply with Section 4-408 of this Ordinance.

13. The design, installation and construction, and maintenance of this storage and handling of liquefied petroleum gases shall conform to the Act of Pennsylvania Legislature 1951, December 27, P.L. 1793, as it may be amended, and to all applicable regulations of the Pennsylvania Department of Labor and Industry.

604.4 Video Game and Amusement Arcades

1. No video game or amusement arcade, as defined by this Ordinance, shall be located within 500 feet of a public or private school, church, public recreation area, medical building or within 300 feet of the boundary of any R-1 or R-2 zone.

This distance shall be measured from the entrance/exit of the facility in the most direct line or route on, along or across the streets adjacent to the facility, to any school, church, medical building, recreation area or residential zone.

2. The proposed facility shall comply with all provisions of Borough Ordinance No. 417, providing for the regulation and licensing of arcades.

604.5 Adult Oriented Business

1. Borough Council shall review conditional use applications for adult use businesses in light of two major community objectives:

a. To prevent a concentration of these uses which, because of their very nature, are recognized as having serious objectional operational characteristics, particularly when several are located in close proximity of one another.

b. To prevent such uses from having a deleterious effect upon adjacent uses or from contributing to the blighting or downgrading of surrounding neighborhoods and the loss of property values.

These objectives are especially important due to the Borough's small, compact development pattern where residential areas and public/civic uses are immediately adjacent to, and often intermingled with, commercial and industrial areas.

2. No adult use shall be located within, nor closer than, 1,000 feet of any other adult use business. which shall be measured from the property lines at the closest points.

3. No adult use business shall be located within, nor closer than, 500 feet of an existing school, place of worship, public recreational area, public building or facility.

4. No adult use business shall be located within, nor closer than, 100 feet of the boundary of any residential district.

5. No adult use business shall be located within, nor closer than, 500 feet of any video game or amusement arcade, as defined by this Ordinance, or any establishment licensed by the Pennsylvania Liquor Control Board.

6. An adult use business shall be limited to one exterior sign which shall comply with the size and placement standards contained in Section 4 40' of this Ordinance. Said sign shall not include any depiction, description, illustration of or language relating to any "specified sexual activities" or "specified anatomical areas," as defined by this Ordinance. This provision shall apply to any display, advertisement (including vehicle) decoration, sign, show window or other opening, which is observable from a public street or any property that is not used as an adult use business.

For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as an adult use business to the nearest property line of a premise (e.g., school, park) to which a distance restriction applies under the terms of this section.

ARTICLE SEVEN

NONCONFORMITIES

7-701 DEFINITIONS

701.1 Nonconforming Lot of Record

An undeveloped lot which does not comply with the applicable provisions contained in this Ordinance, or any amendment hereafter enacted, but which was lawfully in existence prior to the enactment of this Ordinance.

701.2 Nonconforming Building or Structure

Any structure which is devoted to a use which is permitted in the Zoning District in which it is located, but which is located on a lot that does not conform to applicable lot size and/or area and bulk requirements, where such building or structure existed lawfully prior to the enactment of this Ordinance or amendment.

701.3 Nonconforming Use

A use of part or all of a structure, or a use of land (not involving a structure or only involving a structure which is accessory to such use of land), which does not comply with the applicable use regulations contained in this Ordinance, where such use existed lawfully prior to the enactment of this Ordinance or amendment.

7-702 CONTINUATION

Subject to the provisions of this section, a use of building or land existing at the time of the enactment of this Ordinance may be continued even though such does not conform with the provisions of these regulations for the district in which it is located. The Zoning Officer shall keep and maintain a list of all nonconforming uses existing at the time of the passage of this Ordinance and which may come to exist in the future.

7-703 ALTERATIONS, REPAIR, ENLARGEMENT, RECONSTRUCTION OF NONCONFORMING STRUCTURES

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

A nonconforming building, structure (excluding signs) may be altered, improved or reconstructed provided that the total cost of such work

does not exceed 50 percent of the fair market value of the structure at the time of the requested alteration and that the work does not make the structure any more nonconforming in any aspect. This cost limitation does not apply if the work involves bringing the structure into conformance with applicable zoning regulations.

If a nonconforming structure, or use thereof, is destroyed totally or partially by fire, collapse, explosion or other disaster, it may be reconstructed (and the nonconforming use thereof continued), if work commences within 6 months of the date of destruction and is pursued diligently to completion. However, reconstruction shall not make the building or structure more nonconforming, in any aspect, than it was prior to destruction. Reconstruction must comply with applicable state and local building codes.

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

7-704 ALTERATION, ENLARGEMENT OR EXPANSION OF A NONCONFORMING USE

704.1 Residential, Mixed-Use, Conservation Districts

In such districts, nonconforming uses may expand up to 25 percent of the original building or use area (measured in square feet), to allow for continuation and reasonable growth of the use. Such expansion shall not exceed applicable area and bulk requirements and shall not eliminate required offstreet parking and/or loading areas.

Zoning Hearing Board may authorize an expansion or enlargement exceeding the 25 percent limitation where the expansion is to provide required offstreet parking or loading space or to improve hazardous conditions. Board may require an additional traffic study, also may require additional development plan prior to approval.

704.2 Commercial, Industrial Districts

In any commercial or industrial district, a nonconforming use may expand up to 50 percent of the original building or lot area (measured in square feet), in accordance with the same conditions stated in 704.1.

7-705 CHANGE OF USE

A nonconforming use may be changed to a similar nonconforming use within the same type of use category. When a nonconforming use is changed to a permitted one, it shall not be subsequently changed to a nonconforming use. A change of one nonconforming use to another

nonconforming use requires review and approval by the Zoning Hearing Board, in accordance with Section 904.6.4 of this Ordinance.

7-706 CONSTRUCTION APPROVED PRIOR TO ORDINANCE

Nothing in this Ordinance shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the entire building completed according to approved plans within one year of the enactment of this Ordinance.

7-707 ABANDONMENT

A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one or more of the following conditions apply:

1. The intent of the owner to discontinue the use is apparent.
2. A nonconforming use has been discontinued for a period of six (6) months unless other facts show intention to resume the nonconforming use.
3. It has been replaced by a conforming use.
4. It has been changed to another nonconforming use under permit from the Zoning Hearing Board.

7-708 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

7-709 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to a district of a different classification, the foregoing provisions shall apply to any nonconforming uses, structures or lots of record existing therein.

7-710 NONCONFORMING LOT OF RECORD

In any residential or mixed-use district, notwithstanding the regulations imposed by any other provision of this Ordinance, a

single-family detached dwelling which complies with applicable zoning restrictions except for lot area may be erected, provided that the following requirements are met:

1. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, at such location was not prohibited by any zoning ordinance then in effect.
2. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or ordinances.

Construction permitted by the above shall comply with all the regulations, except lot area and yard requirements, applicable to single-family dwellings in the zoning district in which the lot in question is located. However, the following yard requirements shall apply:

1. Front Yards - As prescribed by the regulations for the zoning district in which the lot is located or by the provision for front yard exceptions in Article IV of this Ordinance.
2. Side Yards - The dwelling shall be placed on the lot so as to provide two side yards. A side yard shall not be less than the smaller of: (a) three feet or (b) the minimum side yard prescribed by the regulations for the applicable zoning district.
3. Rear Yards - As prescribed by the regulations for the zoning district in which the lot is located, or no less than ten (10) feet.

7-711 STATUS OF CONDITIONAL USES

Any use, for which a conditional use permit has been issued as provided by this Ordinance, shall not be deemed to be a nonconforming use, but it shall be deemed a lawful conforming use.

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

7-712 TERMINATION OF NONCONFORMING SIGNS

1. Upon adoption of this Ordinance, the Zoning Officer shall prepare a list of all nonconforming signs. A nonconforming sign cannot be enlarged or altered in any aspect, except to make safety

improvements or changes which will make the sign conforming, or more conforming, to the provisions of this Ordinance.

2. In the case of a nonconforming projecting sign (i.e., a sign attached to but projecting perpendicularly from a structure or building face), it must be replaced with a conforming sign whenever there is a change of ownership of the use or a change of use following the effective date of this Ordinance.

3. If the Zoning Officer orders repairs on any nonconforming sign, which equal 50 percent or more of the sign's replacement value, then the sign shall be brought into conformance as part of the repairs.

ARTICLE EIGHT

ENVIRONMENTAL PERFORMANCE STANDARDS

8-801 APPLICABILITY

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

8-802 FIRE AND EXPLOSIVE HAZARDS

- (A) All activities and all storage of flammable solid, liquid, and gaseous substances and explosive materials shall comply with all applicable federal, state and local laws and regulations including the provision of adequate fire-fighting equipment as specified by any law or regulation. All buildings and structures and activities within such buildings and structures shall conform to the Borough building and fire codes and other applicable ordinances.
- (B) Storage tanks or facilities for flammable liquids shall obtain permits in accordance with applicable State and County regulations.

8-803 TOXIC, HAZARDOUS AND RADIOACTIVE MATERIALS

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

8-804 AIR POLLUTION AND ODORS

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

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

8-805 GLARE

- (A) No direct reflected glare whether from any lighting source or production operation shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- (B) When any street lighting produces illumination in excess of one (1) foot-candle at a particular point in a residential zoning district, the contribution by light sources from any property in a non-residential zoning district, as measured at the same point, shall not exceed fifty (50) percent of the street lighting.
- (C) No outdoor lighting shall be of such intensity or brilliance as to cause glare which would impair the vision of drivers.

8-806 NOISE

- (A) No operation or activity shall cause or create noise in excess of the sound levels prescribed below at any point on or beyond a lot boundary. For the purposes of this Ordinance, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighing network corresponding to the A-scale on a standard sound level meter.
1. Residential Districts: Not to exceed a maximum of sixty (60) dBA for more than one (1) hour per twenty-four (24) hours.
 2. Commercial Districts: Not to exceed a maximum of sixty-five (65) dBA for more than eight (8) hours per twenty-four (24) hours.
 3. Industrial Districts: Not to exceed a maximum of seventy-five (75) dBA.
 4. Where two (2) zoning districts in which different noise levels are prescribed, share a common boundary,

the most restrictive of the noise level standards shall govern.

- B. The preceding noise standards shall not apply to the following:
 - 1. Noises emanating from construction and/or maintenance activities between 7:00 a.m. and 8:00 p.m.
 - 2. Noises caused by safety signals, warning devices and other emergency-related activities or uses; and
 - 3. Transient noises emanating from moving sources, such as trucks, automobiles, motorcycles, airplanes and trains.
- C. In addition to these regulations, all uses or activities within the Borough shall conform to any applicable Borough, County, State or Federal noise regulations.

8-807 DETERMINATION OF COMPLIANCE

- A. If a proposed use or activity appears not to comply with the performance standards contained in this Section, the Borough may require the applicant to submit sufficient data and evidence to make an objective determination. Where the Borough must obtain technical assistance to determine compliance with any standard, the cost of such assistance shall be added to any required application fees.
- B. For any existing use, the Zoning Officer shall investigate any purported violation of the performance standards and, with Council approval, employ qualified experts to assist in the determination of a violation. If a violation does exist, the costs for such technical experts shall be added to any other fines and penalties contained in this Ordinance.

ARTICLE NINE

ADMINISTRATION AND ENFORCEMENT

9-901 ZONING OFFICER

901.1 Appointment and Qualifications

The Zoning Officer shall be appointed by Borough Council and shall administer and enforce this Ordinance. The Zoning Officer may also hold the office of Building Inspector, as provided under Borough Ordinance 301. The Zoning Officer's qualifications and terms of office shall coincide with those of the Building Inspector's. These appointments may be a contracted service. The Zoning Officer shall be directly responsible to the Borough Manager.

901.2 Duties of the Zoning Officer

In order to properly administer and enforce this Ordinance, the Zoning Officer shall:

1. Receive and review all applications for zoning permits and maintain records thereof.
2. Issue zoning permits for construction and occupancy for all applications that comply with the literal terms of this Ordinance and other applicable ordinances.
3. Record and file all applications for zoning permits, with all accompanying plans and documents, at the office of the Borough Secretary.
4. Make reports relative to any application, as Borough Council directs.
5. Receive, file and forward to Borough Council all applications for conditional uses and planned residential developments, maintain records thereof, and issue a zoning permit when authorized by this ordinance.
6. Receive, file and forward to the Zoning Hearing Board the records in all appeals, and all applications for special exception uses, variances and changes of nonconforming uses; maintain records thereof; and issue a zoning permit when authorized by this ordinance.
7. Inspect buildings, structures, and uses of land to determine compliance with the provisions of this Ordinance.

8. Issue stop, cease, and desist orders and issue written correction orders for any condition found to be in violation of this Ordinance and other applicable ordinances by direction of the Borough Manager. Such written order shall be delivered personally or by certified mail to the zoning permit applicant and shall state the time period given to correct the violation.

9. Institute, with the approval of the Borough, appropriate legal action to prevent, restrain, abate, or correct any violation of this Ordinance.

10. Revoke any order or zoning permit issued under a mistake of fact or contrary to the provisions of this Ordinance.

11. Make and maintain accurate and current records of all legal nonconformities under this Ordinance.

9-902 REQUIRED ZONING PERMITS

No use of land shall be made, or any building or structure constructed, altered, remodeled, occupied or used, nor any existing use of a building, structure of land be changed until a "Zoning Use and Occupancy Permit," or "Zoning Permit," shall have been issued by the Zoning Officer.

The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the zoning use permit.

Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

902.1 Permit Application and Issuance Procedure

Whenever the proposed activity, whether new construction or alteration of an existing use requires a building permit (under the Pennsylvania Uniform Construction Code), the application for the zoning permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning permit application has been approved.

When no building permit is required, the application for the zoning use and occupancy permit may be made at any time prior to the use or occupancy of the structure or land.

Permit applications shall be submitted in writing on such forms or in such format as established by the Borough. The Zoning Officer may

request any information necessary to determine the application's compliance with this Ordinance.

The Zoning Officer shall not issue the zoning use permit until all other required approvals and permits have been obtained from applicable borough, county, state, and federal agencies. The applicant shall submit copies of such approvals/permits to the Zoning Officer.

An application for a zoning use permit does not permit occupancy; an occupancy permit is also required.

Upon completion of the applied-for work, the applicant shall notify the Zoning Officer who shall examine the building, structure or use of land involved within ten (10) days of the completion of work and notification. If the Zoning Officer shall find that such construction, erection, structural alteration, or use of building and land has been completed in accordance with the provisions of this Ordinance and other applicable ordinances, a zoning occupancy permit shall be issued.

902.2 Period of Validity

A zoning permit shall become null and void within six (6) months of the date of issuance unless the construction, altering, or remodeling of a structure is commenced; or a use of land or building is commenced.

902.3 Temporary Zoning Use and Occupancy Permits

The Zoning Officer may issue a temporary zoning occupancy permit which may allow the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection, provided, however, that such a temporary permit shall be valid only for a period not exceeding six (6) months from its issuance, and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.

9-903 SCHEDULE OF FEES

Borough Council shall establish, from time to time, fees and charges for all permits and applications required by this Ordinance. This schedule, along with an explanation of the collection procedure, shall be posted in the offices of the Borough Manager. All fees and charges shall be adopted by resolution of Borough Council at any regular or special meeting.

9-904 ZONING HEARING BOARD

904.1 Membership of the Board

The membership of the Board shall be three (3) residents of the Borough appointed by Borough Council. Their terms of office shall be three (3) years and so fixed that the term of office on one member shall expire each year. The Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other Office in the Borough.

904.2 Removal of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or just cause by a majority vote of Borough Council, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A public hearing shall be held prior to the vote if the member shall request it in writing.

904.3 Organization of the Board

The Board shall elect its officers from its own membership, who shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be a majority of all the members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and parties may waive further action by the Board as provided below. The Board may make, alter, and rescind rules and forms for its procedure consistent with the ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business and submit an annual report of its activities to Borough Council.

904.4 Expenditures for Services

Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

904.5 Hearings

1. Notice of hearings shall be given at least once per week for two successive weeks, the first publication not more than 30 days prior to hearing and the second publication not less than seven days before

the date of the hearing in a newspaper of general circulation. A notice shall be mailed to all interested parties, including the applicant, the Borough Manager, every person, or organization who shall have registered with the Board for the purpose of receiving such notices. In addition, notice shall be conspicuously posted on the affected tract of land.

2. Hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive the decision or finding by the Board and accept the decision or findings of the hearing officer as final.

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

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

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

6. All evidence shall be evaluated and reviewed upon submission.

7. The Board or the hearing officer, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

8. The Board or the hearing officer shall: (1) not communicate directly or indirectly with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; (2) not take any notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed; and (3) not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

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

Where the application is contested or denied, each decision shall be accompanied by findings of fact. Conclusions based on any provisions of this Ordinance or of any act, rule, or regulation shall contain a reference to this code for support or denial of hearing.

If the hearing is conducted by a hearing officer, and no stipulation has been made that the officer's decision or findings are final, the Board shall make reports and recommendations available to the parties 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 forty-five (45) days after the decision of the hearing officer.

Where the Board has power to render a decision and the Board or the hearing officer fails to render the same within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time. Nothing in this Subsection shall prejudice the right of any party opposing the application to urge that such decisions is erroneous.

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 persons who filed their names and address with the Board not later than the last day of the hearing, the board shall provide by mail or otherwise, notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

904.6 Functions of the Board

904.6.1 Appeals from the Zoning Officer

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of the valid Ordinance or Map or any valid rule or regulation governing the action of the Zoning Officer, or a variance for special exceptions from strict application of this ordinance.

904.6.2 Challenges to Validity of the Ordinance or Map

The Board shall hear challenges to the validity of the Zoning Ordinance or Map, with two exceptions:

a. Questions of an alleged defect in the process of enactment or adoption of the Ordinance or Map shall be raised by an appeal taken directly to the court.

b. Where a landowner, on substantive grounds, submits a challenge on the validity of the Ordinance or Map or any provisions thereof which restricts or prohibits the use or development of the owner's land, accompanied with a request for a curative amendment; the challenge shall go directly to Borough Council.

In all challenges, the Zoning Hearing Board shall take evidence and shall make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to court.

904.6.3 Variances

The Board shall hear requests for variances where it is alleged that the strict application of the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Application for a variance shall be made on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine a time and place of the hearing.

1. Applicability

Variances from the regulations of this Ordinance shall be granted by the Board only in accordance with the standards described here in and may be granted only in the following instances:

a. The Board may grant a variance, provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity which the provisions of the Zoning Ordinance; and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship had not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

2. Procedure

The Property and Planning Committee must review and comment on any variance application, which shall be made part of the public record. The Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

The Board shall render a written decision on an application for a variance without unreasonable delay after the close of a hearing, but in all cases, within sixty (45) days from the close of the hearing. The Zoning Officer shall maintain complete records of all actions of the Board with respect to applications for variances.

3. Expiration

Unless otherwise specified by the Zoning Hearing Board or the Planning Code, a variance approved by the Board shall expire if the applicant fails to obtain a zoning permit within six (6) months of the date of the authorization of the variance or fails to complete more than 100 percent of the work within one (1) year from the date of issuance of the zoning permit.

904.6.4 Special Exceptions

Where this Ordinance states that special expectations may be granted or denied by the Board, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified in this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance.

904.6.5 Changes of Nonconforming Uses

In accordance with Article 7 of this Ordinance, the Zoning Hearing Board shall hear requests for a change of one nonconforming use to another nonconforming use. Before approving an application, the Board shall determine that:

- a. The proposed use is within the same type of use category as the original nonconforming use, i.e., one personal service business to another.
- b. The proposed use will not be any more objectionable than the original nonconforming use in terms of traffic generation and requirements for offstreet parking and loading; outdoor storage of wastes, materials, supplies and equipment; height, area, and volume of all structures.
- c. The proposed use can comply with the applicable performance standards for noise, air and water quality, glare, odors, fire and explosive hazards, vibrations, screening, and stormwater management in Article 4 of this Ordinance.

904.7 Parties Appellant Before the Board

Appeals under Section 904.6.1 and proceedings to challenge an Ordinance under Section 904.6.2 above may be filed with the Board in writing, by any officer or agency of the Borough or any person aggrieved. Requests for a variance under Section 804.6.3 and for a special exception under Section 804.6.4 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

904.8 Time Limitations

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body, if such proceeding is designed to secure

reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone, other than the landowner, to appeal from an adverse decision on a tentative approval of a planned residential development application or from an adverse decision by a Zoning Officer on a challenge to the validity of an Ordinance or Map, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

904.9 Stay of Proceedings

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

When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing, evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay, it shall grant the petition. The right to petition the court to order the appellants to post bond may be waived by the Appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted, and the amount of the bond shall be within the sound discretion of the court.

9-905 ZONING APPEALS

Zoning appeals to court shall be taken to the Court of Common Pleas of Allegheny County. Appeals to Court shall include:

1. Validity of the Ordinance, procedural questions;
2. Appeals from the decisions of the Zoning Hearing Board;
3. Appeals from the decisions of Borough Council relative to a planned residential development or conditional use application.

Zoning appeals to court shall follow procedures prescribed in Article XI of the Pennsylvania Municipalities Planning Code.

9-906 THE PROPERTY AND PLANNING COMMITTEE

The Property and Planning Committee shall be appointed by Borough Council as prescribed by the Pennsylvania Municipalities Planning Code and Borough Ordinance 405.

Under the terms of the Zoning Ordinance, the Property and Planning Committee shall perform the following duties:

1. Prepare an annual report to Borough Council outlining any substantive or administrative problems that have been identified in the Ordinance along with recommended changes to correct the problems; and any recommended changes in the Ordinance to reflect changes in development conditions, land uses, population, public services and facilities or similar conditions.
2. Prepare and make recommendations to Borough Council on proposed amendments to the Zoning Ordinance and Map.
3. Review and make recommendations to Borough Council on conditional use applications.
4. Review and make recommendations to Borough Council on applications for planned residential developments.
5. Review and make recommendations to the Zoning Hearing Board on applications for variances or special exceptions.
6. Provide technical and consultative assistance to other Borough boards, commissions, and officials in exercise of their duties relating to this Ordinance.
7. Maintain accurate and current records of all actions taken in relation to the provisions of the Zoning Ordinance.

9-907 AMENDMENTS TO THE ZONING ORDINANCE OR MAP

907.1 Procedure

The following procedures shall apply:

1. Borough Council shall hold a public hearing on any proposed amendment to the Ordinance or Map.
2. Notice of the hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation; the first publication shall not be more than thirty (30) days or less than fourteen (14) days prior to the hearing date. The notice shall include full text of the amendment or a brief summary and a reference to a place in the Borough where a copy of the proposed amendment may be examined.
3. In the case of an amendment other than that prepared by the Property and Planning Committee, Council shall submit each such amendment to the Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Commission an opportunity to submit recommendations. In addition, at least thirty (30) days prior to the hearing on the amendment, the Borough shall submit it to the Allegheny County Planning Commission for its review and recommendations.
4. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. A vote on any proposed amendment shall take place at a regular or special meeting of Borough Council, following the public hearing or hearings.

907.2 Curative Amendments by Landowners

A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or map (or any provision thereof) which restricts or prohibits the use or development of land in which he/she has an interest, may submit a curative amendment to Borough Council with a written request that the challenge and proposed amendment be heard and decided, as provided by the municipalities Planning Code.

Borough Council shall commence a hearing within sixty (60) days of the request. Procedures for reviewing and conducting hearings on the curative amendment shall follow Section 1004 of the Planning Code.

907.3 Municipal Curative Amendments

1. A municipality, by formal action, may declare its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the governing body of the municipality shall:

a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include: (1) references to specific uses which are either not permitted or not permitted in sufficient quantity, (2) reference to a class of use or uses which require revision, or (3) reference to the entire Ordinance which requires revisions.

b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the municipality shall enact a curative amendment to, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions of Section 807.1 to cure the declared invalidity of the Zoning Ordinance.

3. Upon the initiation of the procedures, as set forth in Subsection (1) above, Borough Council body shall not be required to entertain or consider any landowner's curative amendment nor shall the Zoning Hearing Board be required to give a report on a challenge to the validity of the Ordinance, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection 1(a) above. Upon completion of the procedures as set forth in Subsections 1 and 2, no rights to a cure pursuant to the provisions of Section 807.2 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

4. The Borough may not again utilize the above procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to Subsection 2. However, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this Section to prepare a

curative amendment to its Ordinance to fulfill said duty or obligation.

9-908 ENFORCEMENT REMEDIES

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of their Ordinance; the Zoning officer, with the approval of the Borough, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or use of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. These remedies shall be in addition to any other remedies provided by law.

9-909 ENFORCEMENT PENALTIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough of Blawnox, pay a judgment of not more than \$500, plus all court costs, including reasonable attorneys' fees incurred by the Borough of Blawnox as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough of Blawnox may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or appropriation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the Borough of Blawnox.

9-910 EFFECTIVE DATE

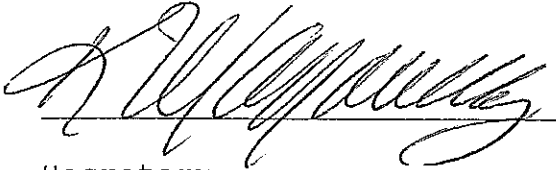
This Ordinance shall become effective upon adoption by Blawnox Borough Council.

ENACTMENT

ORDAINED AND ENACTED BY the Council of the Borough of Blawnox,
this _____ day of _____, 2022.

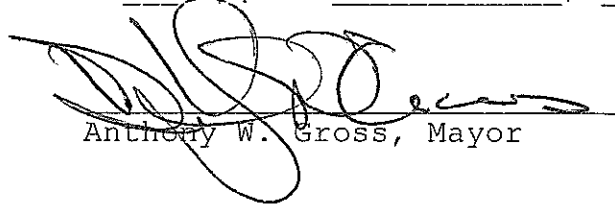
ATTEST:

BOROUGH OF BLAWNOX


Secretary

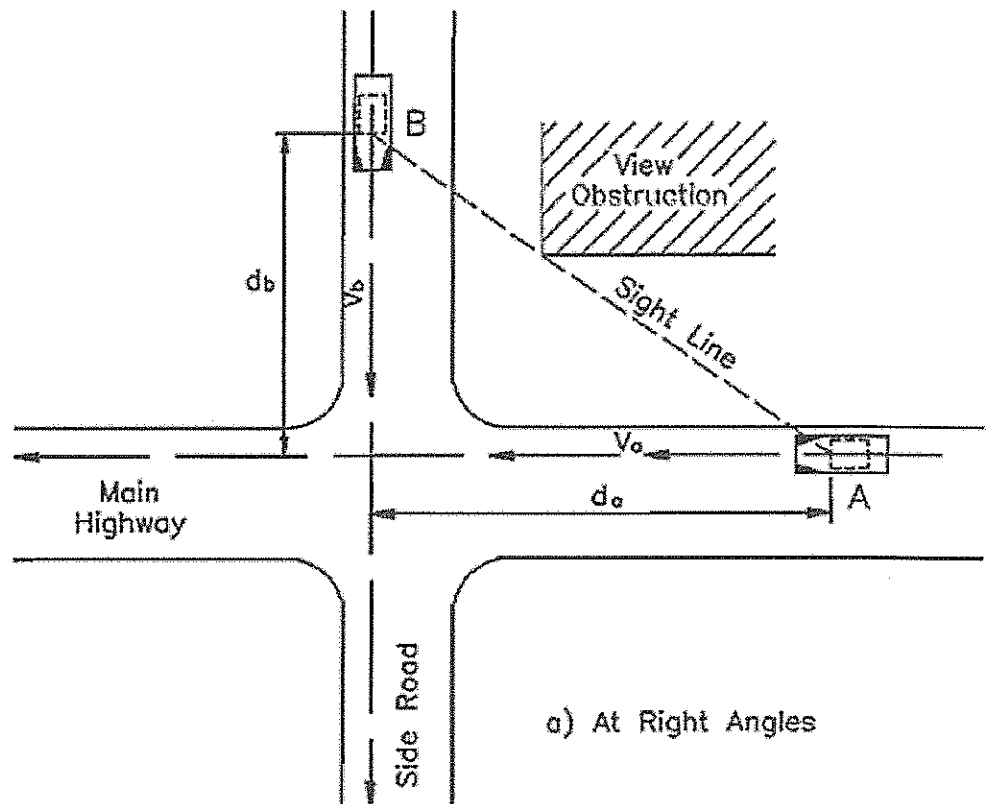

President of Council

EXAMINED AND APPROVED this _____ day of _____, _____.


Anthony W. Gross, Mayor

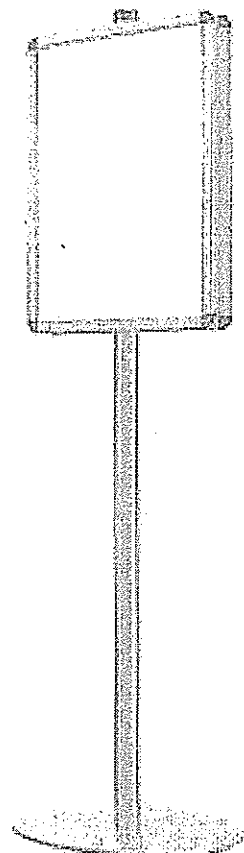
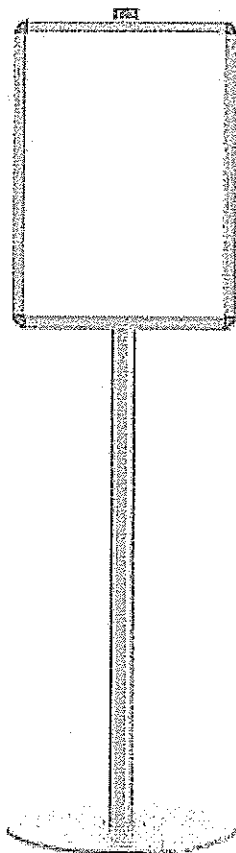
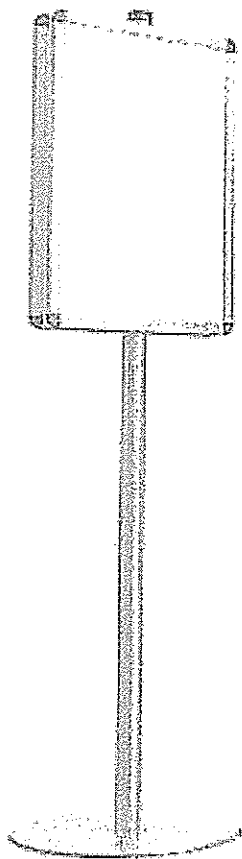
APPENDIX A

V_a - Approach Speed on Main Highway
 V_b - Approach Speed on Side Road
 d_a - Approach Distance on Main Highway
 d_b - Approach Distance on Side Road



Clear Sight Triangle Illustration

APPENDIX B



APPENDIX C

