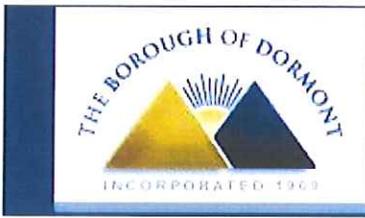




***REGULAR BUSINESS MEETING
DORMONT BOROUGH COUNCIL
FEBRUARY 2, 2015***

1. Executive Session 6:00PM
 - A. Legal Matter – Property Development
2. Call to Order
3. Pledge of Allegiance
4. Roll Call
5. Registered Comments from the Public
6. Comments from the Mayor
7. Council Committee Reports
8. Council President’s Report
9. Borough Manager’s Report
10. Consent Agenda
 - A. Motion to accept the written report of the Borough Solicitor.
 - B. Motion to accept the written reports of Borough Officials.
 - C. Motion to approve the Minutes of the January 5, 2015 Council Business Meeting.
 - D. Motion to approve the Warrant List for January, 2015.
 - E. Motion to authorize Payment #1 and Final to Niando Construction, Inc. for \$46,266 for the Voelkel Avenue Storm Sewer Project.
 - F. Motion to authorize Payment #2 to East Coast Paving & Sealcoating, Inc. for \$114,889.59 for the 2014 Alley Resurfacing Project.
 - G. Motion to authorize Payment #1 and Final to Insight Pipe Contracting, L.P. for \$21,643 for the LaSalle Avenue Storm Sewer Lining Project.
 - H. Motion to accept the resignation of Mr. Mark Shuttleworth from the Traffic and Parking Planning Commission.



11. Action Items

- A. **Public Hearing – Ordinance No. 1606 – Recodification of Borough Ordinances** – Motion to adopt Ordinance No. 1606 which recodifies the Borough’s ordinances as outlined in the staff report – Finance and Legal Committee – Onnie Costanzo, Chairperson
 - 1. Public Comment
 - 2. Council Discussion
- B. **Resolution No. 01-2015 Adopting Pension Plan Service Procurement Procedures** – Motion to approve Resolution No. 01-2015 adopting procedures to be used when professional services are contracted by the Borough’s two pension plans as outlined in the staff report – Public Safety/Public Service Committee – Joan Hodson, Chairperson
 - 1. Public Comment
 - 2. Council Discussion
- C. **Laborers Union Contract Extension** – Motion to approve a two year extension of the Laborers Union contract through 2018 at a cost for the two years of \$9,406.24 as outlined in the staff report – Public Safety/Public Service Committee – Joan Hodson, Chairperson
 - 1. Public Comment
 - 2. Council Discussion
- D. **Approval of Borough Policy on Fundraising** – Motion to approve a Policy prohibiting Borough employees from soliciting or fundraising during working hours as outlined in the staff report – Finance and Legal Committee – Onnie Costanzo, Chairperson
 - 1. Public Comment
 - 2. Council Discussion
- E. **Approval of Resolution No. 02-2015 Authorizing Overhanging Signage** – Motion to approve Resolution No. 02-2015 authorizing the owner of 3267 West Liberty Avenue to place banner signage overhanging the sidewalk on their façade - Public Safety/Public Service Committee – Joan Hodson, Chairperson
 - 1. Public Comment
 - 2. Council Discussion

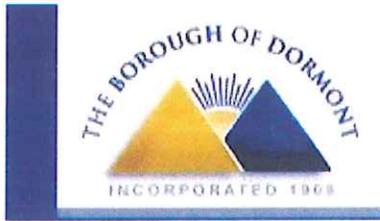
12. Discussion Items

- A. **PUBLIC HEARING – ORDINANCE NO. 1605** – Adopting the Borough of Dormont Zoning Ordinance of 2014 – Borough Manager
- B. **Automated Meter Payment System** – Meter Feeder – Borough Manager

13. Comments from the Public on Non-Agenda Items

14. Announcements

15. Adjournment



MEMORANDUM

Date: January 21, 2015
To: Jeff Naftal, Borough Manager
From: Wayne R. McVicar, P.E., Borough Engineer *WRM*
Subject: Engineer's Report – January 2015

1. **COUNCIL ACTION REQUESTED**

- a. **2014 Alley Resurfacing Project – (\$261,312.21)**
Contractor: East Coast Paving & Sealcoating, Inc.
Recommend approval of Payment No. 2, in the amount of **\$114,889.59** to East Coast Paving & Sealcoating, Inc. See my January 7, 2015 Recommendation of Payment memo.
- b. **LaSalle Avenue Storm Sewer Lining – (\$20,178.00)**
Insight Pipe Contracting, L.P.
Recommend approval of Payment No. 1 - Final, in the amount of **\$21,643.00** to Insight Pipe Contracting, L.P. See my January 5, 2015 Recommendation of Payment memo.
- c. **Voelkel Avenue Sidewalk Drain Project – (\$52,305.00)**
Contractor: Niando Construction, Inc.
Recommend approval of Payment No. 1 - Final, in the amount of **\$46,266.00** to Niando Construction, Inc. See my January 12, 2015 Recommendation of Payment memo.

2. **ENGINEERING IN PROGRESS**

- a. **2015 Road Resurfacing Project**
Based upon the project areas approved by Council, plans and specifications will be prepared. Design is proceeding.
- b. **CD Year 41 Application**
The pre-application has been approved. The full application was submitted on November 21, 2014.

- c. **Sewer Repair Contracts - 2015**
Based upon the results of the 2013 & 2014 O&M CCTV contract, a listing of sewer repairs has been generated. This listing has been broken down into three types of contracts, "CIPP Manhole To Manhole Lining", "Spot Repairs" and "Spot Lining and Grouting". Design documents are being prepared for each for solicitation of quotes or bids, as applicable.
- d. **6th Alley Storm & Sanitary Sewer Modifications**
Field survey of existing conditions was completed on August 15, 2014. Design is proceeding.
- e. **Municipal Building Water Proofing**
Leak testing was completed August 19, 2014. Investigation identified 2 points of infiltration, the corner of the building outside the small conference room and wall/planter area outside the rear gym entrance. Repair design is proceeding.

3. **CONSTRUCTION IN PROGRESS**

- a. **Voelkel Avenue Sidewalk Drainage Project – (\$2,305.00)**
Contractor: Niando Construction, Inc.
Project is complete including punch list items.
- b. **LaSalle Avenue Storm Sewer Lining – (\$20,178.00)**
Insight Pipe Contracting, L.P.
Project began and was finished on December 18, 2014. Final payment is recommended and project is being closed out.
- c. **2014 Road Reconstruction/Resurfacing Project – (\$269,685.24)**
Contractor: Niando Construction, Inc.
Construction is complete and being closed out.
- d. **2014 Alley Resurfacing Project - (\$261,312.21)**
Contractor: East Coast Paving & Sealcoating, Inc.
Construction is complete except for punch list items.

DORMONT VOLUNTEER FIRE DEPARTMENT

MONTHLY ALARM SUMMARY

MONTH YEAR	TOTAL ALARMS	TOTAL DRILLS	TOTAL DAMAGES
December 2014	33	1	\$10,000.00
12/02/14	17 Vernon Dr.	Poss. Structure Fire (Mutual Aid)	None
12/04/14	600 Washington Rd.	Smoke In Building (Mutual Aid)	None
12/08/14	1675 Potomac Ave.	Vehicle Accident	None
12/08/14	1455 Hillsdale Ave.	Department Drill	None
12/09/14	3229 W. Liberty Ave	False Alarm	None
12/11/14	W. Liberty at Mississippi	Vehicle vs. Pedestrian	None
12/12/14	1801 Hillsdale Ave	False Alarm	None
12/12/14	1801 Hillsdale Ave	False Alarm (HVAC overheat)	None
12/13/14	958 Washington Road	House Fire (Mutual Aid)	None
12/13/14	25 North Meadowcroft	Structure Fire (Mutual Aid)	None
12/14/14	McFarland @ Banksville	Vehicle Accident	None
12/14/14	1209 Peermont Ave.	False Alarm	None
12/14/14	2841 W. Liberty Ave.	Smoke Investigation	None
12/16/14	2848 Broadway Ave.	Welfare Check	None
12/16/14	1418 Park Blvd.	Welfare Check	None
12/16/14	Potomac @ Philadelphia	Vehicle Accident	None
12/16/14	McFarland @ Raleigh	Vehicle Accident	None
12/18/14	3021 Texas Ave.	Wires Down	None
12/20/14	3229 W. Liberty	False Alarm	None
12/20/14	3229 W. Liberty Ave.	False Alarm	None
12/20/14	1444 Hillsdale Ave.	False Alarm	None
12/20/14	2885 W. Liberty Ave.	False Alarm	None
12/20/14	3229 W. Liberty Ave.	False Alarm	None
12/21/14	2640 Voelkel Ave.	Smell of Smoke	None
12/22/14	2720 Glenmore Ave.	Chimney Fire	\$10,000
12/23/14	121 James Place	Fire Alarm (Mutual Aid)	None
12/23/14	2936 West Liberty	Fire Alarm	None
12/23/14	1118 Biltmore Ave.	C O Alarm	None
12/24/14	1539 Washington Rd.	Fire (MA)	None
12/24/14	116 OrmsbyAve.	Structure Fire (Mutual Aid)	None
12/28/14	2946 Glenmore Ave.	Lock out	None
12/29/14	2999 W. Liberty Ave.	False Alarm	None
12/29/14	1732 Potomac Ave.	Lift Assist	None
12/30/14	150 Park Blvd.	False Alarm	None

DORMONT VOLUNTEER FIRE DEPARTMENT

MONTHLY SUMMARY REPORT

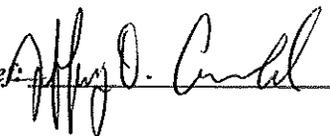
December 2014

<i>Total Alarms</i>	<i>33</i>
<i>Drills.</i>	<i>1</i>
<i>False Alarms.</i>	<i>12</i>
<i>Alarms in House</i>	<i>4</i>
<i>Alarms in Buildings.</i>	<i>12</i>
<i>Mutual Aid (Given to other Departments)</i>	<i>6</i>
<i>Alarms Involving Automobiles and Trucks.</i>	<i>5</i>
<i>Alarms Involving Brush, Rubbish, Misc.</i>	<i>0</i>
<i>Day Alarms 06:00 AM. To 1800 Hrs.</i>	<i>20</i>
<i>Night Alarms 1800 Hrs.. To 06:00 AM.</i>	<i>13</i>
<i>Total Number of Volunteers at Alarms.</i>	<i>148</i>
<i>Total Number of Volunteers at Drills</i>	<i>22</i>
<i>Total Number of Career Staff at Alarms</i>	<i>52</i>
<i>Total Number of Career Staff at Drills</i>	<i>3</i>
<i>Estimated Value of Property Involved in Fires</i>	<i>\$10,000.00</i>
<i>Estimated Property Lost Due to Fire</i>	<i>\$10,000.00</i>
<i>Single Largest Loss</i>	<i>\$10,000.00</i>
<i>Monthly Stipend</i>	<i>\$ 1,805.00</i>

**FIRE DEPARTMENT MEMBERS OR RESIDENTS INJURED OR TREATED AT ALARMS
MUTUAL AID GIVEN OR RECEIVED**

- 14-0000348 Dormont Fire Assist Mt. Lebanon Fire*
- 14-0000349 Dormont Fire Assist Mt. Lebanon Fire*
- 14-0000356 Dormont Fire Assist Mt Lebanon Fire*
- 14-0000357 Dormont Fire Assist Mt. Lebanon Fire*
- 14-0000373 Dormont Fire Assist Mt. Lebanon Fire*
- 14-0000376 Dormont Fire Assist Mt. Lebanon Fire*
- 14-0000377 Dormont Fire Assist Mt. Oliver Fire*

Dormont Fire Chief:



Date: December 2014



BOROUGH OF DORMONT

EXECUTIVE SESSION 6:00 PM

Manager's Evaluation
Personnel Matter

REGULAR MEETING OF THE DORMONT BOROUGH COUNCIL HELD ON MONDAY, JANUARY 5, 2015 7:00PM IN THE DORMONT MUNICIPAL CENTER COUNCIL CHAMBERS

Hodson informed that there was an Executive Session held to discuss the Borough Manager's Evaluation and personnel matter.

Vice Council President Joan Hodson called the Meeting of the Dormont Borough Council to order at 7:00PM

PLEDGE OF ALLEGIANCE

ROLL CALL

The following members of Council responded to roll call:

Onnie Costanzo, Jeff Fabus, Drew Lehman, Val Martino, Joan Hodson
(McCartney & Maggio absent)

Also present: Jeffrey Naftal, Manager
John Rushford, Borough Solicitor
Mayor Phil Ross
Connor Tokarsky, Junior Councilperson

Mayor Ross asks for a moment of silence for the former Mayor Thomas Lloyd, who passed on December 20th, 2014.

Fire Chief Arnold spoke about Tom Lloyd and gave his condolences.

Rushford gave his condolences about Tom Lloyd passing.

Fabus spoke about Tom Lloyd and gave his condolences.

Martino commented on Mr. Lloyd's passing.

Costanzo commented on Tom Lloyd's passing

Tom Lloyd Jr. thanked the members of Council, the Police Department and the DVFD for the efforts given at Tom Lloyd's Funeral.

Bert Lloyd thanked everyone for their love and support.

REGISTERED COMMENTS FROM THE PUBLIC

None

COMMENTS FROM THE MAYOR

Mayor Ross informed that during the month of December the Police Department responded to 269 calls for service

COUNCIL COMMITTEE REPORTS

Finance and Legal: Nothing at this time.

Community Affairs/Recreation: Fabus informed that Open Gym has begun.

Property, Supplies and Planning: Martino encouraged everyone to visit the Library and participate in the events.

Public Safety/Service: Hodson informed that during the month of December the Fire Department responded to 33 calls for service. The fire department has many programs including free smoke detectors. All dog license renewals are due now. You can also do online.

COUNCIL PRESIDENT REPORT

None.

BOROUGH MANAGER REPORT

Naftal informed that there are two modifications to the Consent Agenda; Naftal is pulling Item F, Motion to authorize the appointment of James Bechtold as a Volunteer Firefighter with the Dormont Volunteer Fire Department. Mr. Bechtold was not cleared medically. Naftal is changing Item F to: Motion to approve the DVFD Line Officers for 2015.

Naftal briefed on the Notice of Recodification.

Naftal briefed on the Zoning Rewrite and informed that the Borough heard back from the County with only a few comments. The Zoning Rewrite should come to Council in the February meeting.

CONSENT AGENDA

Motion by Costanzo, second by Fabus to accept Consent Agenda Items A, B, C, D, E, F (A. Motion to accept the written report of the Borough Solicitor, B. Motion to approve the written reports of Borough Officials, C. Motion to approve the Minutes of the December 1, 2014 Council Business Meeting, D. Motion to approve the Warrant List for December, 2014, E. Motion to authorize Payment #3 and Final to Niando Construction, Inc. for \$26,062.81 for the 2014 Road Resurfacing Project, F. Motion to approve the DVFD Line Officers for 2015).
Motion carried 5-0.

ACTION ITEMS

A. Motion by Fabus, second by Lehman to make appointments to the various Boards and Commissions of the Borough as outlined in the staff report.

Public Comment: None.

Council Discussion: two openings on the Recreation Board and Planning Commission.

Motion carried 5-0.

B. Motion by Fabus, second by Costanzo to make appointments to various organizations the Borough participates in as outlined in the staff report.

Public Comment: None.

Council Discussion: None.

Motion carried 5-0.

C. Motion by Fabus, second by Costanzo to accept a gift from the Friends of Dormont Pool of \$9,000.00 to be used to purchase a kiddie slide for Dormont Pool as outlined in the staff report.

Public Comment: Fabus read a portion of the staff report.

Council Discussion: None.

Motion carried 5-0.

D. Motion by Hodson, second by Martino to approve a Reserved Accessible Parking Space for Ms. Ruth Ann Hartman of 3120 Wainbell Avenue as outlined in the staff report.

Public Comment: None.

Council Discussion: None.

Motion carried 5-0.

E. Motion by Martino, second by Fabus to approve expenses up to \$9,000.00 to make the Borough lots on West Liberty Avenue between Park and Biltmore Avenues ready for public parking until such time as the Transit Oriented Development is built.

Public Comment: None.

Council Discussion: Costanzo asked if there is the need for additional parking.

Motion carried 5-0.

F. Motion by Martino, second by Fabus to approve a lease agreement with Konica Minolta Business solutions to provide a copy machines/printers for the Police Department and Borough Building for 60 months at a total cost of \$6,845.00.

Public Comment: None.

Council Discussion: None.

Motion carried 4-0-1; Lehman, Abstain.

G. Motion by Costanzo, second by Fabus to approve 5% salary increase for the Borough Manager for the year 2015.

Public Comment: Michelle Ross, 3251 Beacon Hill Avenue.

Council Discussion: None.

Motion carried 5-0.

DISCUSSION ITEMS

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Mike Corrigan, 3149 Annapolis Avenue RE: Paving of Scott Way Alley.

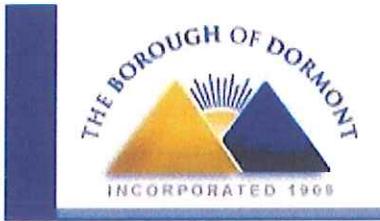
Chief Arnold, 1684 New Haven Avenue RE: Thanked Council for being supportive to the Fire Department.

ANNOUNCEMENTS

Hodson scheduled a Public Safety/Service Meeting for January 19th at 7:00 PM.

Fabus briefed on DABA sign ups in January and online.

ADJOURNMENT



MEMORANDUM

Date: January 12, 2015

To: Jeff Naftal, Borough Manager

From: Wayne R. McVicar, P.E., Borough Engineer *W. McVicar*

Subject: **RECOMMENDATION FOR PAYMENT**
Niando Construction, Inc.
Voelkel Ave Storm Sewer Project – (\$52,305.00)
Payment No. 1 – Final Payment

On January 12, 2015, the contractor, Niando Construction, Inc., submitted a request for payment for the above referenced project. The request included three (3) copies of the Contractor's Application For Payment No. 1 – FINAL, with original signatures, in the amount of **\$46,266.00**. This is the final payment and represents close-out of the project.

Also enclosed were the Certified Payrolls for the estimate period and the 2-year maintenance bond in the amount of **\$23,133.00** which is 50% of the final project amount of **\$46,266.00**. The maintenance bond started on **December 15, 2014**, the date of substantial completion, and expires on **December 15, 2016**.

The three (3) copies of the Contractor's Application For Payment No. 1 – FINAL, with original signatures, along with the Certified Payrolls, are on file in my office pending further processing upon Council approval. Attached is a copy of Application For Payment No. 1 – FINAL, for reference.

I have reviewed the payment request and find that the payment request is justified for the work performed under the contract.

Recommendation:

1. All copies of the application for payment have been duly signed and I recommend final payment in the amount of **\$46,266.00**.
2. I further recommend acceptance of the maintenance bond and release of the performance and payment bonds.

CONTRACTORS APPLICATION FOR PAYMENT

TO OWNER: BOROUGH OF DORMONT 1444 Hillside Avenue Pittsburgh, PA 15216	PROJECT NAME: VOELKEL AVENUE STORM SEWER INSTALLATION
FROM CONTRACTOR: Niando Construction, Inc. 620 Long Road Pittsburgh, PA 15235	APPLICATION NUMBER: 1 - FINAL PERIOD: 12/1/14 - 12/15/14 DATE: 1/7/2015

CONTRACTOR'S APPLICATION FOR PAYMENT

See attached continuation sheet

CHANGE ORDER SUMMARY	Additions	Deductions	
1. ORIGINAL CONTRACT PRICE.....			\$ 552,305.00
2. Net change by Change Orders.....			\$
3. Current Contract Price (Line 1 ± 2).....			\$ 552,305.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....			\$ 546,266.00
5. RETAINAGE:			
a. <input checked="" type="checkbox"/> \$46,266.00 Work Completed.....			\$
b. <input checked="" type="checkbox"/> Stored Material.....			\$
c. Total Retainage (Line 5a + Line 5b).....			\$
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....			\$ 546,266.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....			\$
8. AMOUNT DUE THIS APPLICATION.....			\$ 546,266.00
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....			\$

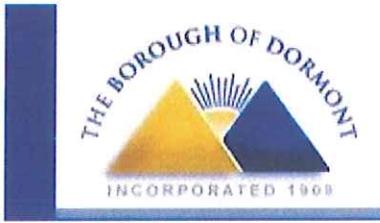
CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment, free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

CONTRACTOR:

	Date: 1/8/15
--	--------------

Payment of:	\$	\$46,266.00
is recommended by: (Engineer)		
(Date) 1/7/15		
Payment of:	\$	\$46,266.00
is approved by: _____ (Owner)		
Approved by: _____ (Date)		
_____ (Date)		
_____ (Date)		
_____ (Date)		



MEMORANDUM

Date: January 7, 2015

To: Jeff Naftal, Borough Manager

From: Wayne R. McVicar, P.E., Borough Engineer 

Subject: 2014 Alley Resurfacing Project
RECOMMENDATION FOR PAYMENT
Payment #2; East Coast Paving & Sealcoating, Inc.

On December 29, 2014, the contractor, East Coast Paving & Sealcoating, Inc., submitted a request for payment for the above referenced project. The request included three (3) copies of the Contractor's Application For Payment No. 2, with original signatures, in the amount of **\$114,889.59**. Also enclosed were the Certified Payrolls for the estimate period.

I have reviewed the payment request and find that the payment request is justified for the work performed under the contract. I therefore recommend payment to East Coast Paving & Sealcoating, Inc., in the amount of **\$114,889.59**.

The three (3) copies of the Contractor's Application For Payment No. 2 with original signatures, along with the Certified Payrolls, are on file in my office pending further processing upon Council approval.

CONTRACTORS APPLICATION FOR PAYMENT

TO OWNER: BOROUGH OF DORMONT 1444 Hillsdale Avenue Pittsburgh, PA 15216 FROM CONTRACTOR: East Coast Paving & Sealcoating, Inc. 208 3rd Street New Castle, PA 16102	PROJECT NAME: 2014 ROAD RESURFACING PROJECT APPLICATION NUMBER: 2 PERIOD: DATE: 12/22/2014
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CONTRACTOR'S APPLICATION FOR PAYMENT

See attached continuation sheet

CHANGE ORDER SUMMARY	Number	Additions	Deductions
1. ORIGINAL CONTRACT PRICE.....			\$ 261,312.21
2. Net change by Change Orders.....			\$
3. Current Contract Price (Line 1 ± 2).....			\$ 261,312.21
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....			\$ 268,126.81
5. RETAINAGE:			
a. 2% X \$268,126.81 Work Completed.....			\$ 55,362.54
b. X Stored Material.....			\$
c. Total Retainage (Line 5a + Line 5b).....			\$ 55,362.54
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....			\$ 262,764.27
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....			\$ 147,874.68
8. AMOUNT DUE THIS APPLICATION.....			\$ 114,889.59
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....			\$ 55,362.54

CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

CONTRACTOR:

East Coast Paving & Sealcoating, Inc.

By: *Sahana S Haason* Date: *12-30-14*

Payment of: \$ 114,889.59 (Line 8 or other - attach explanation of the other amount)

is recommended by: *Allyson Bell* (Engineer) 1/7/14 (Date)

Payment of: \$ 114,889.59 (Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Owner) _____ (Date)

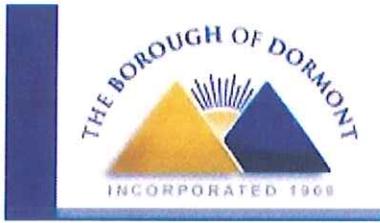
Approved by: _____ Funding Agency (if applicable) _____ (Date)

Contractor's Application

For (Contract): 2014 ROAD RESURFACING PROJECT Application Number: 2

Application Period: 12/22/2014

A		B					C		D		E		F	
Bid Item No.	Item Description	Bid Item Quantity	Units	Unit Price	Bid Value (\$)	Quantity Installed	Installed Value	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F/B)	Balance to Finish (B - F)			
BASE BID														
1	ALLEY RECONSTRUCTION - EASTERN, 16TH & 20TH WAY	1	LS	\$1,826.00	\$1,826.00	1,000	\$1,826.00		\$1,826.00					
2	Mobilization & Demobilization, Complete in Place	425	SY	\$1.50	\$637.50	915,055	\$1,372.58		\$1,372.58					
3	Cold Milling, 0" to 1-1/2" Depth, Complete in Place	2665	SY	\$8.70	\$23,185.50	776,056	\$6,751.69		\$6,751.69					
4	Removal of all Existing Pavement Material to 10-1/2" Depth, Comp	2665	SY	\$2.94	\$7,835.10	776,057	\$2,281.61		\$2,281.61					
5	Class IV, Type A Geotextile Material, Complete in Place	2665	SY	\$10.25	\$27,316.25	1,007,166	\$10,323.45		\$10,323.45					
6	Sub-Base Installation, 6" Thick, Complete in Place	2665	SY	\$14.31	\$38,136.15	1,964,419	\$28,110.84		\$28,110.84					
7	19.0 mm Superpave Binder Course, 3" Thick, Complete in Place	3090	SY	\$8.13	\$25,121.70	2,879,474	\$23,410.12		\$23,410.12					
8	9.5 mm Superpave Fine Grade Wearing Course, 1-1/2" Thick, Comp	12	TON	\$88.99	\$1,067.88	42,400	\$3,773.18		\$3,773.18					
E-1	Cold Milling to 4-1/2" Depth, Complete in Place		SY	\$4.25		1,188,360	\$5,050.53		\$5,050.53					
E-2	Install Type "M" Catch Basin & 25LF of CADS PVC		LS	\$6,625.00		1,000	\$6,625.00		\$6,625.00					
E-3	Install 2 Riser Rings on Sewer Manholes		LS	\$657.70		1,000	\$657.70		\$657.70					
E-5	Install 8" PVC Sanitary Sewer Lateral		LF	\$61.00		31,000	\$1,891.00		\$1,891.00					
E-6	Additional Excavation > 12" deep		LF	\$193.70		111,000	\$21,500.70		\$21,500.70					
ALT. NO. 1														
1	15TH, SOUTH END 17TH, SOUTH END 19TH	1580	SY	\$1.50	\$2,370.00	1,548,500	\$2,337.75		\$2,337.75					
2	Cold Milling, 0" to 1-1/2" Depth, Complete in Place	795	SY	\$8.70	\$6,916.50	630,598	\$5,486.20		\$5,486.20					
3	Removal of all Existing Pavement Material to 10-1/2" Depth, Comp	795	SY	\$2.94	\$2,337.30	630,598	\$1,853.96		\$1,853.96					
4	Class IV, Type A Geotextile Material, Complete in Place	795	SY	\$10.25	\$8,148.75	630,598	\$6,463.63		\$6,463.63					
5	Sub-Base Installation, 6" Thick, Complete in Place	795	SY	\$14.31	\$11,376.45	697,598	\$9,982.63		\$9,982.63					
6	19.0 mm Superpave Binder Course, 3" Thick, Complete in Place	2375	SY	\$8.13	\$19,308.75	2,189,100	\$17,797.38		\$17,797.38					
7	9.5 mm Superpave Fine Grade Wearing Course, Complete in Place	12	TON	\$88.99	\$1,067.88	89,600	\$7,973.50		\$7,973.50					
8	Flowable Backfill (CLSM) Material, Type C, Complete in Place	20	CY	\$95.00	\$1,900.00									
9	Phase Mobilization, Complete in Place	1	LS	\$1,763.00	\$1,763.00	1,000	\$1,763.00		\$1,763.00					
ALT. NO. 2														
1	SOUTH END DAVIS WAY, SOUTH END IRWIN WAY,													
2	NORTH END LONG WAY, NORTH END MADISON WAY	750	SY	\$1.50	\$1,125.00	949,580	\$1,424.37		\$1,424.37					
3	Cold Milling, 0" to 1-1/2" Depth, Complete in Place	1410	SY	\$8.70	\$12,267.00	634,250	\$5,517.98		\$5,517.98					
4	Removal of all Existing Pavement Material to 10-1/2" Depth, Comp	1410	SY	\$2.94	\$4,145.40	634,250	\$1,864.70		\$1,864.70					
5	Class IV, Type A Geotextile Material, Complete in Place	1410	SY	\$10.25	\$14,452.50	634,250	\$6,501.06		\$6,501.06					
6	Sub-Base Installation, 6" Thick, Complete in Place	1410	SY	\$14.31	\$20,177.10	1,945,288	\$27,837.07		\$27,837.07					
7	19.0 mm Superpave Binder Course, 3" Thick, Complete in Place	3090	SY	\$8.13	\$25,121.70	1,496,680	\$12,168.01		\$12,168.01					
8	9.5 mm Superpave Fine Grade Wearing Course, 1-1/2" Thick, Comp	20	TON	\$88.99	\$1,779.80									
E-1	Phase Mobilization, Complete in Place	1	LS	\$1,929.00	\$1,929.00	1,000	\$1,929.00		\$1,929.00					
E-2	Cold Milling to 4-1/2" Depth, Complete in Place		SY	\$4.25		854,420	\$3,631.29		\$3,631.29					
E-3	Additional Excavation & Installation Of 6" Stone (Long)		SY	\$30.00		416,250	\$12,487.50		\$12,487.50					
	Additional Excavation & Installation Of 6" Stone (Short)		SY	\$42.00		108,000	\$4,536.00		\$4,536.00					



MEMORANDUM

Date: January 5, 2015

To: Jeff Naftal, Borough Manager

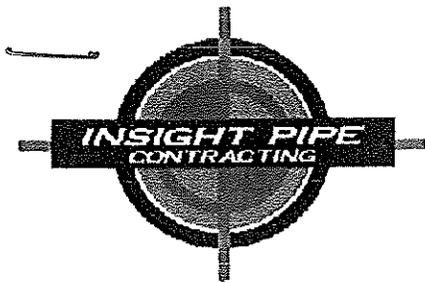
From: Wayne R. McVicar, P.E., Borough Engineer 

Subject: RECOMMENDATION FOR PAYMENT
Insight Pipe Contracting, L.P.
LaSalle Avenue Storm Sewer Lining – (\$20,178.00)
Payment No. 1 – Final Payment

I am in receipt of an invoice from the contractor, Insight Pipe Contracting, L.P., requesting final payment. The payment request is in the amount of **\$21,643.00** and represents payment for work performed under the project referenced above.

The initial award was for \$20,178.00, however, I neglected to allow for reinstatement of storm laterals at \$350/lateral. Attached is a copy of the invoice. I have reviewed the invoice and find that the payment request is accurate and consistent with the work performed.

As a result of my review of the payment request, I would recommend payment in the amount of **\$21,643.00** to the contractor, Insight Pipe Contracting, L.P. This is the final payment for this work.



232 E. Lancaster Rd.
Harmony, PA 16037-7302

Phone: (724) 452-6060
Fax: (724) 452-3226

Invoice

Invoice Number
7250

Invoice Date
12/19/2014

Bill To: Dormont Borough of
Jeffrey Naftal
1444 Hillsdale Ave., Suite 10

Re: Cured-in-Place Lining of Existing 15" VCP,
LaSalle Ave., Dormont, PA - COSTAR
Program

Pittsburgh, PA 15216

Job No	Customer Job No	Customer PO	Payment Terms	Due Date
142086		14-0011	Net 30 days	1/18/2015
Quantity	Description		Rate / Unit	Price
349.00	Lining of 15" diameter storm sewer with 15" dia. x 7.5 mm Premier Pipe, U.S.A. Cured-in-Place Pipe. Includes all equipment, labor, material, pre and post CCTV inspection with closed circuit TV equipment, delivery, installation and mobilization. 12/18/14 - 349 LF		57.00	19,893.00
5.00	Reinstatement of laterals. Does not include grout. 12/18/14 - 5 laterals		350.00	1,750.00



1.5% Finance Charge per month for accounts over 30 days.

Insight Pipe Contracting, L.P. will only store electronic and hard copies of CCTV reports, documents and project data for 60 days after completion of project or work.

Subtotal: 21,643.00
Sales Tax: 0.00
Total Amount Due: 21,643.00

Dear Members of Dormont Council:

I am writing to resign from the Traffic and Parking Planning Commission. Due to circumstances outside of my control I can no longer continue to serve.

I am grateful to have had this opportunity. I never served in local government prior to this and it was truly a privilege. I learned a lot – it was like a first-hand Civics lesson – and I enjoyed my colleagues on the commission, sharing their views and getting to know them. I appreciate this opportunity that you entrusted me with.

Sincerely,

Mark Shuttleworth



MEMORANDUM

Date: January 14, 2015

To: President, Vice-President, Council and Mayor

From: Jeff Naftal, Borough Manager *gn*

Subject: Ordinance No. 1606 - Recodification of Borough Code

Background:

The Borough's Code book was last updated approximately 4 years ago. Council authorized a new update by placing \$13,950 in the 2014 Budget and in January of 2014, selected General Code as the vendor for this project for a proposed cost of \$11,917. Since then, General Code, the Solicitor and I have worked on reviewing and updating our current Code.

Discussion:

As part of the review process, General Code prepared an Organizational Analysis of the existing Code to see whether it was organized logically and properly under State law. Then they prepared an Editorial and Legal Analysis to evaluate the detailed content of the Code and to find duplications, errors, conflicts with State law, and any other issues that should be corrected to bring the Code into compliance. Finally, General Code prepared a complete draft of the revised Code for review to make sure that it met the Borough's needs. At each stage, the Solicitor and I were responsible for reviewing all materials, answering detailed questions from General Code, and providing feedback and written modifications as necessary.

The attached Ordinance No. 1606 and Schedule A provide a detailed summary of the changes to the Code. The complete Code will be placed online following adoption of this Ordinance and Council will receive a hard copy version of the Code that they will be responsible for and must return should they leave office. The online version of the Code will be much easier to use and much more functional for the public. While most of the changes are procedural or technical in nature, I would point to the following items as one's that may be of particular interest to Council and the public:

1. Section 1-3 (B) of the Ordinance identifies those Chapters of the existing Code which are repealed as they are no longer in effect. Most of these are no longer in effect because State law supersedes them while some, such as Chapter 174 are now incorporated into the Zoning Ordinance, Chapter 210.
2. In Schedule A, the first section talks about revisions to the penalties violations of the Code bring on. These penalties have now been standardized to conform to State law depending on the type of offense.
3. In Schedule A, on page A-3, the Code provisions related to the Medical Rescue Team South Authority are amended to include new members not included in the original Code.
4. In Schedule A, on page A-8, the language for Fire Insurance Claims is amended to match new, higher State requirements. This will mean that the Borough will have more money to address burned out structures that are not repaired by the owners.
5. In Schedule A, on page A-10, the language is amended to reflect the most current version of the Property Maintenance Code used by the Borough for Code Enforcement.
6. In Schedule A, beginning on page A-12, the Chapter on Sewers is amended to reflect State laws regarding dye testing.
7. In Schedule A, beginning on page A-16, the Borough's Subdivision and Land Development ordinance is modified regarding how fees are charged to applicants for development, also a State law requirement.
8. In Schedule A, beginning on page A-20, the language regarding the Earned Income Tax is amended to reflect current State law.
9. In Schedule A, beginning on page A-23, the section identifying the Borough's parking lots is amended to reflect the current parking lots in the Borough. The existing Code shows two lots no longer in existence and omits the new Biltmore Lot.

Recommendation:

I recommend that Council adopt Ordinance No. 1606 to recodify the Borough's Code of Ordinances.

JN

Attachment

BOROUGH OF DORMONT
COUNTY OF ALLEGHENY, PENNSYLVANIA

ORD. NO. 1606

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE BOROUGH OF DORMONT, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

Be it enacted and ordained by the Borough Council of the Borough of Dormont, County of Allegheny, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I
Adoption of Code

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 3301.5 of the Borough Code (8 Pa.S.C.S.A. § 3301.5), the codification of a complete body of legislation for the Borough of Dormont, County of Allegheny, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 210, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Dormont, which shall be known and is hereby designated as the "Code of the Borough of Dormont," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of the 1994 Code and the ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Dormont, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Inconsistent legislation repealed.

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such

inconsistency, and any valid legislation of the Borough of Dormont which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific chapters from the 1994 Code. The Borough Council of the Borough of Dormont has determined that the following chapters from the 1994 Code are no longer in effect and hereby specifically repeals the following:

- (1) Chapter 26, Inspector, Chief, adopted October 7, 1957, by Ord. No. 950.
- (2) Chapter 60, pertaining to municipal claims and liens, adopted August 7, 2006, by Ord. No. 1540.
- (3) Chapter 70, Article I, Massage Parlors, adopted July 18, 1977, by Ord. No. 1235.
- (4) Chapter 80, Brush, Grass and Weeds, adopted July 2, 1990, by Ord. No. 1392.
- (5) Chapter 98, Electrical Standards, adopted December 3, 1990, by Ord. No. 1395.
- (6) Chapter 110, Fire Prevention, adopted December 2, 1996, by Ord. No. 1462.
- (7) Chapter 141, Mechanical Standards, adopted December 2, 1996, by Ord. No. 1460.
- (8) Chapter 158, Plumbing, adopted May 7, 1956, by Ord. No. 935 as Ch. 18 of the 1956 Code, as amended.
- (9) Chapter 160, Poles and Wires, adopted May 7, 1956, by Ord. No. 935 as Ch. 19 of the 1956 Code, as amended.
- (10) Chapter 162, Property Maintenance, adopted December 2, 1996, by Ord. No. 1461.
- (11) Chapter 174, Signs and Billboards, adopted May 7, 1956, by Ord. No. 935 as Ch. 24 of the 1956 Code, as amended.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to December 2, 2013.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.

- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough or other instruments or evidence of the Borough's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Borough.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted legislation; new provisions.

- A. Nonsubstantive changes. In compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature.
 - (1) Throughout the Code, references to the following agencies or officials are updated as indicated:
 - (a) “Justice of the Peace,” “District Justice,” “District Magistrate” and “Magistrate” are changed to “Magisterial District Judge.”
 - (b) “Department of Community Affairs” is changed to “Department of Community and Economic Development.”
 - (c) “Soil Conservation Service” and “SCS” are changed to “Natural Resources Conservation Service” and “NRCS.”
 - (d) “Department of Environmental Resources” and “DER” are changed to “Department of Environmental Protection” and “DEP.”
 - (e) “Burgess” is changed to “Mayor.”
 - (f) “Secretary” and “Secretary-Manager” are revised to read “Borough Manager.”
 - (2) Throughout Chapter 155, Peddling and Soliciting, “Mayor” is changed to “Borough Manager.”
 - (3) Throughout Chapter 190, Trees, “Commission” is changed to “Shade Tree Commission,” and “Parks District” is changed to “Public Park District.”

- (4) Throughout Chapter 210, Zoning, “Park District” is changed to “Public Park District.”

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Manager and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Manager, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Manager, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Borough Manager or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Manager for the use of the public. All changes in said Code and all legislation adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough Manager, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney’s fees, incurred by the Borough in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after February 3, 2015.

ENACTED AND ORDAINED by the Borough Council of the Borough of Dormont this 2nd day of February, 2015.

Attest:

BOROUGH OF DORMONT

Borough Manager

BY: _____
Council President

**Borough of Dormont
Code Adoption Ordinance****Schedule A
Specific Revisions at Time of Adoption of Code****Penalties Revisions**

- A. Where reference is made in this Schedule A to “summary offense penalties revision,” it means that a section has been amended or added to include the following language:

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Allegheny County.

- B. Where reference is made in this Schedule A to “civil enforcement penalties revision,” it means that a section has been amended or added to include the following language:

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Allegheny County.

Chapter 3, Auditor.

Chapter 3 is amended in its entirety to read as follows:

Chapter 3 **AUDITOR**

§ 3-1. Appointment; powers and duties.

Pursuant to and in accordance with the terms of the Borough Code in 8 Pa.C.S.A. § 1005(7), an independent auditor shall henceforth be appointed annually by resolution before the close of each fiscal year to make an independent examination of the accounting records of the Borough of Dormont for such fiscal year, and such independent auditor shall also perform the other duties and exercise the powers as conferred upon such independent auditor by the Borough Code in 8 Pa.C.S.A. § 1059.11.

Chapter 8, Civil Service.

Section 8-27 is amended to change “more than 18 years old” to “at least 18 years old.”

Chapter 20, Fire Department.

Original § 20-15, Right-of-way to and from fire; interfering with Department or equipment, of the 1994 Code is repealed.

Chapter 28, Intermunicipal Cooperation.

Article II, Law Enforcement.

Section 28-14 is amended to change “the Intergovernmental Cooperation Act, July 12, 1972, No. 180, § 1 et seq. (53 P.S. § 481 et seq.)” to “the Intergovernmental Cooperation Act, 53 Pa.C.S.A. § 2301 et seq.”

Chapter 35, Manger, Borough.

Section 35-8 is revised to read as indicated: *“~~The~~ With the approval of the Borough Council, the Mayor is hereby authorized to delegate to the Borough Manager, subject to revocation by written notification at any time, any of his or her nonlegislative and nonjudicial powers and duties.”*

Chapter 39, Municipal Authorities.

Article I, Medical Rescue Team South Authority.

Section 39-1 is amended to change “the Municipal Authorities Act of 1945, P.L. 382, 53 P.S. § 301 et seq.” to “the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.”

Article II, Expansion of Medical Rescue Team South Authority to Include Borough of Whitehall.

- A. Section 39-7 is amended to read as follows: *“The Borough of Dormont hereby authorizes and approves joinder and inclusion of the Borough of Whitehall as a constituent community of the Medical Rescue Team South Authority, Inc., with all rights, duties, privileges, obligations and appurtenances with and among the other constituent communities, including the Township of Baldwin, the Borough of Castle Shannon, the Borough of Dormont and the Municipality of Mt. Lebanon, pursuant to the provisions of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq., as amended; the Pennsylvania Borough Code, 8 Pa.C.S.A. § 101 et seq., as amended; the Pennsylvania First Class Township Code, 53 P.S. § 55101 et seq., as amended; and the Pennsylvania Home Rule Charter and Optional Plans Law, 53 Pa.C.S.A. § 2901 et seq., as amended.”*
- B. Section 39-10B is amended to read as follows: *“The compliance of the Authority constituent communities, and of Whitehall Borough, with all of the requirements of the laws, regulations and rules of the United States of America and the Commonwealth of Pennsylvania relating to Whitehall’s joinder in the Authority, including, but not limited to, the provisions of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq., as amended, including, in particular, 53 Pa.C.S.A. § 5604, and the provisions of those Pennsylvania statutes and laws regulating, respectively, each of the constituent boroughs, township and home rule communities.”*

Article III, Expansion of Medical Rescue Team South Authority to Include Borough of Green Tree.

- A. Section 39-11 is amended to read as follows: *“The Borough of Dormont hereby authorizes and approves joinder and inclusion of the Borough of Green Tree as a constituent community of the Medical Rescue Team South Authority, Inc., with all rights, duties, privileges, obligations and appurtenances with and among the other constituent communities, including the Township of Baldwin, the Borough of Castle Shannon, the Borough of Dormont, the Municipality of Mt. Lebanon and the Borough of Whitehall, pursuant to the provisions of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq., as amended; the Pennsylvania Borough Code, 8 Pa.C.S.A. § 101 et seq., as amended; the Pennsylvania First Class Township Code, 53 P.S. § 55101 et seq., as amended; and the Pennsylvania Home Rule Charter and Optional Plans Law, 53 Pa.C.S.A. § 2901 et seq., as amended.”*
- B. Section 39-14B is amended to read as follows: *“The compliance of the Authority constituent communities and of the Borough of Green Tree with all of the requirements of the laws, regulations and rules of the United States of America and the Commonwealth of Pennsylvania relating to Green Tree’s joinder in the Authority, including, but not limited to, the provisions of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq., as amended, including, in particular, 53 Pa.C.S.A. § 5604, and the provisions of those Pennsylvania*

statutes and laws regulating, respectively, each of the constituent boroughs, township and home rule communities.”

Chapter 54, Recreation Board.

- A. Section 54-1 is amended to change “the Act of February 1, 1966, P.L. 581, Section 2708” to “8 Pa.C.S.A. § 2708.”
- B. Original § 54-6, Violations and penalties, of the 1994 Code is repealed.

Chapter 70, Adult Entertainment.

Article I, Pornography.

- A. Section 70-1 is amended to revise the definition of “prurient interest” to read as follows: *“Desire or craving for sexual stimulation or gratification. In determining prurient interest, the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to the prurient interest of a particular group of persons, including but not limited to sadomasochists. In that case, it shall be judged with reference to the particular group for which it was designed.”*
- B. Section 70-5: summary offense penalties revision.

Chapter 72, Alarms.

- A. Section 72-2A is amended to change “the BOCA, Building and Fire Prevention Codes, Chapters 83 and 110 of the Borough of Dormont” to “the Uniform Construction Code (see Chapter 83, Article I, of the Code of the Borough of Dormont).”
- B. Section 72-2F(3) is amended to change “the Building and Fire Prevention Codes, Chapters 83 and 110 of the Borough of Dormont” to “the Uniform Construction Code (see Chapter 83, Article I, of the Code of the Borough of Dormont).”
- C. Section 72-3G(1) is amended to change “the BOCA Fire Prevention Code, Chapter 110 of the Borough of Dormont” to “the Uniform Construction Code (see Chapter 83, Article I, of the Code of the Borough of Dormont).”
- D. Section 72-4 is revised to read as indicated: *“It shall be unlawful to cause an intentional false alarm. Violators shall be punishable pursuant to 18 Pa.C.S.A. § 4905.”*
- E. Section 72-5E is amended to read as follows:
 - E. *Violations and penalties.*
 - (1) *A person that owns, uses or possesses an alarm device, automatic dialing device, or digital communicator may not, after causing or permitting three false alarms to occur in a*

consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. A person that violates this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300.

- (2) *For purposes of this subsection, a "person" shall include an individual, corporation, partnership, incorporated association or other similar entity.*
- (3) *Such fines shall be payable to the Borough of Dormont if the public safety agency which responded to the false alarm serves the Borough and the prosecution is initiated by the public safety agency or the Borough.*

F. Section 72-8A: summary offense penalties revision.

Chapter 74, Alcoholic Beverages.

- A. Section 74-7 is amended to delete the specific fee and add wording indicating that the fee shall be as set by resolution of the Borough Council.
- B. Section 74-8 is amended to delete the specific security deposit amount and add wording indicating that the deposit shall be as set by resolution of the Borough Council.
- C. Section 74-9: summary offense penalties revision.

Chapter 76, Amusements and Amusement Devices.

- A. Section 76-9: summary offense penalties revision.
- B. Section 76-22: summary offense penalties revision.

Chapter 78, Animals.

Article I, Livestock; Animals in Parks.

- A. Section 78-1 is revised to read as indicated: *"It shall be unlawful for any person to maintain or keep upon any property within the limits of the Borough any livestock, such as horses, mules, cattle, sheep, hogs, goats, chickens and other barnyard fowl or pigeons or doves of any kind. Nothing in this section shall be construed to unreasonably interfere with any agricultural operation to the extent prohibited by applicable state law."*
- B. Section 78-3: summary offense penalties revision.

Article II, Licensing and Control of Animals.

- A. Section 78-5 is amended to read as follows: *"All dogs and cats shall be vaccinated against rabies in accordance with the Rabies Prevention and Control in Domestic Animals and Wildlife Act (3 P.S. § 455.1 et seq.)."*

- B. Section 78-7E is amended to read as follows: *“The Borough shall follow the provisions of Article V-A of the Dog Law (3 P.S. § 459-502-A et seq.), as amended, concerning dangerous dogs. Animal Control Officers and/or police officers of the Borough of Dormont may order other vicious animals confined by the animal's owner/guardian within a building or secure enclosure.”*
- C. Section 78-8C, D and E are amended to read as follows:
- C. *It shall be the duty of Borough police officers or the Animal Control Officer to seize and detain any animal which is found running at large either upon the public streets or highways of the commonwealth or upon the property of a person other than the owner of the animal and unaccompanied by the owner or keeper. Borough police officers or the Animal Control Officer may humanely kill any animal which is found running at large and is deemed after due consideration by the Borough police officer or Animal Control Officer to constitute a threat to the public health and welfare.*
 - D. *Licensed animals. The Animal Control Officer, the Borough's Chief of Police or the Constable of the Borough shall cause any animal bearing a proper license tag or permanent identification and so seized and detained to be properly kept and fed at any licensed kennel approved by the Secretary of Agriculture for those purposes and shall cause immediate notice, by personal service or registered or certified mail with return receipt requested, to the last known address, which shall be set forth in the license application record of the person in whose name the license was procured, or his agent, to claim the animal within five days after receipt thereof. The owner or claimant of an animal so detained shall pay a penalty of \$50 to the Borough and all reasonable expenses incurred by reason of its detention to the detaining parties before the animal is returned. If five days after obtaining the postal return receipt the animal has not been claimed, such Chief of Police, or his agent, or a Constable, shall dispense the animal by sale or by giving it to a humane society or association for the prevention of cruelty to animals. No animal so caught and detained shall be sold for the purpose of vivisection or research or be conveyed in any manner for these purposes. All moneys derived from the sale of dogs, after deducting the expense of its detention, shall be paid through the Department of Agriculture to the State Treasurer for credit to the Dog Law restricted account.*
 - E. *Unlicensed animals. Except for animals which are confined within the premises of the owner, firmly secured by means of a collar and chain or other device, under the reasonable control of a person, or engaged in lawful hunting, exhibition, performance events or field*

trainings, Borough police officers and the Animal Control Officer shall cause any unlicensed animals to be seized, detained, kept and fed for a period of 48 hours at any licensed kennel approved by the Secretary of Agriculture for those purposes, except any animal seriously ill or injured or forfeited with the owner's permission. The forty-eight-hour period shall not include days the approved kennel is not open to the general public. Any person may view the detained animals during normal business hours. Any unlicensed animal remaining unclaimed after 48 hours may be humanely killed or given to a humane society or association for the prevention of cruelty to animals. No animal so caught and detained shall be sold for the purpose of vivisection or research or be conveyed in any manner for these purposes.

- D. Section 78-9B is amended to read as follows: “*Any animal detained as provided under § 78-8D or E may be redeemed by the owner/guardian thereof as provided in § 78-8D or E upon payment of \$50 and all reasonable expenses incurred by reason of the animal's detention to the detaining parties (3 P.S. § 459-302). Payment of the penalty and reasonable expenses are not considered to be in lieu of any fine or license fee.*”
- E. Section 78-10B: summary offense penalties revision.

Chapter 83, Building Construction.

Article I, Uniform Construction Code.

Section 83-2 is amended to read as follows: “*The Borough of Dormont shall adopt and follow the latest version of the Uniform Construction Code contained in the Pennsylvania Code. It is hereby adopted and incorporated herein by reference as the Municipal Building Code of the Borough of Dormont.*”

Article III, Mansard Roofs Over Sidewalks.

Section 83-15: summary offense penalties revision.

Chapter 88, Curfew.

- A. Section 88-3A is amended to revise the definition of “Borough” to change “2975 West Liberty Avenue” to “1444 Hillsdale Avenue.”
- B. Section 88-5A(3) is amended to change “2975 West Liberty Avenue” to “1444 Hillsdale Avenue.”
- C. Section 88-8A: summary offense penalties revision.
- D. Section 88-10A is amended to change “by the Borough Manager and Borough Secretary” to “by the Borough Manager.”

Chapter 101, Erosion and Sediment Pollution Control.

Section 101-13: summary offense penalties revision.

Chapter 106, Firearms and Weapons.

Article I, Discharge of Firearms.

Section 106-2: summary offense penalties revision.

Article II, Bows and Spring Guns.

Section 106-4: summary offense penalties revision.

Chapter 108, Fire Insurance Claims.

- A. Section 108-2 is amended to change "\$5,000" to "\$7,500."
- B. Section 108-3A is revised to read as indicated: "*The insuring agent shall transfer from the insurance proceeds to the designated officer of the Borough in each the aggregate of ~~\$1,000~~ \$2,000 for each ~~\$20,000~~ \$15,000 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is ~~\$20,000~~ \$15,000 or less, the amount transferred to the Borough shall be ~~\$1,000~~ \$2,000; or if, at the time of a ~~proof of loss~~ report agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structures in an amount less than the amount calculated under the foregoing transfer formula, the insuring agent shall transfer to the Borough from the insurance proceeds the amount specified in the estimate.*"
- C. Section 108-5: summary offense penalties revision.

Chapter 112, Fires, Conduct at.

Section 112-6: summary offense penalties revision.

Chapter 117, Grading, Excavation and Filling.

Section 117-22C: summary offense penalties revision.

Chapter 133, Littering.

Section 133-2: summary offense penalties revision.

Chapter 135, Loitering.

Section 135-8 is amended to read as follows: "*Any person over the age of 18 years violating any of the provisions of this chapter and any juvenile violating any of the provisions of this chapter more than twice shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings.*"

Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in the Court of Common Pleas of Allegheny County.”

Chapter 150, Parks and Recreation Areas.

Article I, Swimming Pool.

- A. Section 150-2D(2) is amended to change “Mayor” to “Dormont Borough Manager.”
- B. Section 150-4: summary offense penalties revision.

Chapter 151, Pawnbrokers; Dealers in Precious Metals; Secondhand or Antique Dealers.

Section 151-4: summary offense penalties revision.

Chapter 153, Peace and Good Order.

- A. Section 153-12E is amended to read as follows: “*If any person fails to remove the motor vehicle within the time permitted under Subsection D above, such person shall be punishable as provided in § 153-13 of this chapter.*”
- B. Section 153-13: summary offense penalties revision.

Chapter 155, Peddling and Soliciting.

- A. Section 155-14C is added to read as follows: “*Any person or individual that is merely proselytizing for either religious or political purposes, distributing religious or political handbills at no cost, or exercising the right to anonymous religious or political speech without soliciting any funds and without selling any goods or soliciting for contributions shall be exempt from the licensing, fee and registration requirements of this article.*”
- B. Section 155-17: civil enforcement penalties revision.

Chapter 162, Property Maintenance.

Chapter 162 is adopted to read as follows:

Chapter 162**PROPERTY MAINTENANCE****§ 162-1. Adoption of standards.**

A certain document, three copies of which are on file in the office of the Borough Manager of the Borough of Dormont, being marked and designated as the "International Property Maintenance Code, 2015 Edition," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Dormont in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Dormont are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 162-2 of this chapter.

§ 162-2. Modifications.

The following sections are hereby revised:

- A. Section 101.1: insert "Borough of Dormont."*
- B. Section 103.5: insert "Resolution No. 07-2013 or such other resolutions as may be passed annually by the Borough Council."*
- C. Section 112.4: insert "\$300" and "\$1,000."*
- D. Section 302.4: insert "eight inches."*
- E. Section 304.14: deleted in its entirety.*
- F. Section 602.3: insert "December 1" and "March 31."*
- G. Section 602.4: insert "December 1" and "March 31."*

§ 162-3. Repealer.

Ordinance No. 1461 of the Borough of Dormont, entitled "Property Maintenance," and all other ordinances or parts of laws in conflict herewith are

hereby repealed.

§ 162-4. Construal of provisions.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 162-3 of this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 162-5. Publication.

The Borough Manager is hereby ordered and directed to cause this chapter to be published.

Chapter 165, Rental Property.

Article I, Registration.

Article I is amended in its entirety to read as follows:

ARTICLE I
Registration

§ 165-1. Annual certification required; fees.

Every person owning any residential property within the Borough of Dormont which is rented, in whole or in part, to one or more persons for residential purposes shall certify to the Borough, for each rental property, on forms which may be obtained in the Borough office, the name, mailing address and telephone number of the owner and of all tenants occupying the rental property. Beginning in the calendar year 2001 A.D., such certification shall be made at least once annually not later than the last day of January of each respective calendar year. The annual certification shall be accompanied by a refuse information sheet and a filing fee which shall be established by Council in a fee resolution from time to time. If a change in tenant occupancy occurs mid-year, the owner shall provide to the Borough the new tenant information within 15 days of the change occurring but shall not be subject to a new filing fee except at the annual certification.

§ 165-2. Failure to file certification.

Any person owning any residential property within the Borough of Dormont who fails to certify the names, mailing addresses, and phone numbers of the tenants to the Borough shall be liable for all unpaid Borough services provided to the property until such time as the person owning the property complies with the requirements of § 165-1 of this article.

§ 165-3. Violations and penalties.

In addition to any other penalties, any person who shall violate the requirements of this article or fail, neglect or refuse to comply with the requirements of this article shall, upon conviction in a summary proceeding under the Pennsylvania

Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Allegheny County.

Chapter 170, Sewers.

Article I, Improvements and Connections.

Section 170-13: summary offense penalties revision.

Article II, Discharge Control.

- A. Section 170-14 is amended to revise the definition of “hazardous waste” to change “25 Pa. Code 261” to “25 Pa. Code Chapter 261a.”
- B. Section 170-14 is amended to revise Subsection B of the definition of “ignitable waste” to change “49 CFR 173.151” to “49 CFR 173.127.”
- C. Section 170-14 is amended to revise Subsection H of the definition of “reactive/explosive waste” to read as indicated: “*It is a forbidden explosive, as defined in ~~40 CFR 173.51~~ or 49 CFR 173.54, a Class A explosive, as defined in 49 CFR 173.53, or a Class B explosive, as defined in 49 CFR ~~173.88~~ 173.53.*”

Article III, Sewer Rates.

- A. Section 170-25 is amended to change “the Borough Code of 1966” to “the Borough Code, 8 Pa.C.S.A. § 101 et seq.”
- B. Section 170-26B, C and F are amended to change “53 P.S. § 2261” to “53 P.S. § 3102.501 et seq.”

Article IV, Inspection and Certification.

- A. Section 170-27 is amended to add the following definitions of “private lateral” and “video camera inspection”:

PRIVATE LATERAL – The line connecting the premises to the public sewer.

VIDEO CAMERA INSPECTION – Any commonly accepted method of testing whereby a video camera is inserted into and travels through the private lateral sewer line of real property to determine if any illegal

stormwater, groundwater or surface water is entering the sanitary sewer system.

B. Section 170-29 is amended to read as follows:

§ 170-29. Application for sanitary sewer certification; testing and inspection required.

- A. *Any person selling or transferring real property (the "applicant") located within the Borough shall make application before the date of sale or transfer. The applicant shall then have a plumber who is registered and licensed by the Allegheny County Health Department perform a dye test on the property to be sold or transferred. Such plumber shall complete the appropriate portions of the form and certify that the property has been dye tested and certify the results of each test.*
- B. *In addition to the dye test performed by a plumber registered and licensed by the Allegheny County Health Department, the Borough also requires a video camera inspection of the private sewer lateral to be performed by a plumber registered and licensed by the Allegheny County Health Department. Such plumber shall certify in writing that the property has been inspected by video camera and the results of such inspection.*
- C. *In the event that there are no illegal stormwater or surface water connections or discharges, the Borough Manager, or his or her designee, shall issue a sanitary sewer certificate upon payment of a fee as shall be established from time to time by resolution of the Borough Council. When an illegal stormwater or surface water connection or discharge is discovered by means of the above-mentioned testing and/or inspection, no sanitary sewer certification will be issued until the illegal connections or discharges are removed and certification of such removal is received from a plumber registered and licensed by the Allegheny County Health Department.*

C. Section 170-30A(1) is amended to read as follows:

- (1) *The applicant proves that dye testing cannot be performed because of weather conditions. When such is the case, the applicant shall provide the Borough with security in the amount of \$200 to guarantee that the dye test and video camera inspection will be performed. The applicant will cause to have performed the dye test and video camera inspection within 14 days of written notification from the Borough, which will be given at such time as weather conditions make the dye test and video camera inspection possible. In addition, the applicant shall provide a signed, written acknowledgment from the purchaser agreeing to correct, at the*

purchaser's sole expense, any violations that may be discovered as a result of such subsequent dye tests and video camera inspections. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse the purchaser for any costs incurred; provided, however, that primary responsibility shall run with the land, and no such agreement shall affect the Borough enforcement powers or excuse the seller, mortgagor or purchaser from performance hereunder; or

D. Section 170-31 is amended to read as follows:

§ 170-31. Rules and regulations.

A. *The Borough Council may from time to time adopt reasonable rules and regulations for the operation and enforcement of this article as the same may become necessary, which shall include, but not be limited to:*

(1) *Establishing acceptable forms of security or guarantees.*

(2) *Establishing the form of:*

(a) *Application.*

(b) *Purchase acknowledgments.*

(c) *Plumber certification.*

(3) *Limiting the times of year in which a temporary sanitary certificate is available for reasons of weather.*

B. *No municipal lien or tax verification letter shall be issued unless the request for the same is accompanied by a valid sanitary sewer certificate and the required fees, which shall be delivered at least seven days before such letters are to be provided. The fees required for the issuance of such letters shall be set from time to time by the Borough Council by resolution.*

C. *Such rules and regulations shall be adopted at a public meeting of the Council and shall be posted in the office of the Borough Manager.*

E. Section 170-33: summary offense penalties revision.

Chapter 177, Solid Waste.

Article I, Recycling.

Section 177-10C: summary offense penalties revision.

Article II, Garbage, Rubbish and Refuse.

- A. Section 177-15 is amended to revise the definition of “hauler or private collector” to read as indicated: *“Any person, firm, partnership, association or corporation ~~who has been licensed~~ authorized by the municipality or its designated representative to collect, transport and dispose of refuse for a fee as herein prescribed.”*
- B. Original § 177-16D of the 1994 Code, which prohibited the unlicensed collection, hauling, transportation or removal of solid waste, is repealed.
- C. Original § 177-16G of the 1994 Code, which prohibited the deposit of solid waste upon Borough streets, alleys, sidewalks, bodies of water and public or private property, is repealed.
- D. Original § 177-17E(8) of the 1994 Code, which authorized the Borough to license commercial collectors and charitable organizations, is repealed.
- E. Section 177-18C is revised to read as indicated: *“All multifamily residential sources (with four or more units), commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the municipality's collector or any other ~~properly licensed~~ authorized hauler or private collector of their choice.”*
- F. Section 177-18H is amended to revise the introductory paragraph to read as follows: *“All authorized haulers and private collectors shall comply with the following standards and regulations: ...”*
- G. Section 177-19H is amended to change “licensed haulers” to “authorized haulers and private collectors.”
- H. Section 177-22: summary offense penalties revision.

Chapter 179, Stormwater Management.

Section 179-32: summary offense penalties revision.

Chapter 181, Streets and Sidewalks.**Article I, General Provisions.**

Section 181-23: summary offense penalties revision.

Article II, Street Openings.

- A. Section 181-36I is amended to change “67 Pa. Code § 203.1 et seq.” to “67 Pa. Code Chapter 212.”
- B. Section 181-46: summary offense penalties revision.

Chapter 183, Subdivision and Land Development.

- A. Section 183-5B is amended as follows:
- (1) The original definition of “family” is repealed.
 - (2) The definition of “professional consultants” is added to read as follows:
“PROFESSIONAL CONSULTANTS – Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.”
 - (3) The definition of “public meeting” is amended to read as follows:
“PUBLIC MEETING – A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. § 701 et seq.”
- B. Section 183-21A is revised to read as indicated: *“Upon approval of a final plat by the Borough, the developer shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the Borough Council following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Allegheny County Recorder of Deeds.”*
- C. Section 183-43I is amended to change “BOCA Basic Building Code, latest edition” to “Uniform Construction Code.”
- D. Section 183-45H is amended to change “Pennsylvania Department of Environmental Resources, Bureau of Dams and Encroachments” to “Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering and Wetlands.”
- E. Section 183-55 is amended to read as follows:
- § 183-55. Application review and inspection fees.**
- A. *Application filing fees. Application filing fees shall be established from time to time by resolution of the Borough Council. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development and shall be payable to the Borough at the time of submission of the application.*
 - B. *Application review fees.*
 - (1) *Application review fees shall include reasonable and necessary charges by the Borough's professional consultants for review and report on the application to the Borough. Such review fees shall be based upon a schedule established from time to time by resolution of the Borough Council. Such review fees shall be reasonable and in accordance with the ordinary and customary*

charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the Borough for services which are not reimbursed or otherwise imposed on applicants. Fees charged to the Borough relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an applicant.

- (2) The Borough Council shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subsection shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event that the applicant disputes the amount of any such review fees, the applicant shall, no later than 100 days after the date of transmittal of the bill to the applicant, notify the Borough and the Borough's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under Subsection C.*
- (3) In the event that the Borough's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for resolution of disputes as set forth in Subsection C of this section, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.*
- (4) Subsequent to a decision on an application, the Borough Council shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.*

C. Inspection fees.

- (1) The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense*

incurred for the inspection of improvements. The applicant shall not be required to reimburse the Borough for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be based upon a schedule established from time to time by resolution of the Borough Council. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough's professional consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant to the Borough for comparable services when fees are not reimbursed or otherwise imposed on applicants.

- (2) The Borough shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the Borough and the Borough's professional consultant that such expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Borough shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under this section.*
- (3) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to the Borough Council a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.*
- (4) If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 100 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The*

applicant and professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

- (5) The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Borough has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.*
- (6) In the event that the Borough's professional consultant and the applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located, or, if at the time there is no President Judge, then the Senior Active Judge then sitting, shall appoint such arbitrator who, in that case, shall be neither the Borough's professional consultant nor any professional consultant who has been retained by or performed services for the Borough or the applicant within the preceding five years.*
- (7) The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.*
- (8) In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:*

 - (a) Award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and*
 - (b) Impose a surcharge of 4% of the amount found as*

unreasonable or excessive to be paid to the party that paid the disputed fee.

- (9) *The Borough or the applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.*

Chapter 187, Taxation.

Article IV, Earned Income Tax.

Article IV is amended in its entirety to read as follows:

ARTICLE IV Earned Income Tax

§ 187-13. Incorporation by reference.

Act 32 (53 P.S. §§ 6924.101 through 6924.901), and its definitions, duties, directives, rules, regulations, powers and penalties, is hereby adopted by reference as if the same had been set forth fully herein.

§ 187-14. Definitions.

- A. *The following words and phrases are included herein; when used in this section, they shall have the meanings given to them in this section, unless the context clearly indicates otherwise:*

DOMICILE — The place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, domicile is that place considered as the center of the business affairs and the place where its functions are discharged.

EARNED INCOME — The compensation as required to be reported to or as determined by the Department of Revenue under Section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and rules and regulations promulgated under that section. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code of 1971 shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

NET PROFITS — The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Department of Revenue under Section 303 of the Act of March 4, 1971 (P.L.

6, No. 2), known as the "Tax Reform Code of 1971," and rules and regulations promulgated under that section.

NONRESIDENT — A person or business domiciled outside the political subdivision levying the tax.

TAX COLLECTION COMMITTEE (TCC) — The Allegheny Southwest Tax Collection Committee established to govern this tax collection district for the purpose of income tax collection.

TAX COLLECTION DISTRICT (TCD) — The Allegheny Southwest Tax Collection District as established under Act 32, 53 P.S. § 6924.101 et seq.

TAX OFFICER/TAX COLLECTOR — The agency engaged to administer and collect earned income taxes for this tax collection district. Unless otherwise specifically provided, for purposes of the obligations of an employer, the term shall mean the Tax Officer for the tax collection district within which the employer is located or, if an employer maintains workplaces in more than one district, the Tax Officer for each such district with respect to employees principally employed therein.

- B. In addition to the above definitions, this section incorporates by reference those words, phrases and definitions as listed in Act 32, 53 P.S. § 6924.101 et seq.

§ 187-15. Imposition of tax; rate.

- A. *Resident tax.* A tax rate of 0.50% is hereby levied on all earned income and net profits, as defined by Act 32, on residents of the Borough of Dormont.
- B. *Nonresident tax.* A tax at the rate of 1% is hereby levied on all earned income and net profits earned by nonresidents for work done or services performed or rendered in the Borough of Dormont.
- C. All changes shall remain in effect on a calendar-year basis without annual reenactment unless the rate of tax is subsequently changed.

§ 187-16. Collection and administration; powers and duties of Tax Officer.

The collection and administration of the tax provided for in this article shall be performed by the Tax Officer appointed by the Tax Collection Committee. Said Tax Officer shall receive compensation for services and expenses as determined by agreement between the TCC and the Tax Officer. The Tax Officer shall have the powers as provided for by the Local Tax Enabling Act.

§ 187-17. Exemptions and credits.

Any person whose total earned income and net profits from all sources is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment of the earned income tax for that calendar year. Any person claiming this exemption must comply with the procedure set forth in § 187-27A to claim said exemption. No other exemptions or credits based on age or other conditions

are granted by this article. Nothing in this article is intended to preclude or inhibit any credit or exemption imposed by act of law or regulation.

§ 187-18. When effective; construal of provisions.

This article shall be effective immediately. It is the intention of the governing body of the Borough of Dormont that this article shall provide procedural modifications only to the previously adopted Earned Income Tax Ordinance, and no gap as to imposition of the tax set forth herein should be inferred.

Article VI, Local Services Tax.

- A. Section 187-24 is amended to change “Section 22.6 of the Local Tax Enabling Act” to “53 P.S. § 6924.330.”
- B. Section 187-25 is amended to revise the definitions of “delinquent collection fee” and “initial delinquent collection fee” to change “Article IV of this chapter” to “§ 187-40, Effective dates approved.”
- C. Section 187-25 is amended to revise the definition of “earned income” to read as follows: “*Compensation, as this term is defined in Section 501 of the Local Tax Enabling Act, 53 P.S. § 6924.501, as amended.*”
- D. Section 187-25 is amended to revise the definition of “net profits” to read as follows: “*The net income from the operation of a business, profession, or other activity, as this term is defined in Section 501 of the Local Tax Enabling Act, 53 P.S. § 6924.501, as amended.*”
- E. Section 187-34B is amended to change “Westmoreland County” to “Allegheny County.”
- F. Section 187-37: summary offense penalties revision.

Chapter 190, Trees.

Section 190-27A: summary offense penalties revision.

Chapter 195, Vehicles and Traffic.

Part 1, Traffic and Parking Regulations.

- A. Section 195-2 is amended to change “resolution” to “ordinance.”
- B. Section 195-25M(2) is amended to read as follows: “*Council may, from time to time, set by ordinance the penalty for violating Subsection K of this section. The ordinance may, as a matter of courtesy, allow for a lesser amount to be paid if done so within 48 hours of the issuance of a parking tag. The foregoing provision shall not apply, however, when the violation is committed by the same person more than one time at the same location within a twenty-four-hour period.*”

C. Section 195-26A is amended to read as follows:

A. *Off-street parking meter areas are hereby established and shall be subject to the parking meter regulations set forth in § 195-25 above. Rates for said parking meters shall be as set forth from time to time by resolution of the Borough Council. Said off-street parking meter areas are established as follows:*

- (1) *Dormont Village Lot. This off-street parking area is located at Parcel Identification No. 98-D-334. On all days, parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.*
- (2) *Tennessee Lot. This off-street parking area is located at Parcel Identification No. 63-S-145. On all days, parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.*
- (3) *Krugh Lot. This off-street parking area is located at Parcel Identification Nos. 63-S-155 and 63-S-157. On all days, parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.*
- (4) *Glenmore Lot. This off-street parking area is located at Parcel Identification Nos. 63-S-177 and 63-S-179. On all days, parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.*
- (5) *Illinois Lot. This off-street parking area is located at Parcel Identification No. 63-S-126. On all days, parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.*
- (6) *VFW Lot. This off-street parking area is located at Parcel Identification No. 98-C-30. On all days, parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.*
- (7) *Espy Lot. This off-street parking area is located at Parcel Identification Nos. 63-M-169 and 63-M-171. On all days,*

parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.

(8) Biltmore Lot. These off-street parking areas are located at Parcel Identification Nos. 98-G-95, 98-G-132, 98-G-135, 98-G-129, 98-G-133 and 98-G-136. On all days, parking in the off-street parking area is hereby limited to a period of time not in excess of 10 hours, between the hours of 8:00 a.m. and 6:00 p.m., Eastern standard time or daylight saving time, as the case may be.

D. Section 195-40 is amended to change “a fine of not more than \$15” to “a fine of not more than \$50.”

Part 2, Residential Permit Parking.

A. Section 195-58A(2) is amended to read as follows:

(2) To residents on behalf of persons who are visitors of any residents of any particular street or portion thereof on which parking is so restricted, to be limited to the zone within which that particular street or portion thereof is located, to be valid for a period of two years, but may be renewed upon expiration.

(a) Visitor permits shall not be transferable. Residents who allow the visitor permit issued to their dwelling unit to be used by a person not a visitor to their dwelling unit shall, in addition to the penalties set forth in § 195-62 hereof, have said permit revoked for a period of one year beginning on the date of revocation. In addition, it shall be unlawful for a person to use a visitor permit who is not a visitor at the dwelling unit to which that permit is registered. It shall not be a defense that the permit was being used with the permission of the registered owner. Such person shall, upon being found liable therefor, pay a fine of not less than \$50 nor more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. In addition to or in lieu of enforcement under this subsection, the Borough may enforce this subsection in equity in the Court of Common Pleas of Allegheny County.

(b) Should a visitor permit be lost or stolen, such fact shall be reported to the Police Department, which shall invalidate the same forthwith. Any person who possesses or uses a visitor

permit which has been reported lost or stolen shall, upon being found liable therefor, pay a fine of not less than \$50 nor more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. In addition to or in lieu of enforcement under this subsection, the Borough may enforce this subsection in equity in the Court of Common Pleas of Allegheny County. Lost or stolen visitor permits may be replaced upon payment of a fee as set by resolution of the Borough Council.

- B. Section 195-60B(1) is amended to delete the specific fee and add wording indicating that the fee shall be as set by resolution of the Borough Council.
- C. Section 195-60C is amended to delete the specific fee and add wording indicating that the fee shall be as set by resolution of the Borough Council.

Part 3, Enforcement Methods.

Section 195-74A is amended to read as follows: *“The Mayor of the Borough or, in the absence or unavailability of the Mayor, the Chief of Police or a desk officer on duty in the Police Department is hereby authorized to impose and collect a charge to cover the costs of immobilization of vehicles as shall be established from time to time by resolution of the Borough Council. A notice of this charge shall be given on the warning notice placed on each immobilized vehicle.”*

Chapter 210, Zoning.

- A. Section 210-4 is amended to revise the introductory paragraph and Subsection J to read as indicated:

Community development objectives are set forth in the Dormont Borough Comprehensive Plan Update adopted by the Borough Council on July 3, 1995. In addition to the specific objectives stated in the 1995 Comprehensive Plan Update, the general community development objectives on which this chapter is based are: ...

J. To implement the 1995 Dormont Borough Comprehensive Plan Update.

- B. Section 210-7 is amended as follows:
 - (1) The definition of “family” is amended to read as follows:

FAMILY – One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of

a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit, who are not related by blood, adoption, or marriage, do not constitute the functional equivalent of a traditional family. This definition does not intend to prohibit group homes and/or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided such facilities are licensed and permitted under the authority of the Department of Welfare of the Commonwealth of Pennsylvania or other state department or agency. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- A. The group shares the entire dwelling unit.*
- B. The group lives and cooks together as a single housekeeping unit.*
- C. The group shares expenses for food, rent, utilities or other household expenses.*
- D. The group is permanent and stable, and not transient or temporary in nature.*
- E. Any other factor reasonably related to whether the group is the functional equivalent of a family.*

- (2) The definition of “forestry” is added to read as follows:

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

- (3) The definition of “no-impact home-based business” is added to read as follows:

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.*
- B. The business shall employ no employees other than family members residing in the dwelling.*
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.*

- D. *There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.*
 - E. *The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.*
 - F. *The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.*
 - G. *The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.*
 - H. *The business may not involve any illegal activity.*
- (4) The definition of “public meeting” is amended to read as follows:
“PUBLIC MEETING – A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. § 701 et seq.”
- C. Sections 210-13A(1)(c), 210-21A(1)(e), 210-29A(1)(e), 210-37A(1)(d) and 210-45A(1)(x) are added to list “forestry” as a permitted principal use in every district.
 - D. Sections 210-13A(2)(j), 210-21A(2)(j) and 210-29A(2)(j) are added to list “no-impact home-based businesses” as a permitted accessory use in the R-1, R-2 and R-3 Districts.
 - E. Section 210-60A(4) is revised to read as indicated: *“The Borough Council shall hear and decide requests for conditional uses ~~within 90 days from the date of submission of a complete and properly filed application in accordance with Section 913.2 of the Municipalities Planning Code (53 P.S. § 10913.2).~~”*
 - F. Section 210-62BB(4)(g) is amended to change “Borough Fire Code” to “Uniform Construction Code.”
 - G. Section 210-62GG(1) is amended to change “Parks and Recreation Board” to “Recreation Board.”
 - H. Section 210-64A is amended to change “NFPA and BOCA Fire Prevention Code” to “Uniform Construction Code.”
 - I. Section 210-67C(1) is amended to read as follows: *“Private swimming pools accessory to a dwelling. Swimming pools accessory to a dwelling and all structures appurtenant thereto shall be located at least 10 feet from any property line. Swimming pools shall not be permitted in the front yard. Fences, barriers and gates for swimming pools shall comply with the applicable requirements of the Uniform Construction Code.”*

- J. Section 210-76 is amended to change “C-1 Commercial District” to “C General Commercial District.”
- K. Section 210-79A is amended to revise the definition of “billboard” to read as follows: “*BILLBOARD – As defined in § 210-7 of this chapter.*”
- L. Section 210-92B(1)(d)[7] is amended to read as follows: “*The annual fee for an adult business permit shall be as set from time to time by resolution of the Borough Council.*”
- M. Section 210-97A is amended to revise the references to Section 1004 of the Pennsylvania Municipalities Planning Code to refer to Section 916.1 of the Pennsylvania Municipalities Planning Code.
- N. Sections 210-98 and 210-99 are amended read as follows:

§ 210-98. Membership.

The membership of the Zoning Hearing Board shall consist of five residents of the Borough appointed by the Borough Council. The terms of office of the five-member Board shall be five years and shall be so fixed that the term of office of one member of the five-member Board shall expire each year. The members of the three-member Board currently in office as of the date of this provision's enactment shall continue in office until their terms of office are set to expire. Borough Council shall appoint two additional members to the Board, with one member's initial term scheduled to expire in four years, and the other member's term scheduled to expire in five years. The Board shall promptly notify the Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

§ 210-99. Alternate members.

- A. *Appointment of alternate members. The Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Subsection B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, including service as a member of the Planning*

Commission or as a Zoning Officer, nor shall any alternate be an employee of the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection B of this section.

- B. Participation by alternate members. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.*
- O. Original § 210-100B of the 1994 Code, which listed procedural challenges to the validity of a land use ordinance as under the jurisdiction of the Zoning Hearing Board, is repealed.



MEMORANDUM

Date: January 16, 2015
To: President, Vice-President, Council and Mayor
From: Jeff Naftal, Borough Manager 
Subject: Resolution No. 01-2015 – Pension Plan Procurement Procedures

Background:

In 2011, our pension plans were last audited. At that time, the auditor from the State Auditor General's office noted 2 problems that needed to be corrected. One was but the second, a Resolution establishing a procedures for the procurement of professional services for our pension plans, was not. We are now being audited again and the auditor from the State has asked that we expedite approving this Resolution so that she can have a clean audit for us.

Discussion:

The attached Resolution No. 01-2015 outlines a fairly detailed process for the procurement of professional services for our pension plans. That process includes setting up a committee to oversee the process and rules for conflicts of interest. The services that might be impacted by this are actuarial services, benefit administration services, and investment services. Because this was a requirement of the State based on Act 44 passed in 2009, we are over 5 years delinquent in implementing these rules.

Recommendation:

I recommend that Council approve Resolution No. 01-2015 to adopt policies related to the selection of professional services for the Borough's pension plans.

JN

Attachments

Cc: Pension Plan Boards

BOROUGH OF DORMONT
ALLEGHENY COUNTY, PENNSYLVANIA

RESOLUTION NO. 01-2015

A RESOLUTION OF THE BOROUGH OF DORMONT, ALLEGHENY COUNTY, PENNSYLVANIA RELATIVE TO THE PROCUREMENT OF PROFESSIONAL SERVICES FOR THE BOROUGH PENSION SYSTEMS SPONSORED BY THE BOROUGH BASED ON THE REQUIREMENTS OF ACT 44 OF 2009.

WHEREAS, the Borough of Dormont is a political subdivision located at 1444 Hillsdale Avenue, Dormont, Pennsylvania 15216; and

WHEREAS, the Borough has previously enacted an Ordinance establishing the Borough of Dormont Police Pension Plan and the Borough of Dormont Non-Uniform Employees Pension Plan; and

WHEREAS, the Legislature enacted Act 44 on September 18, 2009; and

WHEREAS, the Borough is required by Act 44 of 2009 to establish procedures for the procurement of professional services for the municipal pension system; and

WHEREAS, the Borough desires to establish the following procedures for Act 44 of 2009 compliance;

NOW, THEREFORE, be it resolved by the Council of the Borough of Dormont and it is hereby resolved as follows:

Section 1. The Borough procedures for procuring professional services for the Borough's pension systems will include the following:

- a. Assemble a committee to oversee the request for proposal process.
- b. Develop a timeline for posting advertisements, submission periods, deadlines, interviews, decisions, and notifications.
- c. Draft an application form, advertisement, and disclosure form.

- d. Advertise the availability of a contract including application and required disclosure forms on the Borough website.
- e. Collect and review proposals to select the most qualified person, taking into account the person's qualifications, experience, expertise and the fees to be charged.
- f. Interview candidates as part of the selection process.
- g. Complete a disclosure form regarding Borough pension system officers and employees to identify any potential conflict of interest with respect to applications that are submitted.
- h. No former employee of the contractor or potential contractor may participate in the review of a proposal or negotiation of a contract with that contractor for at least one year after being hired as an employee of the Borough pension system.
- i. No former employee of the Borough pension system may participate in the submission of a proposal or performance of a contract for at least one year after leaving the Borough pension system's employment.
- j. If a person that enters into or has applied for, submitted an offer or bid for, responded to a request for proposal on or otherwise solicited a contract with the Borough pension system or an officer, director or employee of the Borough pension system is aware, or reasonably should be aware of an apparent, potential or actual conflict of interest, the person shall disclose the conflict and promptly eliminate the conflict.
- k. Make all applications and disclosure forms public (except for proprietary information and information protected by law) and subject to the Right to Know Act after the award of the contract.
- l. Summarize the relevant factors that resulted in the award of the contract in a written statement to be included in or attached to the documents awarding the contract.
- m. Within 10 days of awarding the contract, transmit the original application form, a summary of the basis for the award, and required disclosure form to all unsuccessful applicants and post on the Borough's website at least seven days prior to execution of the contract.
- n. If amending the contract to increase the cost by more than the greatest of 10% or \$10,000, post the increase and a written justification for the increase on the Borough's website at least seven days prior to the effective date of the amendment.
- o. Maintain updated annual required disclosures for current contract holders.
- p. Amend these procedures as may be required by the Auditor General.

RESOLVED this 2nd day of February, 2015, by the Council of the Borough of Dormont.

ATTEST:

BOROUGH OF DORMONT

By: _____
Jeff Naftal
Borough Manager

By: _____
Willard McCartney
President

Examined and approved by me this _____ day of _____, 2014.

By: _____
Phil Ross
Mayor



MEMORANDUM

Date: January 14, 2015
To: President, Vice-President, Council and Mayor
From: Jeff Naftal, Borough Manager *gn*
Subject: Laborers Union Contract Extension

Background:

In December of 2012, Council approved a new contract with the Laborers Union. This contract was for four years, 2013, 2014, 2015, and 2016. The contract expires on December 31, 2016.

Discussion:

The Laborers Union approached me shortly after Council approved an extension of the Fire Union contract about the possibility of extending their contract for four (4) years. In exchange, they would agree to lock in their Cost of Living Increase (COLA) at 3% for each of the extra four years, the same rate as they receive for the already approved three years of the existing contract and the same rate as previously approved for the Police and Fire Unions. However, the union was told that four years was too much and they agreed to a two (2) year extension with the same conditions. The total cost to the Borough over the two years of the extension will be \$9,406.24. As we discussed at our Executive Session on this matter, the likelihood is that we would end up negotiating a new contract in 2016 that would include the same raise or possibly even higher should the economy continue to rebound. And arbitration awards, should we fail to reach an agreement, are trending in the 2.5% to 3% range as well.

The advantage to the Laborers Union with this extension is the stability of knowing what their raises will be through 2018. For the Borough, we gain labor stability for a six year period with the Laborers Union; and we continue to stagger our union contracts so that we don't need to negotiate four contracts in the same year. If this extension passes, we will have the Teamsters agreement expire at the end of 2015, the Police agreement expire at the end of 2017, the Laborers agreement expire at the end of 2018, and the Fire agreement at the end of 2019. This makes it easier to negotiate and focus and it provides the Borough leverage on the earlier contracts.

The attached Laborers Union Contract includes all revisions discussed above.
Specifically the changes are:

Article II: Pages 3 shows the pay schedules for 2017 and 2018.

Recommendation:

I recommend that Council approve a contract extension with the Laborers Union and the Borough that extends their contract through December 31, 2019 as outlined above.

JN

Attachment

AGREEMENT

Between

BOROUGH OF DORMONT

Employer

AND

LABORERS DISTRICT COUNCIL OF WESTERN PENNSYLVANIA, ON BEHALF
OF CONSTRUCTION, GENERAL LABORERS AND MATERIAL HANDLERS, LOCAL UNION 1058
OF LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

Union

JANUARY 1, 2011 THROUGH DECEMBER 31, 2018

I. TERM OF AGREEMENT

The term of this Agreement shall be for a period of six years, beginning January 1, 2011 through December 31, 2018. It shall be automatically renewed from year to year thereafter unless either party shall notify the other in writing at least 160 days prior to the expiration date that it desires to modify the Agreement. In the event that such notice is given, negotiations shall begin no later than 150 days prior to the termination date.

II. WAGES AND JOB CLASSIFICATIONS

- A. New employees shall be paid under a five step rate scale. The percent increase from Step 1 to Step 2 is 5%, from Step 2 to Step 3 is 5%, from Step 3 to Step 4 is 5%, and from Step 4 to Step 5 is 5%.

Because the Union worked without a new contract for calendar years 2011 and 2012, the Borough and Union agree that employees will be compensated for those years as if the following wage scale, reflecting a 3% wage increase each year, had been in place:

BOOKKEEPER	January 1, 2011	January 1, 2012
Step 1 (Probationary Year):	\$36,771.57	\$37,874.72
Step 2:	\$39,069.79	\$40,241.89
Step 3:	\$41,368.01	\$42,609.06
Step 4:	\$43,666.24	\$44,976.22
Step 5:	\$45,964.46	\$47,343.39

POLICE CLERK	January 1, 2011	January 1, 2012
Step 1 (Probationary Year):	\$23,271.70	\$23,969.85
Step 2:	\$24,726.18	\$25,467.96
Step 3:	\$26,180.66	\$26,966.08
Step 4:	\$27,635.14	\$28,464.19
Step 5:	\$29,089.62	\$29,962.31

CLERK/RECEPTIONIST	January 1, 2011	January 1, 2012
Step 1 (Probationary Year):	\$23,271.70	\$23,969.85
Step 2:	\$24,726.18	\$25,467.96
Step 3:	\$26,180.66	\$26,966.08
Step 4:	\$27,635.14	\$28,464.19
Step 5:	\$29,089.62	\$29,962.31

Employees will receive a lump sum for the back pay owed for wage increases in 2011 and 2012 by the third pay period of 2013. Effective January 1, 2013, and for the remainder of the contract, wages will increase based on the following scale:

BOOKKEEPER	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	January 1, 2017	January 1, 2018
Step 1 (Probationary Year):	\$39,010.96	\$40,181.29	\$41,386.72	\$42,628.33	\$43,907.18	\$45,224.40
Step 2:	\$41,449.14	\$42,692.62	\$43,973.39	\$45,292.60	\$46,651.38	\$48,050.92
Step 3:	\$43,887.33	\$45,203.95	\$46,560.06	\$47,956.87	\$49,395.58	\$50,877.45
Step 4:	\$46,325.51	\$47,715.28	\$49,146.74	\$50,621.14	\$52,139.77	\$53,703.96
Step 5:	\$48,763.70	\$50,226.61	\$51,733.41	\$53,285.41	\$54,883.97	\$56,530.49

POLICE CLERK	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	January 1, 2017	January 1, 2018
Step 1 (Probationary Year):	\$24,688.94	\$25,429.61	\$26,192.50	\$26,978.27	\$27,787.62	\$28,621.25
Step 2:	\$26,232.00	\$27,018.96	\$27,829.53	\$28,664.42	\$29,524.35	\$30,410.08
Step 3:	\$27,775.06	\$28,608.31	\$29,466.56	\$30,350.56	\$31,261.08	\$32,198.91
Step 4:	\$29,318.12	\$30,197.66	\$31,103.59	\$32,036.70	\$32,997.80	\$33,987.74
Step 5:	\$30,861.18	\$31,787.01	\$32,740.62	\$33,722.84	\$34,734.53	\$35,776.56

CLERK/RECEPTIONIST	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	January 1, 2017	January 1, 2018
Step 1 (Probationary Year):	\$24,688.94	\$25,429.61	\$26,192.50	\$26,978.27	\$27,787.62	\$28,621.25
Step 2:	\$26,232.00	\$27,018.96	\$27,829.53	\$28,664.42	\$29,524.35	\$30,410.08
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Step 4:	\$29,318.12	\$30,197.66	\$31,103.59	\$32,036.70	\$32,997.80	\$33,987.74
Step 5:	\$30,861.18	\$31,787.01	\$32,740.62	\$33,722.84	\$34,734.53	\$35,776.56

B. In addition to regular pay/ bargaining unit employees shall receive the following lump sum yearly. Longevity pay to be paid on the anniversary date of their first day of employment with the employer.

<u>LONGEVITY TIME</u>	<u>PAYMENT</u>
4 th Year and 1 day through 8 th Year	\$450.00
8 th Year and 1 day through 12 th Year	\$525.00
12 th Year and 1 day through 16 th Year	\$625.00
16 th Year and 1 day through 20 th Year	\$725.00
20 th Year and 1 day through 24 th Year	\$850.00
All Years Beyond 25 th Year	\$1,000.00

Employees who are hired after January 1, 2000 shall not be entitled to longevity pay regardless of the years of service.

III. BENEFITS

A. Bereavement Leave

An employee shall be granted five (5) consecutive working days leave with pay including the day of a death in the immediate family of the employee to make household adjustments and attend funeral services. Immediate family shall be defined as spouse/parents/children/brother/sister/mother-in-law/father-in-law/grandparents and grandchildren; one (1) day for sister-in-law or brother-in-law.

B. Holidays

1. New Hires shall be eligible for paid Holidays on the first day of employment.
2. Eligible employees in the unit will receive eight (8) hours pay at their regular rate of each recognized holiday whether they work on that day or not. Any employee who works a holiday will receive eight (8) hours pay plus eight (8) hours pay for the holiday.
3. Employees shall be guaranteed at least four (4) hours pay when they are scheduled or called out to work on a holiday, and employees shall receive double pay for all hours worked on a holiday.
4. The following shall be paid holidays during the term of this Agreement:

New Year's Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve Day
Labor Day	Christmas Day
	Day after Christmas

C. Insurance

1. Administration

- a. New employees will be eligible for insurance coverage on the first day of employment.
- b. In case of an employee's absence from work due to layoff or leave of absence, the Borough will be obligated to pay for his/her insurance coverage for a period of **three (3) months** beyond the end of the full calendar month after the month in which such absence begins. When such employee is returned to work, his/her insurance coverage will recommence as of the first of the month following his/her return to work.

- c. In case of an employee's absence from work due to illness or injury, the Borough will pay for his/her insurance coverage in accordance with the Family Medical Leave Act and other applicable state and federal laws. When such employee is returned to work, his insurance coverage shall recommence as of the first of the month following his/her return to work.

2. Disability Income

The Employer agrees to provide for the members of the bargaining unit a non-occupational long term disability insurance policy whereby an employee who is injured off the job or suffers an extended illness shall receive, after a (90) ninety day waiting period, a benefit equivalent to two-thirds (2/3) of his base pay. The Employer will pay the premium equivalent to that being paid for the aforesaid short term policy providing the benefit of \$150.00 per week for twenty-six (26) weeks and the employees will pay all premium costs between the amount paid by the Employer and the total premium required to secure the benefit amount equivalent to two thirds (2/3) of base pay. The premium paid by the employee shall be deducted from the employee's pay for each month and shall be computed by adding the total premium accrued by each employee for the month and dividing that total by the number of participants in the group plan.

It is agreed and it is understood that, notwithstanding the fact that each employee's premium may vary due to age and income, the amount to be paid by the employee will be an average figure computed as described above. It is also agreed and understood that, because age and income factors will change each year, the amount to be deducted from the employee's earnings may change each year. This formula for the computation of deductions and payments will not be altered during the term of this Agreement.

It is understood and agreed that this is a group plan premised upon group participation. Should the minimum number of participants not be achieved in any given year, thereby eliminating the Employer's ability to provide an insurance policy that provides a benefit equivalent to two-thirds of base pay, the Employer will be obligated to provide only a policy with a benefit of \$150.00 per week for twenty six (26) weeks for all employees covered by this contract.

It is agreed that any policy provided shall contain the provisions that any benefit amount due is payable until the death of the employee or age 65, whichever occurs first.

It is understood and agreed that an employee cannot receive both sick leave pay from the Employer and the pro rata share of the wage continuation benefit paid for by the Employer under the aforesaid insurance policy for the same periods of time. During such overlapping periods, the Employer shall deduct from the employee's pay an amount equal to the pro rata share of the benefit, which he/she is entitled to receive under the aforesaid insurance policy. It is further understood and agreed that any and all benefit amounts in excess of the pro rata share paid for the Employer shall be entitlement to the employee, without deduction from or alteration to sick leave pay, commencing with the first payment under the aforesaid insurance policy.

It is further agreed that an employee cannot use any of his accumulated sick time if he is injured during the course of secondary, non-work related employment.

It is further agreed that should it be determined by the Employer's non-occupational long term disability insurance carrier that an employee is uninsurable for any reason, the Employer's contractual duty under this subsection as to any such employee shall be discharged. The Employer shall notify any such affected employee in writing within 60 days of receiving notice of uninsurability from its carrier. A determination of uninsurability by the Employer's existing insurance carrier shall be conclusive and the Employer shall have no duty to attempt to secure coverage for the affected employee from any source other than its existing carrier.

3. Life

The Employer agrees to pay for life insurance coverage for employees, said life insurance to provide employee's beneficiaries with the amount of \$35,000 in the event of the employee's death, with a double indemnity provision providing beneficiaries with the amount of \$70,000 on the event of the employee's death as a result of an accident.

4. Health Insurance

- a. The Employer shall pay the full premium for eligible employees upon review and agreement of both parties. The Borough will provide cash payment of 50% of current premium up to \$250.00 per month to employees who choose their spouse's insurance coverage. In order to qualify for such payment, each employee shall sign a form designating the coverage, which form shall be provided to the employee in December of each year and which shall be applicable to the following year. The employees may return to the plan only during the enrollment period, which is December of each calendar year.

- b. Subject to Paragraph 4(a) the Employer shall continue to provide the entire premiums for health insurance.
- c. In addition, the employer shall pay full premiums for each eligible employee for:
 - (1) Dental Care - The Borough shall provide high-option Dental Plan coverage for the employee and their families. **The Employer will pay twenty (\$20.00) dollars per employee per month toward said Plan. The Employer will pay one-third of the remaining cost and the employee will pay two-thirds of said cost.**
 - (2) Vision Care - The Borough shall provide vision coverage minus a \$10.00 deductible.

D. Jury leave

Every employee covered by this Agreement who is ordered by appropriate authority to report for jury duty shall be granted a leave of absence from his/her regular duties during the actual period of such jury duty and shall receive for such period of jury duty, the difference between any jury duty compensation they received and their regular wages for each day of jury service.

E. Family and Medical Leave Act

1. Eligibility and leave Requirements

- 1.1 Dormont Borough is covered under the Family and Medical leave Act of 1993 (FMLA or Act). Any Dormont Borough employee with at least one (1) year of service and who has worked at least 1250 hours in the last 12 months will be eligible to take up to 12 weeks of FMLA leave during a 12 month period for any of the following reasons:
 - a. The birth of a son or daughter and in order to care for such son or daughter (leave must be taken and completed within 12 months after birth), or
 - b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for newly placed son or daughter (leave must be taken and completed within 12 months after placement), or
 - c. To care for a spouse, son, daughter, or parent with a serious health condition, or
 - d. An employee's own serious health condition that makes the employee unable to perform the functions of his/her job.

- 1.2 The twelve month period is calculated on a rolling basis by counting backwards from the date of a leave request.
- 1.3 FMLA leave for birth or placement under 1.1a and 1.1b, must be taken at one time in consecutive days or weeks. Leaves of absence due to serious health conditions under 1.1c and 1.1d may be taken intermittently or on a reduced schedule, when medically necessary, and provided the employee complies with the procedures as set forth in Section 2.
- 1.4 If both spouses are employed by Dormont Borough and are otherwise eligible for FMLA leave, they are permitted to take only a combined total of 12 weeks leave during any 12 month period for reasons set forth in 1.1a or 1.1b.
- 1.5 Employees are required to first utilize any accrued vacation time and personal days as a part of their twelve (12) week FMLA leave. Employees requesting FMLA leave due to their own serious health condition must first utilize any accrued sick leave, in addition to accrued vacation and personal leave, as part of their 12 week FMLA leave. Once accrued paid leave has been exhausted, the remainder of any FMLA leave shall be unpaid.
- 1.6 Any employee using unpaid FMLA leave shall not be entitled to holiday bereavement, or jury duty pay while on such leave.
- 1.7 During any period of FMLA leave, Dormont Borough will continue to make premium payments to maintain an employee's health care coverage under the same terms and conditions as in existence on the date the leave begins, or as changed during the period when the employee is on leave. However, this does not eliminate the requirement of employee co-payments for those employees who normally have co-payments towards their insurance coverage. Provisions for employee co-payments will be made at the time of leave request. If any co-payment is more than thirty (30) days past due, Dormont Borough will terminate health care coverage for the duration of the leave period. Coverage will be restored upon return to work.
- 1.8 Dormont Borough will be entitled to recoup the costs of providing health care coverage for an employee during the leave period if the employee fails to return to work at the conclusion of his/her FMLA leave period. This obligation does not apply in a situation where Dormont Borough grants an additional leave of absence and the employee subsequently returns to work or where the employee is unable to return to work for reasons beyond his/her control.

2. Employee Responsibility

- 2.1 When requesting FMLA leave whether paid or unpaid, a 30 day advance notice is required where the necessity for leave is foreseeable. Where the need for leave is not foreseeable, the employee must provide such notice as soon as practical (within one or two days of discovering the need for leave). Failure to provide such notice may result in the employee's leave being delayed.
- 2.2 The notice referred to in 2.1 shall include sufficient explanation of the reason for leave, the date on which leave is anticipated to begin, and the anticipated duration of the leave. An FMLA request form for employees to use is available at the Dormont Borough office.
- 2.3 Employees requesting leave due to their own or a qualifying family member's serious health condition must, in conjunction with their relevant health care provider, submit medical certification of the need for leave and additional recertification of the need for leave every thirty (30) days. Failure of the employee to provide the completed forms to the Dormont Borough within fifteen (15) days of Dormont Borough's request for such forms may result in denial of leave until certification is provided or revoking an employee's entitlement to continue leave.
- 2.4 Employees requesting an intermittent leave or leave on a reduced schedule due to a serious health condition must first make a reasonable effort to schedule any treatment so as to not unduly disrupt the operations of Dormont Borough (if such need is reasonably foreseeable) and provide as part of the medical certification from the health care provider a statement as to why such leave is medically necessary.
- 2.5 Employees are required to notify Dormont Borough of their intent to return to work every thirty (30) days and, where applicable, are required to update their medical certification every thirty (30) days.
- 2.6 Employees returning from a leave due to their own serious illness or injury must provide a "Fitness of Duty/Return to Work" certification from their health care provider prior to reinstatement.
- 2.7 During the leave period, the employee shall not engage in any gainful employment. Failure to comply with this provision shall result in the employee's dismissal, and the employee shall be dismissed if he/she fails to return to Borough employment at the conclusion of the leave period.

3. Dormont Borough Responsibility

- 3.1 Dormont Borough shall designate any leave as FMLA leave where the circumstances indicate that the leave qualifies and shall inform the employee of this fact and of any paid vacation, personal or sick time that must be used as part of the twelve (12) week FMLA leave, a form providing such notice to the employee is available at the Borough Office.
- 3.2 If Dormont Borough has reason to doubt the validity of any medical certification provided, Dormont Borough may, at its own expense, require second opinion of a health care provider approved or designated by Dormont Borough, so long as the provider is not employed on a regular basis by Dormont Borough. If there are conflicting medical opinions, a third opinion, which will be final and binding on both Dormont Borough and the employee, may be required by Dormont Borough, at the Borough's expense, from a health care provider approved jointly by Dormont Borough and the employee.
- 3.3 An employee who requests intermittent leave or a reduced leave schedule that is foreseeable based on planned medical treatment may be temporarily transferred, at the Dormont Borough's option, to an alternate position having equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.
- 3.4 Dormont Borough will be responsible for keeping records required under the FMLA and for ensuring that all medical information is kept in a separate file which will be kept confidential except as required to coordinate the employee's leave.

4. Restoration of Employment

- 4.1 Employees returning from a FMLA leave are generally entitled to be restored to their previous position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee will not be reinstated if he/she otherwise would not have been employed at the time reinstatement is requested. Dormont Borough is not obligated to reinstate any employee whose job position is eliminated while on leave.

4.2 Employees designated by Dormont Borough as "Key" employees may be denied restoration if necessary to avoid substantial grievous economic injury to Dormont Borough's operations, in accordance with the express provisions of the FMLA. These key employees are among the ten percent most highly compensated salaried employees and will be notified of their status as key employees at the time they make their leave request. If it is anticipated that it may be necessary to deny restoration to a key employee, Dormont Borough will notify that employee and offer him/her an opportunity to return to work. If that employee elects not to return to work, Dormont Borough will nevertheless reconsider at the end of the leave whether or not it will be possible to reinstate that employee without suffering substantial and grievous economic injury.

5. Notification of Rights

5.1 "Dormont Borough will not interfere with, restrain or deny the exercise of any right provided under the FMLA. Dormont Borough will not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA nor will it discriminate against or discharge any person because of involvement in any proceeding under or related to the FMLA. The Secretary of Labor is authorized to investigate and attempt to resolve complaints and violations and may bring an action in any federal or state court against Dormont Borough for violating FMLA. The FMLA will be enforced by the Department of labor's Wage and Hour Division. An eligible employee may also bring a civil suit for violation of FMLA. It should be noted that the FMLA does not affect any federal or state law prohibiting discrimination, nor does it supersede any state or federal law which provides for greater family or medical leave benefits. The FMLA does not affect Dormont Borough's obligation to provide greater leave benefits that is required under a collective bargaining agreement or employee benefit plan or contract. No rights provided for under the FMLA may be diminished or waived by agreement, plan or contract. A copy of your rights under FMLA is posted with Dormont Borough's offices. Questions concerning the FMLA or your leave benefits should be directed to the Borough Manager."

F. Pension Retirement

1. The Employer agrees to pay \$150 per month towards the purchase of hospitalization coverage for employees who retire at age 62 and until the employee reaches age 65.

2. Pretax Pension Contributions- The Borough shall take the necessary steps in order to file any application and obtain any governmental approvals so that non-uniform employees will be able to make their pension contributions on pre-tax basis effective January 1, 2007. Under current law, this only applies to federal income tax. Internal Revenue Code §414(h) (2). The pre-tax employee pension contributions are contingent upon the Borough obtaining any necessary application and/or obtaining the necessary governmental approvals.

G. Sick Leave

1. Employees hired prior to January 1, 1992 shall be eligible for fifteen (15) sick days per year and shall be entitled to accumulate indefinite sick leave. Employees hired after January 1, 1992 shall accumulate ten (10) sick days per year and shall be permitted to accumulate indefinite sick leave. For employee hire prior to January 1, 1992, accumulated sick leave will be used for and in the manner required and set out in previous contracts. For those employees hired prior to January 1, 1992, who have accumulated 145 days sick leave, any accumulation of sick days over 90 shall be used only for serious non work related illness.

A serious illness is more specifically defined as a protracted lengthy illness or injury which requires an extensive lengthy confinement such as, but not limited to, disease and sickness such as cancer, heart disease, lung disease, impairment or infection of major organs, or fractures of bones which cause lengthy confinement and substantial disability. The term shall not include illness such as the common cold, flu, headaches, dental problems, and other like afflictions. A doctor's certificate evidencing the existence of a serious illness shall be required to enable an employee to qualify, and such serious illness sick leave shall be taken only after the accumulation of sick days provided for herein before has been exhausted. In determining whether a serious illness exists, the Employer may require an informed medical opinion from the employee's physician and/or from a physician selected by the Employer, or both; any physical examination required by the Employer shall be paid by the Employer.

Any employee who has accumulated sick leave at the time of normal retirement shall be paid at the rate of Twenty Five Dollars (\$25.00) per day for each day up to 150 days of accumulated sick leave not used by the employee.

Employees may accumulate sick leave indefinitely for the purpose of long-term illness. The Borough will buy back up to 150 days at the rate of \$25/day at the employee's normal retirement from the Borough.

2. New Hires

Employees hired after January 1, 2012, shall be entitled to sick leave at a rate of .8 days for every month worked. This monthly accumulation shall continue until the end of the calendar year and can only be used with the Borough Manager's approval. Thereafter, commencing with the new calendar year, the employees shall be granted ten (10) days sick leave per year. The annual grant of sick days shall be made on the first day of each calendar year.

3. Each employee shall be advised in writing by February 28th of each year as to his/her total accumulated sick leave.
4. Sick leave may be utilized in increments of four (4) hours when the employee is incapacitated by sickness or non-work related injury, or for medical, dental, optical or chiropractic visits.
5. An employee on extended disability as of the first of the calendar year shall not receive the annual grant of sick days until he is certified by a physician for return to full duty.

H. Vacations

1. Eligible employees shall be granted an annual paid vacation in accordance with the following schedule, based on length of service:

1 through 4 years of employment	2 weeks per year
5 through 10 years of employment	3 weeks per year
10 through 25 years of employment	4 weeks per year
Over 25 years of employment	5 weeks per year

Eligibility for vacation will be determined as of each individual employee's anniversary date of employment.

2. Vacations will, so far as practicable, be granted at times most desired by the Employees (longer service employees being given preference as to choice); however scheduling of said vacations will be subject to Borough approval. If an employee voluntarily does not use all his/her vacation time in a year, he/she will not be paid for it unless his/her scheduled vacation was canceled due to the extreme needs of the Employer, and in such case he/she will be paid for his/her vacation in addition to his/her regular pay for the work he/she performs, except as provided in Section 7 hereof.

The Borough reserves the right to close down all or part of the operations for vacation purposes. Employees will be expected to take their vacation during the shutdown period.

However, the seniority provision of the contract will not restrict the Borough's right to require all or any part of the employee not entitled vacation to perform work which may be required during such vacation period, and will not restrict the Borough's right to assign junior employees to a vacation to work during such period to perform necessary work.

3. When a holiday falls during an employee's scheduled vacation, he or she shall be granted an additional day off with pay on a date agreeable to the Borough.
4. An Employee is not required to schedule all of his/her vacation during the scheduling period. When getting unscheduled vacation leave approved by the supervisor, it shall be approved at the Employer's discretion. His discretion shall be based on the workload, the number of employees already scheduled for leave, and the urgency of the need for leave.
5. Subject to the regulations and limitations set forth in this Subsection J, employees may take as many or as few consecutive vacation days at a time as they deserve; provided, however, that the employees eligible for three, four or five week vacations must take a certain number of weeks of the vacation time in no less than one week increments as follows:
 - a. Those eligible for three weeks of vacation must take one consecutive week
 - b. Those eligible for four weeks of vacation must take two weeks in no less than one-week increments
 - c. Those eligible for five weeks of vacation must take three weeks in no less than one-week increments

However, if scheduling 5 consecutive days or more, 30 day notice shall be submitted unless less time is needed and approved by the Borough Manager.

6. An employee may carry over and accumulate up to maximum of two (2) weeks of vacation from one calendar year to the next.
7. The Employer agrees to buy back up to five (5) days of unused vacation at the regular rate of pay to be included in the first pay of December of each calendar year.
8. Employees hired after January 1, 2000 shall be entitled to the following vacation benefit schedule:

1 through 4 years of employment	1 weeks per year
5 through 9 years of employment	2 weeks per year
10 through 14 years of employment	3 weeks per year
Over 15 years of employment	4 weeks per year

All other sections regarding vacations shall apply to newly hired employees.

I. Personal Days

Each employee is to be granted two (2) personal days during the calendar year, to be selected at his/her option except during the period between December 16 and January 15.

J. Education Pay

The Borough will provide the following education pay for employees. Upon the attainment of any of the following degrees in an education field or endeavor, compensation shall be paid at the following rates on an annual basis on the employee's anniversary date:

Completion of:	Additional Lump Sum Payment
Associates Degree	\$400.00
Bachelor's Degree	\$600.00
Master's Degree	\$800.00

This payment shall be based on the scheduled amount of the highest level of education attained and shall not be cumulative.

The Borough will be responsible for all fees for continuing education as it relates to the Borough's daily operations including but not limited to seminars, conferences, training sessions and continuing education courses. All requests for reimbursed training must be approved by the Borough Manager PRIOR to enrolling, registering, etc.

K. Parking

The Borough agrees to provide parking free of charge in the vicinity of the Borough Office.

IV. ADMINISTRATION

A. Disciplinary Actions

1. The following actions by an employee will be considered serious violations of expected employee conduct and shall be cause for immediate discharge:
 - a. Intentional damage to or misappropriation of the property of the Borough, its citizens or other employees
 - b. Conviction of a felony or serious misdemeanor, such as theft

- c. Physical assault of any Borough employee or official at any time, or physical assault of any other person while in the conduct of Borough duties.
 - d. Falsification of records or reports.
 - e. Involvement in gambling activities
 - f. Working under the influence of alcohol or narcotics
 - g. Sleeping during working hours or other serious, dereliction of duties which involves complete inattention to job duties
 - h. Intentional abuse, destruction or waste of Borough material, tools, and equipment
 - i. Serious insubordination, abuse towards supervisors, or failure to carry out job duties
2. The following actions by employees shall be considered violations of expected employee conduct and shall be cause for disciplinary action:
- a. Insubordination or abuse towards supervisors
 - b. Excessive or unreported absences or absences without good cause.
 - c. Disorderly or unsafe conduct on the job
 - d. Unauthorized selling, soliciting or canvassing
 - e. Failure to report personal injuries
3. Disciplinary action shall be taken in the following steps:

First Offense:	Written Warning
Second Offense:	One Day Suspension
Third Offense:	Discharge

4. The accumulated number of offences on an employee's record shall be reduced by one for each eighteen (18) months which are free of offense following any disciplinary action.
5. All disciplinary actions shall be noted in a written record by the Employer, and the Employer shall furnish a notice to the Union of each action within forty eight (48) hours after it is taken.
6. The Employer agrees the Union shall have the right to question any such disciplinary action, including discharge, taken against an employee and file a grievance on the matter if they deem it necessary.

B. Grievance Procedure

1. Grievances, or alleged violations of the collective bargaining agreement, shall be first brought to the attention of the employee's supervisor in an informal discussion.
2. If after the discussion provided for in Section 1 above, the employee decides to appeal the matter the employee shall put the grievance in writing and submit it to the Union Steward. Nothing herein shall prevent the Union from submitting grievances without the signature or approval of an employee.
3. (a) First Step: The Union shall designate the steward to represent the aggrieved employee. The employee and his/her representative shall meet with the employee's foreman or supervisor to resolve the grievance. The foreman or supervisor's decision concerning the complaint shall be given promptly and in no event shall be delayed beyond five (5) working days, except where mutually extended in writing by the Union and the foreman or supervisor.

(b) Second Step: The employee and a union representative shall meet with the Borough Manager to resolve the grievance. The Manager's decision concerning the complaint shall be given promptly and in writing and in no event shall be delayed beyond five (5) working days, except where mutually extended by the Union and the Manager.

(c) Third Step: If the matter is not settled to the satisfaction of the Union, the Business Agent may, within (30) working days from the date of the decision or within thirty (30) working days from the date a decision is due, request arbitration. Either party shall request the Pennsylvania Bureau of Mediation to submit a list of seven arbitrators. The parties shall meet within five (5) working days after the receipt of such a list. The parties shall choose a neutral arbitrator by alternative striking from the list of seven with the first strike obligation alternating from grievance to grievance beginning with the Employer first.
4. The fee and expenses of the neutral arbitrator in a grievance procedure shall be split evenly between parties.
5. The decision of the arbitrator shall be binding on all parties.
6. The arbitrator will be requested by the parties to render a decision as quickly as possible, but in any event no later than thirty (30) calendar days after the conclusion of the hearings, unless both parties otherwise agree.
7. Adequate procedures having been established herein for the resolution of grievances, there shall be no strikes, slowdowns or work stoppages during the term of this agreement.

C. Hours

The employee's working hours will consist of eight (8) consecutive hours with one (1) hour for lunch included, starting at 8:30AM and concluding at 4:30PM daily.

D. Probationary Employees

1. New regular employees shall be deemed Probationary Employees for a period of 6 months from the date of their employment. They shall be subject to layoff or discharge for any cause whatsoever.
2. A regular employee is defined as any person working in any of the job classifications in the bargaining unit in excess of twelve (12) hours per month.
3. It is recognized that students may be employed for short periods, on a seasonal basis by the Borough for specific jobs, and it is agreed that such individuals shall not become regular employees unless and until they have worked for the Borough in excess of eighty (80) days per calendar year or per period of seasonal employment. It is further agreed that such employees shall not be hired or retained in employment if their employment results in the layoff of any bargaining unit employee, nor shall they be hired or retained in place of new regular employees for whom full-time work would be available.

E. Seniority

1. Seniority is based on the length of continuous service an employee has had with the Employer. Seniority shall be accumulated during absences due to illness, layoff or leave of absence, as long as such seniority is not terminated in accordance with other provisions of this Agreement.
2. In all cases of layoff, seniority shall be based on continuous service in the job classification (in agreed upon areas) occupied by the employee. When the Employer rehired in any agreed upon area in any job classification, all employees on layoff in said agreed upon areas from such job classification shall be rehired in reverse order in which they were laid off. In the event the Employer needs additional employees in any job classification, such job vacancies shall be posted for bid (in agreed upon areas) before the Employer may hire any new employees.
3. In the event there is a permanent vacancy in a job, such vacancy shall be posted on bulletin boards at locations accessible to all employees in the bargaining unit for a period of twelve (12) consecutive working days. Regular bargaining unit employees (in agreed upon areas) bidding for vacancy with the most seniority shall be given the first opportunity to qualify for such vacancy. However, the determination of the qualifications of any job shall rest with the Employer, subject to the grievance procedure as set forth in this Agreement.

4. All probationary employees shall have no seniority but shall enjoy and be bound by all other provisions of this Agreement. Any employee retained beyond the probationary period shall be considered as a regular employee, and his/her seniority shall date back to the date of original employment.
5. Continuous service shall be broken by:
 - a. Quit or resignation
 - b. Discharge for cause
 - c. Absence due to layoff or physical disability for a period longer than one (1) year, provided that absence due to a compensable disability shall not break continuous service if the employee reports himself/herself available for work within five (5) days after final payment of statutory compensation for the disability or after the end of the period used in calculating a lump sum payment
 - d. Failure to report within five (5) days after recall from layoff
6. It is understood and agreed that these seniority provisions shall not be utilized where the Civil Service statutes or regulations would cause a different method of selection or retention.

V. MISCELLANEOUS

A. Union Recognition

The Employer recognizes the Union as the exclusive bargaining agent, based upon a certification from the Pennsylvania Labor Relations Board, covering Secretaries and Clerks at PERA-R-5284-W for purposes of establishing salaries, wages, hours and other conditions of employment for all of the employees within the certified units.

B. Union Security

1. The Employer agrees to a maintenance of membership (as defined in the Pennsylvania Employee Relations Act No. 195) to cover all employees who are members of the bargaining unit. Maintenance of membership means any employee who joins the Union must remain a member in good standing until the expiration date of the present Agreement.
2. During the term of the Agreement, an employee who fails to maintain his/her membership in the Union in good standing shall be discharged from employment within twenty-one (21) days after receipt of written notice from the Union of the employee's failure to maintain membership in good standing.
3. An employee may, during the period of fifteen (15) days prior to the expiration of this agreement, notify the Employer and the Union in writing that dues deduction authorization hereinafter provided for and membership in said Union is to be terminated upon the expiration of this Agreement.

C. Check Off

1. The Employer agrees to deduct each month the required Union dues, initiation fees or other assessments from the pay of those employees who request, in writing, that such deductions be made.
2. During the term of this Agreement, the Employer shall be advised by the Union as to the amounts to be deducted. Once such deductions are made, the Employer shall remit all monies deducted to the designated Union office, together with an itemized statement indicating each employee and amounts deducted for dues, initiation fees or other assessments. The Employer agrees to remit all deducted monies along with itemized list to the Union on or before the 15th of the month after such deductions are made.
3. If the Employer is unable to make such deductions from an employee's pay due to the employee being off because of sickness, vacation, temporary layoff or any other reason, the Union will notify the Employer in writing after said employee returns to work of the delinquent amounts owed by said employee and the procedure the Employer shall use to deduct the delinquent monies.
4. Subject to state and federal applicable statutes or case decisions, the Borough agrees that any employee elects not to become a member of the Union shall be required to pay a fair share fee in accordance with applicable law. The Union shall notify the Borough as to the amount of money to be designated as the fair share fee. The Borough agrees to deduct said amount in a manner similar to the procedure utilized for the employees who elect to become members of the Union.

D. Discrimination

1. The provisions of this Agreement shall be applied equally to all employees in the bargaining unit for which the Union is certified without discrimination as to age, sex, race, color, creed, national origin or political affiliation. All present employees shall furnish a certified copy of their birth certificate to the Borough within thirty (30) days of the effective date of this Agreement. All new employees shall be required to furnish a similar certificate at the time they are hired.
2. The Employer agrees not to interfere with the rights of the employees to become members of the Union, and there shall be no discrimination, interference, restraint or coercion by the Employer or any Employer representative, against any Union employee because of Union membership or because of Union membership or because of any employee's activity in an official capacity on behalf of the Union, or for any other cause, provided such activity or other cause does not interfere with the effectiveness or efficiency of the Employer's operation.
3. No employee shall be discriminated against because of his/her participation or non-participation, financial or otherwise, on behalf of a candidate or political party.

There will be no loss of employment due to changes in political administration.

4. There shall be no residency requirement for present employees, but the Employer may require any new employees to reside within the Borough of Dormont during the entire time of such new employee's future employment.

E. Union Recognition

1. The Union agrees to provide to the Employer, on a current basis, the names of the stewards for the unit.
2. The Union Business Manager, his designated representative or an International Union Representative, shall be given access to the Employer's premises during working hours to conduct Union business, provided that there is no interruption of the Employee's working schedule.
3. To the fullest extent possible, grievances shall be discussed after working hours.

F. Economic Controls

The wage and monetary fringe increases provided for in this Agreement shall go into effect on the dates specified only to the extent permitted by applicable Federal and State laws. If all or part of such increases are withheld pursuant to such laws, and if during the same year the Employer is legally permitted to grant the balance of such increases that were to go into effect earlier in the year, such increases will be put into effect as of that date. The Employer shall not be obligated for any increases or wage benefits withheld because of such laws. Any dispute under this Section shall be jointly submitted to the appropriate Federal or State agency for resolution.

G. Savings Clause

Should any provision of this Agreement or any application thereof be unlawful by virtue of any Federal or State law, such provisions of this Agreement shall be null and void, but in all other respects the provisions of this Agreement shall continue in full force and effect from the life thereof.

H. Temporary Employees

1. Whenever an employee is absent from employment under V(H) of this Agreement, the Employer shall have the right to hire temporary and/or part time personnel to perform the same duties performed by the employees covered by this Agreement during such absence from employment. Said temporary and/or part time personnel shall not be considered members of the bargaining unit.
2. The Employer has the option to hire a non-bargaining unit, part time clerk in the Borough Office and in the Police Department to work no more than 20 hours per week; or at the discretion of the Chief of Police, if said clerk is hired in the Police

Department, said clerk may be directed to work two (2) 28 hour weeks during each calendar quarter in lieu of the above mentioned 20 hours per week. Such clerk shall be paid a salary not to exceed eighty (80) percent of the prevailing hourly rate for the position of clerk. If hired in the Borough Office, said individual will perform such duties as may be prescribed by the Employer. If the individual is hired in the Police Department, said individual will be responsible for performing the following functions:

Processing delinquent tags through to citation by filing tags in alphabetical order according to license, researching tags in fill, documenting tag with needed information, checking license plate numbers with the State, maintaining index files on information received, and preparing citations; recording information into docket book; preparing envelopes for mailing; maintaining and updating towing or booting list; maintaining and updating disposition files from magistrate hearings to include making entries on all pertinent documents.

The Employer agrees that in case of layoffs, such position will be terminated first and that employee will be the first to be laid off, with duties to be assumed by the bargaining group personnel. As long as such individual is employed, the Employer will maintain its current staffing level, unless a position is vacated through attrition.

I. Job Descriptions

In lieu of specific job descriptions set out in this Agreement, employees shall be expected to perform such duties as shall be assigned to them from time to time by the Employer. The Boroughs will prepare all job descriptions as applicable. Job positions currently exist for all positions.

J. Maintenance Clause

The Borough reserves and retains, solely and exclusively, all of its rights to manage the affairs of the Borough as such rights existed prior to the execution of this Agreement, or any other previous Agreement, subject, however, to the provisions of this Agreement. Matters of inherent management policy shall include, but are not limited to, such areas of discretion or policy as the functions and programs of the Borough, standards of service, its overall budget, utilization of technology, the organizational structure and selection and direction of personnel, determination of the number of hours per day or per week operations shall be carried on, the assignment of work to such workmen in accordance with the requirements determined by the Borough, the establishment and change of work schedules, the right to make and enforce reasonable rules for the maintenance of discipline, the right to suspend, discharge or otherwise discipline employees for cause, the right to contract out work, and otherwise to take such measures as the Borough may determine to be necessary for the orderly and efficient operation of Borough affairs, provided, however, that such rights shall not be used for the purpose of discrimination against members of the bargaining unit.

K. The Borough reserves the right to negotiate a Drug and Alcohol Treatment Program Clause within the terms of the collective bargaining agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

ATTEST:

BOROUGH OF DORMONT

Jeff Naftal
Borough Manager

Willard McCartney
President of Council

ATTEST:

WITNESS

LOCAL UNION 1058

ATTEST:

WITNESS

PRESIDENT-BUSINESS
MANAGER LABORERS' DISTRICT
COUNCIL OF WESTERN
PENNSYLVANIA



MEMORANDUM

Date: January 14, 2015
To: President, Vice-President, Council and Mayor
From: Jeff Naftal, Borough Manager *JN*
Subject: Policy on Fundraising by Borough Employees

Background:

Late last year, Council authorized the creation of a policy to address Borough employees collecting solicitations or other fundraising during working hours.

Discussion:

Council and staff felt that a policy to address this was appropriate because of the potential liability faced by both the Borough and the employee if funds were missing or extra funds were discovered or other discrepancies occurred. The attached policy prohibits employees from soliciting or fundraising for outside organizations during working hours. The only exception would be the collection of non-monetary items when sponsored by the Borough (such as the Marine Corps Toys for Tots drive).

Recommendation:

I recommend that Council approve the attached Policy for immediate implementation.

JN

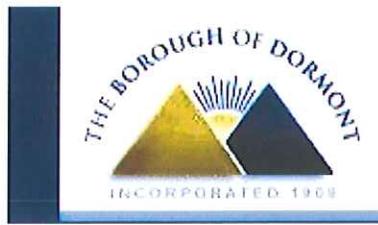
Attachment

NON-BOROUGH SOLICITATIONS AND FUNDRAISING

This Policy is written to address concerns the Borough has with employees handling cash or merchandise or other fundraising items for outside organizations during their working hours. This would include receiving cash to turn over to an outside organization, selling merchandise for an outside organization, or accepting responsibility for collection receptacles for outside organizations. All of these situations can be a source of liability, not just for the Borough but for the employee who is directly responsible. For example, it can be claimed that money or merchandise is missing or otherwise unaccounted for, insufficient money can be collected, or excess money can be collected, etc. In situations such as these, the Borough becomes potentially liable for the missing or misused funds and the employee is put in a position of responsibility that is not part of their regular job duties.

Therefore, the Borough is implementing the following policy:

On Borough controlled property, employees are prohibited from collecting admission fees, money, other solicitations or donations, or other fundraising activities (including non-monetary items) during their working hours. Collection of non-monetary items may be authorized when sponsored by the Borough (i.e. Marine Corps Toys for Tots). Borough personnel may not act as a conduit and collect funds on behalf of any outside organization during normal work hours.



MEMORANDUM

Date: January 19, 2015

To: President, Vice-President, Council and Mayor

From: Jeff Naftal, Borough Manager *gn*

Subject: Overhanging Banner Signage Approval – 3267 West Liberty Avenue

Background:

Section 181-22 of the Borough of Dormont Code regulates the projections into the area of the sidewalk in the Commercial Zoning District. This Section prohibits such projections unless expressly approved by a Resolution of the Borough Council.

Discussion:

In December, the owner of 3267 West Liberty Avenue, Ms. Mary Pernatozzi, put up five (5) banner signs without a permit. In addition to no permit, the signage extends over the sidewalk and thus is prohibited pursuant to Section 181-22 as noted above. After staff noticed the unpermitted signage, a Code Enforcement Notice of Violation was issued giving Ms. Pernatozzi until January 13th to remove the signage. On the 13th I was contacted by Ms. Pernatozzi's contractor who inquired as to what needed to be done to allow the signage to remain. I informed him of the process and he indicated that they would seek Council approval to allow the overhanging banner signage. I received the letter in the attached materials the following day which included drawings and dimensions and a formal request from Ms. Pernatozzi to place the overhanging banner signage at the above address.

Since I have been with the Borough, all of the requests for Council action related to overhanging the sidewalk have been either awnings or lighting. And for those that were awnings, the applicant met the Borough's Zoning Code standards for dimensions of signage. However, this case is different. In the first place, the signage in question was put up without a permit. Secondly, there are five (5) banners. Finally, our existing Zoning Code expressly prohibits in Section 210-80 "Banners, other than temporary special event displays authorized by this chapter." The same section prohibits "Overhanging signs as defined herein." The definition is "A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than 6 inches, including awnings, marquees or similar structures used for business identification." These signs extend out two (2) feet.

Finally, even if we said these are wall signs, which our Zoning Code clearly says they are not, Ms. Pernatozzi would be limited to 100 square feet of signage. These banners, at 10 square feet each for a total of 50 square feet, would place her signage not in compliance with the Zoning Code. I considered the possibility of using the new Zoning Code, which Council will be considering in February and voting on in March because it permits overhanging signage. However, the maximum square footage permitted for overhanging signage will be 12 square feet which will only permit one of these 5 banner signs.

Council's options at this time include the following:

1. Approve the attached Resolution No. 02-2015 and authorize all five of the banners as they are installed currently.
2. Approve a modified version of Resolution No. 02-2015 that authorizes only one of the five banners because this will meet the standards proposed in the draft Zoning Code now under consideration by Council.
3. Do not approve any Resolution and require the banner signage be removed.

I believe that Council should not authorize the five banner signs and would recommend that Council not approve a Resolution at this time. Once these are removed and the new Zoning Code is in place, Ms. Pernatozzi could come in for a permit for a new, overhanging sign that would meet the new Zoning Code requirements.

Recommendation:

I recommend that Council not approve Resolution No. 02-2015 which permits overhanging banner signage at 3267 West Liberty Avenue.

JN

Cc: Monica Dahlkemper, Code Enforcement Officer

Attachments



BOROUGH OF DORMONT

RESOLUTION 02-2015 OVERHANGING SIGNAGE APPROVAL

A RESOLUTION OF THE BOROUGH OF DORMONT IN THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE BUSINESS LOCATED AT 3267 WEST LIBERTY AVENUE TO PLACE BANNER SIGNAGE ON THEIR FAÇADE THAT OVERHANGS THE SIDEWALK.

WHEREAS, Section 181-22 of the Code regulates projection in the area of a sidewalk in the Commercial Zoning District; and

WHEREAS, Section 181-22 prohibits any projections over the area of a sidewalk in the Commercial Zoning District unless approved by a Resolution of the Borough Council; and

WHEREAS, the owner of the property located at 3267 West Liberty Avenue, Ms. Mary Pernatozzi, has requested Council authorization to place banner signage on the façade that will overhang the sidewalk: and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Dormont, Allegheny County Pennsylvania, in meeting assembled, and it is hereby resolved by the authority of the same, that the owners of 3267 West Liberty Avenue are permitted to place banner signage on their façade that overhangs the sidewalk as described in their application.

ADOPTED this 2nd day of February, 2015

ATTEST:

BOROUGH OF DORMONT

Jeffrey Naftal
Borough Manager

Willard McCartney
Council President

South Hills Beauty Academy
3267 West Liberty Ave
Pittsburgh PA 15216

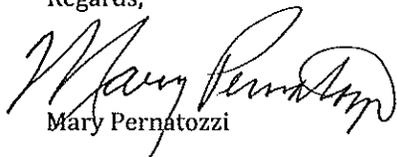
January 14, 2015

Borough of Dormont
Zoning Department
1444 Hillsdale Avenue
Pittsburgh, PA 15216
Attention Jeff Naftal

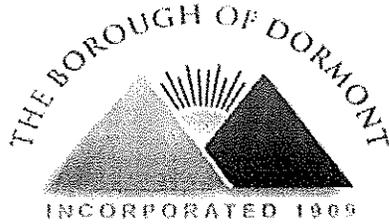
Project
South Hills Beauty Academy
3267 West Liberty Ave
Pittsburgh, PA 15216

This letter is to request that the South Hills Beauty Academy zoning permit application be added to the February 2, 2015 meetings agenda to review and respectfully approve the installation of (5) five 2-0 wide X 5-0 long banners.

Regards,



Mary Pernatozzi



BOROUGH OF DORMONT - ZONING PERMIT APPLICATION

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached survey and/or to use the premises for the purposes described herewith. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of a permit, without approval of the Zoning Official, shall constitute sufficient ground for the revocation of permit.

A. LOCATION, OWNERSHIP AND PRESENT USE OF PROPERTY:

1. Street Address	3269 WEST LIBERTY AVE	
2. Deed Owner	MARY PERNATOZZI & FREDERICK W	
3. Owner's Address	58 MULLOY ST PITTSBURGH PA 15227	
4. Present Tenant	SOUTH HILLS BEAUTY ACADEMY	
Does tenant have Owner's Consent for proposed work?	YES	
5. Present Use of Structure (#of families if applicable)	RETL/OFF OVER	
6. Present Building	COMMERCIAL	
7. Present Use of Land	RETL/OFF OVER	
8. Site is Located in	C	Zoning District as shown on the Zoning Map.

B. PROPOSED USE OF STRUCTURE AND/OR LAND:

1. Type of Work	BANNERS	Select one from the list.
2. Proposed Use of Structure (#of families if applicable)		C
3. Proposed Use of Land	C	
4. Description of Work	INSTALL (5) 2'-0" X 5'-0" AWINGS	
Estimated Cost: \$	\$ 2,347.00	
5. Contractor Name and License No.	JACKOVIC CONSTRUCTION COMPANY	

c. APPLICANT:

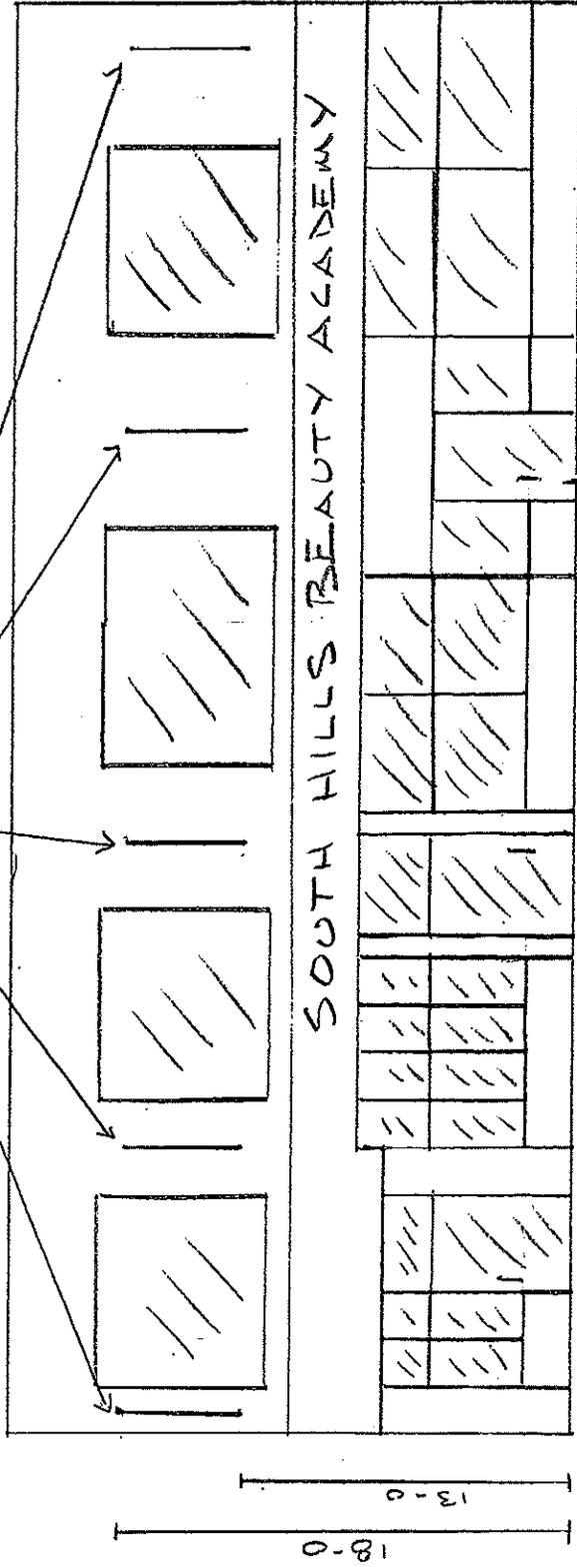
1. Name of Applicant	ALLEN JACKOVIC
2. Address of Applicant	300 MT LEBANON BLVD SUITE 211-A PITTSBURGH PA 15234
3. Owner's Signature	<i>Mary Pernatozzi</i>
4. Applicant's Telephone Number	412-668-0166
5. Applicant's Signature	<i>Allen Jackovic</i>

D. REFERENCES:

1. Plan is attached hereto	
2. Diagram is attached hereto	X

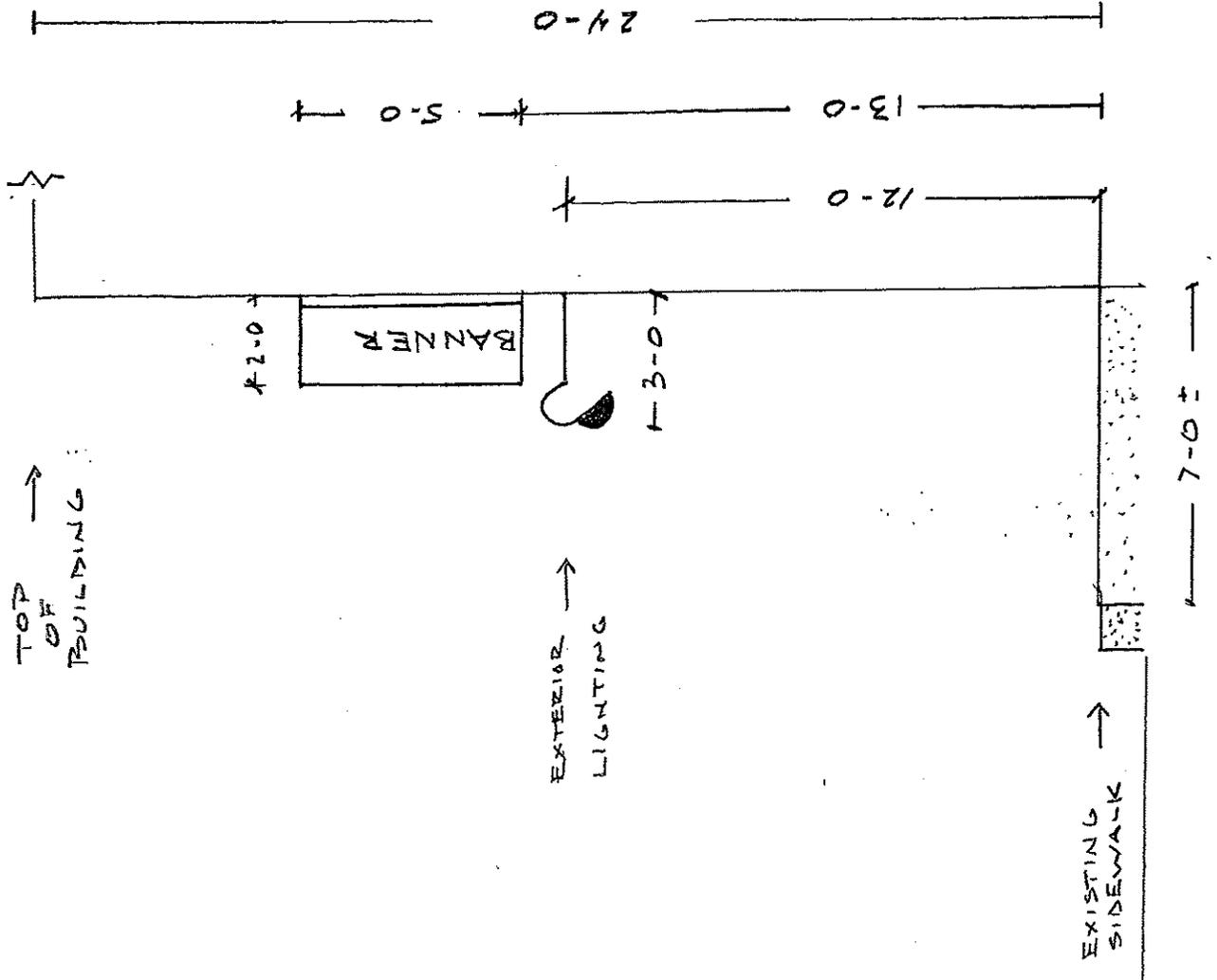
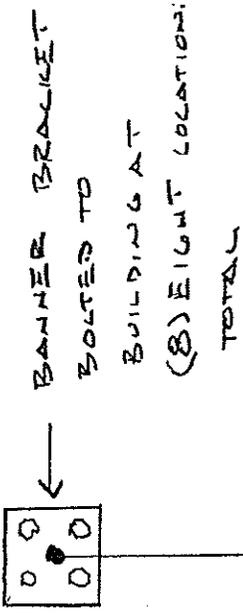
NOTE: AN OCCUPANCY PERMIT MAY BE REQUIRED UPON COMPLETION OF WORK. FAILURE TO SUPPLY ALL REQUESTED INFORMATION SHALL RESULT IN THE APPLICATION BEING REJECTED AND RETURNED.

FIVE
PROPOSED BANNER
2'-0" x 5'-0"



SOUTH HILLS BEAUTY ACADEMY
3269 WEST LIBERTY AVE
PITTSBURGH PA 15216

SOUTH HILLS BEAUTY ACADEMY
3269 WEST LIBERTY AVE
PITTSBURGH PA 15216



Going to Pittsburgh

MONTHLY
ENROLLMENT

COSMETOLOGY
HAIR DESIGN

CALL NOW
412-561-3381

MANICURING
NAIL DESIGN

SKIN CARE
MAKEUP

Going to Lebo

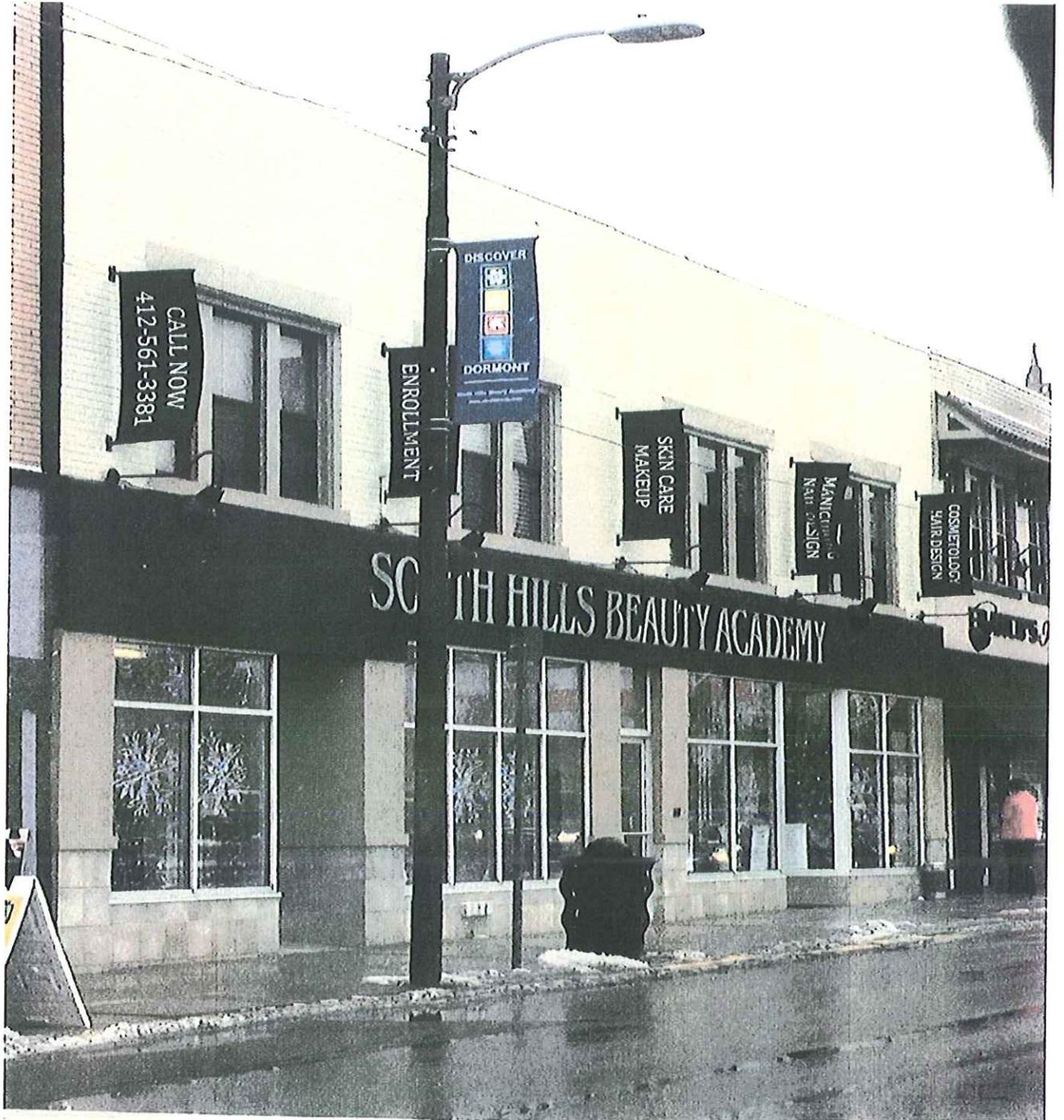
MONTHLY
ENROLLMENT

COSMETOLOGY
HAIR DESIGN

CALL NOW
412-561-3381

MANICURING
NAIL DESIGN

SKIN CARE
MAKEUP





MEMORANDUM

Date: January 22, 2015
To: President, Vice-President, Council and Mayor
From: Jeff Naftal, Borough Manager *gn*
Subject: Ordinance No. 1605 – Adoption of New Zoning Code

Background:

When the Borough adopted its new Comprehensive Plan in early 2014, Council directed me to proceed with a rewrite of the Borough's Zoning Code. That rewrite was necessary for a number of reasons: 1) It hadn't been rewritten since 1995; 2) State law requires that Zoning Codes follow the guidelines in Comprehensive Plans; and, 3) The Comprehensive Plan itself calls for the Zoning Code to be revised with an entire section about this, including this lead-in:

Zoning for the future in Dormont means accommodating growth and new uses while preserving what makes Dormont unique and livable today. The Borough's zoning code is quite straightforward. While its simplicity has its benefits, the code currently fails to address certain trends and needs in the community. Changes to the zoning code could support commercial health, encourage residential growth, improve parking, and enhance the appearance of the Borough.

Discussion:

Over the next 8 months, I worked on a complete rewrite of our Zoning Code. For the most part, I started from scratch except for the sections related to Administration. I broke the development of the Zoning Code into two phases. Phase I dealt with the definitions and the new districts. Phase II dealt with the supplemental regulations that address specific uses and things such as parking, landscaping and signage. At the completion of each phase, the Planning Commission held a public workshop to discuss the language developed in that phase. In addition, for each phase our website was open with an online comment form that about a half dozen people used to submit their comments. Following the completion of Phase II with all modifications made, both phases were integrated into a single comprehensive document.

That document was then sent to Allegheny County's Planning Department for their review as well as to the Planning Commission for their review and to the Solicitor for his review. The Planning Commission then held their third public meeting on the Zoning Rewrite, this time at a formal meeting wherein they recommended approval of the new Zoning Code. We received after that meeting comments from the County. I took all comments from the Planning Commission, Allegheny County, and the Solicitor and incorporated them into the document you have in front of you and which is online on the Zoning Rewrite page of our website.

Pursuant to State law, we are required to have a Public Hearing on the draft Zoning Code at which Council and the public can discuss the draft but at which no formal action will take place. That is scheduled for the February 2, 2015 Council Meeting and the attached Notice was advertised as required. We will then place this back on the agenda at the March 2, 2015 Council Meeting for Council to formally approve Ordinance No. 1605, also attached, which will adopt the new Zoning Code. If approved by Council, the new Zoning Code would be in effect on March 3, 2015.

The Notice that is attached outlines the major highlights of this new Zoning Code. The PowerPoint presentation that is attached provides a greater level of detail and is a melding of the presentations done at the three Planning Commission public hearings on this draft. I encourage Council and the public to review both of these documents to get a feel for what they are looking at when they review the actual draft Zoning Code, which is 152 pages. I have also attached a copy of the draft Zoning Map which shows the new districts so that Council and the public can identify their district for informational purposes.

Effective after the February 2, 2015 meeting, all requests for zoning approval will either need to wait until after March 2, 2015 to determine if the draft Zoning Code passes or they can choose to develop under the draft Zoning Code rules with the understanding that there is a possibility the new Zoning Code will not be approved. We have already had interest from three business owners about utilizing some of the changes to address their buildings. One of the key enhancements for our businesses is that overhanging signs will be permitted should the draft Zoning Code be adopted.

Recommendation:

I recommend that Council add Ordinance No. 1605 to the March 2, 2015 Council Meeting agenda as an Action Item.

JN

Cc: Planning Commission
Zoning Hearing Board

BOROUGH OF DORMONT
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1605

AN ORDINANCE OF THE BOROUGH OF DORMONT
ALLEGHENY COUNTY, PENNSYLVANIA
ADOPTING THE BOROUGH OF DORMONT ZONING ORDINANCE OF 2014

WHEREAS, the Borough Council of the Borough of Dormont desires to adopt a new comprehensive zoning ordinance that is designed to preserve and build upon the Borough's Traditional and Historic Character.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Dormont as follows:

1. Amendment to Chapter 210 of the Code of the Borough of Dormont, entitled "Zoning" is hereby amended by deleting the existing text of such Chapter in its entirety and substituting in lieu thereof the text of the "Borough of Dormont Zoning Ordinance of 2014" a copy of which is attached hereto as Exhibit "A" and incorporated herein.
2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity, or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Dormont that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

ORDAINED AND ENACTED into law this ____ day of _____, 2015.

ATTEST:

BOROUGH OF DORMONT

By: _____
Jeffrey Naftal
Borough Manager/Secretary

By: _____
Willard McCartney
President

Examined and approved by me this ____ day of _____, 2015.

By: _____
Phil Ross
Mayor

Public Meeting and Ordinance Advertisement

NOTICE IS HEREBY GIVEN that the Council of the Borough of Dormont, Allegheny County, Pennsylvania (the "Borough") will hold a public meeting on February 2, 2015 at 7:00 p.m. at the Borough's municipal building, 1444 Hillsdale Avenue, Pittsburgh, Pennsylvania 15216 to consider the passage of the proposed rewritten Borough's Zoning Ordinance and Zoning Map:

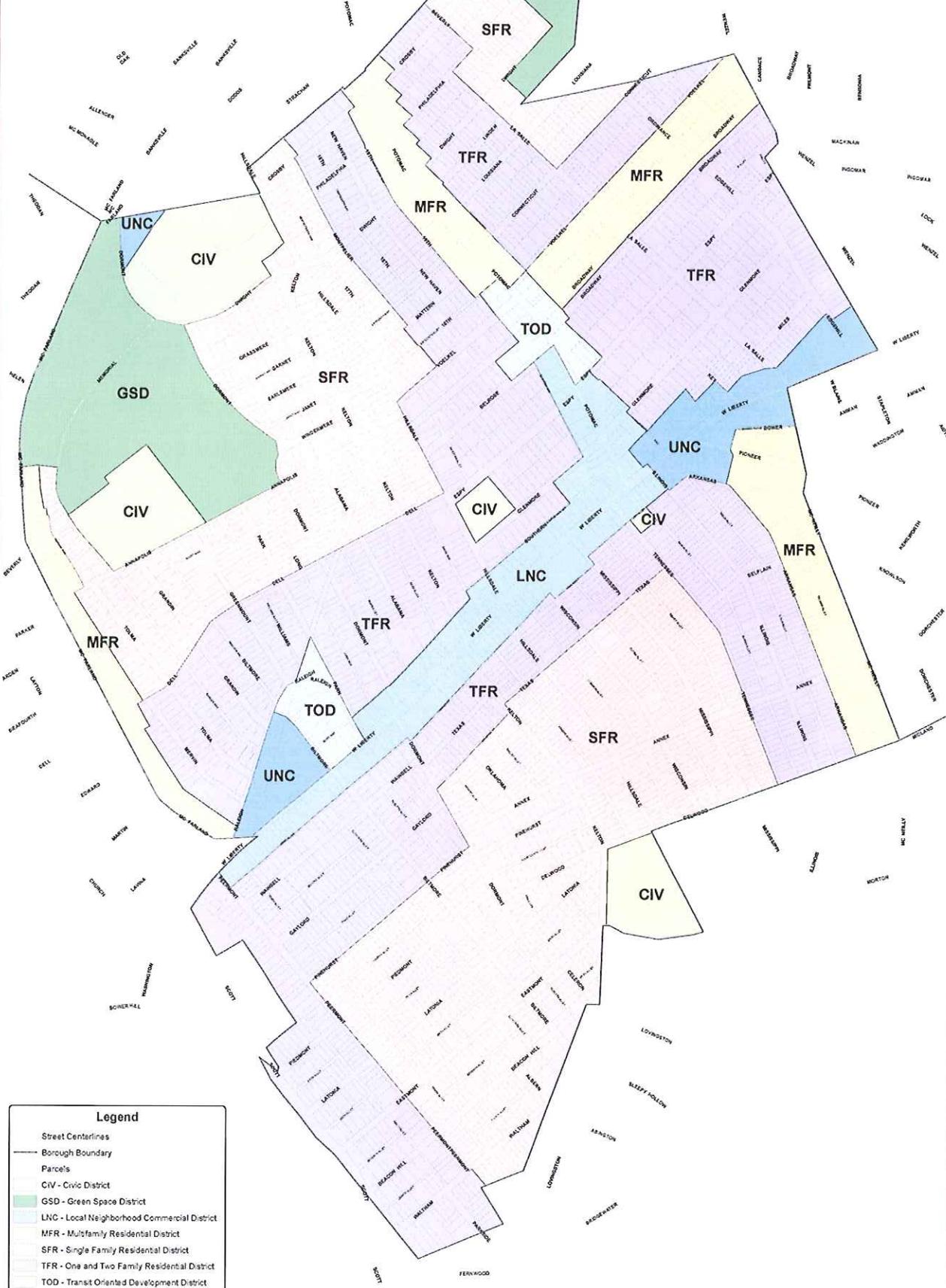
AN ORDINANCE OF THE BOROUGH OF DORMONT ADOPTING THE BOROUGH OF DORMONT ZONING ORDINANCE OF 2014

The following is a summary of the major changes with the passage of this Ordinance:

1. New Zoning Districts including a split of the commercial zoning district into two distinct districts, a new district for government buildings, and a new district for transit-oriented developments.
2. Renamed Zoning Districts for the three residential districts and the park district.
3. A new Zoning Map which places all of the new districts so that higher density uses are near higher density development and lower density districts are near lower density development.
4. All new district regulations designed to provide greater flexibility for property owners who wish to develop or redevelop their properties.
5. All new supplemental regulations designed to ensure that all commercial uses in the Borough reflect the nature and character of the community and provide for enhanced marketability of our business areas.
6. New parking regulations designed to provide greater flexibility in new development.
7. New landscaping regulations designed to provide greater green space in the Borough and preserve green space where appropriate.
8. New signage regulations designed to provide businesses with greater flexibility including allowing overhanging signs for greater visibility.

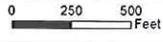
A copy of the full text of the proposed Zoning Ordinance and Zoning Map may be examined by any citizen at the Borough's municipal building 1444 Hillsdale Avenue, Pittsburgh, Pennsylvania 15216, between the hours of 8:30 A.M. and 4:30 P.M. on regular business days.

Borough of Dormont Proposed Zoning Districts Map



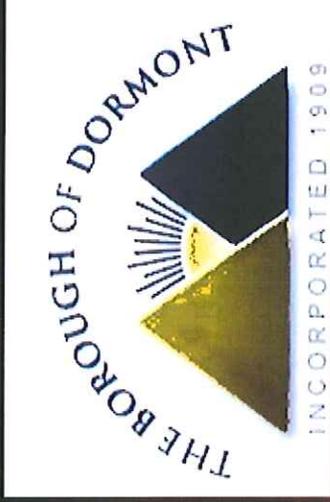
Legend

- Street Centerlines
- Borough Boundary
- Parcels
- CIV - Civic District
- GSD - Green Space District
- LNC - Local Neighborhood Commercial District
- MFR - Multifamily Residential District
- SFR - Single Family Residential District
- TFR - One and Two Family Residential District
- TOD - Transit Oriented Development District
- UNC - Urban Neighborhood Commercial District



*The purpose of this map is as a graphic representation and should not be used as a legal document.



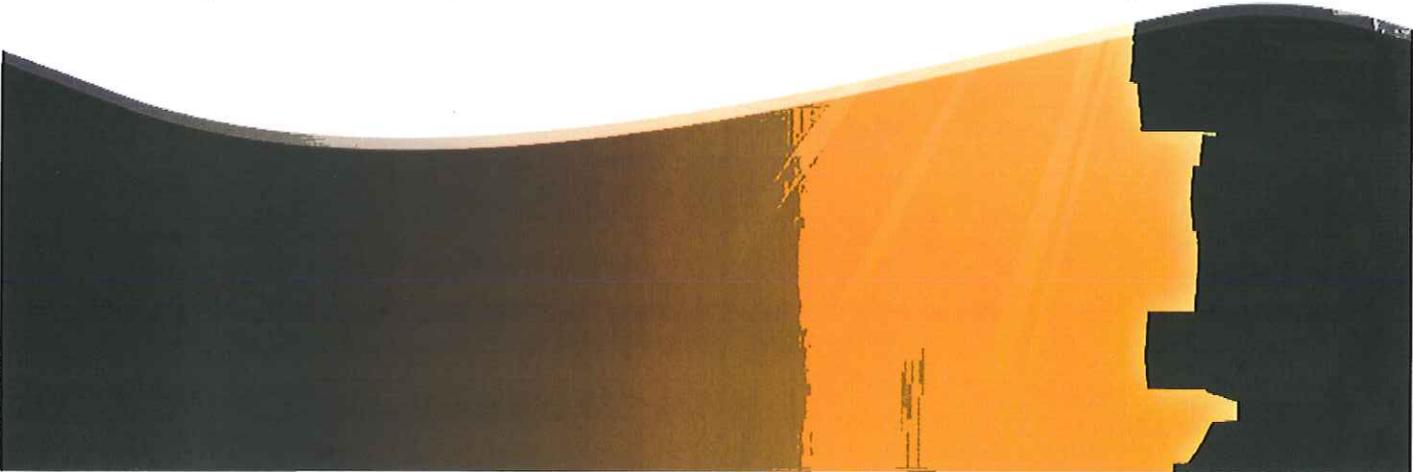


ZONING CODE REWRITE

Dormont Borough Council

Public Hearing

February 2, 2015



Agenda:

- Why the Rewrite?
- Overview of the New Zoning Code.
- Definitions.
- Current and New Districts.
- Supplemental Regulations.
- Parking.
- Landscaping.
- Signage.
- Administration and Enforcement.
- Next Steps.

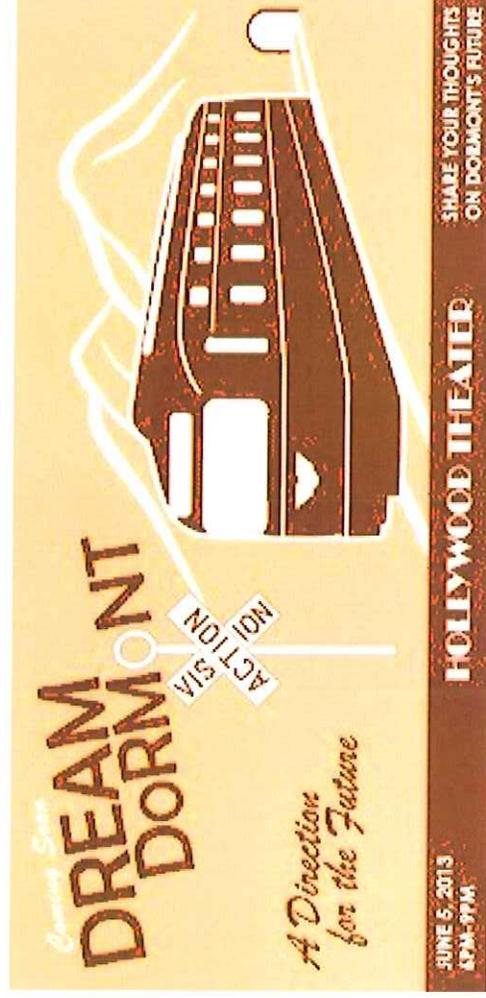
Why the Rewrite?

- The Zoning Code was last rewritten completely in 1995.
- Piecemeal modifications have occurred since that date.
- The new Dream Dormont Comprehensive Plan envisions modifications to the Zoning Code.
- The single commercial zoning district provides only minimal restrictions of business types.



Why the Rewrite? To Craft a Zoning Code That:

- Implements the recommendations of the Comprehensive Plan.
- Incorporates land use-based and form-based provisions.



Why the Rewrite?

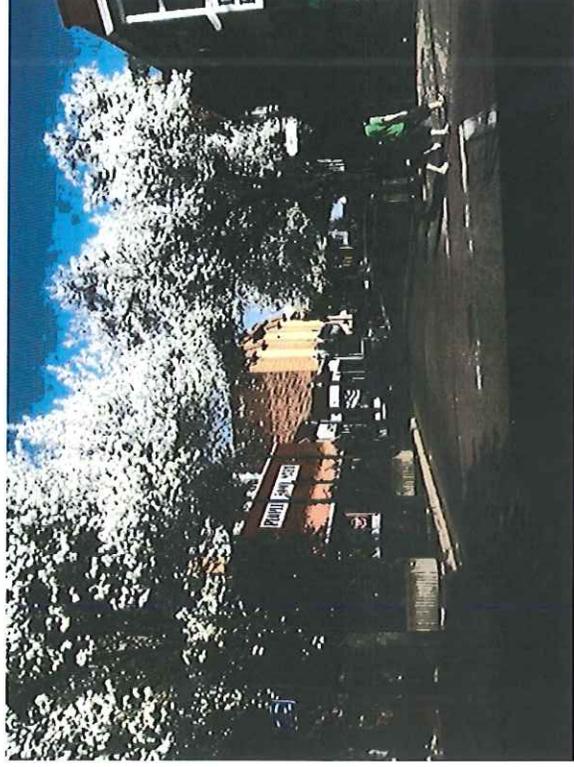
To Craft a Zoning Code That:

- Includes mixed-use zoning districts and traditional neighborhood development.
- Promotes high-quality, context-sensitive infill and redevelopment projects.
- Links land use and transportation, promoting transit-oriented and traditional neighborhood development.
- Promotes a sustainable built and natural environment.



Overview of the New Zoning Code

Unifying Principles



- Zoning Districts should be based on the Borough's inherent character and valued places.
- Zoning should include an increased emphasis on urban form.
- The Zoning Code should be simplified where possible, but must retain complexity where needed.
- The process should include multiple opportunities for public input.

Overview of the New Zoning Code

'Big Picture' Ideas

- Lower density away from high traffic, higher density close to high traffic.
- Higher intensity businesses restricted to each end of West Liberty Avenue.
- Civic areas and green space areas clearly identified.
- All districts designed to maintain the Borough's character.



Definitions

More is Better

FLOOR-AREA RATIO

The floor-area ratio (FAR) is the ratio of the gross square footage of structures on a site to the gross square footage of the site. For example, an FAR of 1.0 on a 10,000 square foot site could be achieved with a one-story building of 10,000 square feet, a two story building in which each floor measures 5,000 square feet, a four story building in which each floor measures 2,500 square feet, etc. The FAR controls the density of the site. A high FAR will allow higher densities than a low FAR. FAR allows flexibility in design while controlling for overall building size. The FAR is used in conjunction with height limits, setbacks, and lot coverage to arrive at acceptable densities and design of a development.

FRONT YARD

See "yard, front."

FUNERAL HOME

An establishment engaged in undertaking services such as preparing the human deceased for burial, and arranging and managing funerals, including mortuaries and crematoria.

GARAGE, COMMUNITY

A single building or group of minor garages erected for the use of adjacent property owners or residents of multifamily structures for the storage of automobiles and not for the repair and maintenance thereof.

GARAGE, PRIVATE

An accessory building, housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GARAGE, PRIVATE DETACHED

An accessory building housing only motor vehicles, the property of and for the use of occupants of the premises on which the garage is located. Any such detached garage, notwithstanding any other provision of this chapter, shall house no more than three vehicles, contain no more than 700 square feet of area and will be no higher than 12 feet measured from the grade to the eaves and be no closer than 10 feet from any side yard and no closer than five feet from any rear yard.

GARAGE, PUBLIC

Any garage other than a private garage, available to the public, and which is used for storage, parking, repair, rental, greasing, washing, servicing, adjusting or equipping of motor-driven vehicles.

GARDEN APARTMENT

A garden-type apartment is one which is generally located in a structure containing not less than six units and up to 24 units; usually not exceeding three stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and frequently exhibiting different facades and design features between structures in a garden apartment complex.

GROCERY STORE

A retail store, the primary function of which is the sale of staple goods and other basic life necessities.

- Definitions of businesses requiring special conditions.
- Definitions of businesses whose size determines location.
- Definitions of technical terms to help owners understand the rules.
- Floor-Area Ratio – A new way to determine how large a structure can be.

Current and New Districts

What You Will See

- Each district has uses permitted outright. Some districts have uses permitted as a conditional use and some as a special exception.
- Each district has accessory uses.
- Each district has development standards.
- Each district's intent is clearly defined.



Current and New Districts Comparison

Proposed District	Current District	Lot Area	Lot Coverage	Height Limit	Setbacks
SFR – Single-Family Residential	R-1 – Single-Family Residential	2,500 s.f.	45% or 1,000 s.f. + 20% of the lot area for lots less than 5,000 s.f.	25 feet	Front and Rear Yard = 30 feet Side Yard = 3 feet
TFR – One- and Two-Family Residential	R-2 – One- and Two Family Residential	3,600 s.f.-1 family; 4,400 s.f. -2 family; 2,200 s.f.-townhomes	55%	35 feet	Front and Rear Yard = 40 feet Side Yard = 5, 7 or 10 feet
MFR – Multifamily Residential	R-3 – Multifamily Residential	7,000 s.f.-multifamily	65% but 80% for multifamily	3 stories and 40 feet	Front and Rear Yard = 25 feet Side Yard = 5 feet
TOD – Transit Oriented Development District	N/A	Floor Area Ratio = 2.5	85% but 95% for mixed-use development	3 stories and 40 feet = minimum; 90 feet = maximum	Clear Zones of at least 8 feet are called for
LNC – Local Neighborhood Commercial	C – Commercial	Floor Area Ratio = 2.0	90%	3 stories and 40 feet	Front and Rear Yard = 10 feet Side Yard = 5 feet
UNC – Urban Neighborhood Commercial	C – Commercial	Floor Area Ratio = 2.5	95%	4 stories and 50 feet	Front and Rear Yard = 10 feet Side Yard = 5 feet
CIV – Civic	N/A	Floor Area Ratio = 0.6	60%	3 stories and 45 feet	Front Yard = 5 feet Rear Yard = 15 feet Side Yard = 5 feet
GSD – Green Space	P-1 – Public Park	Must be approved by Planning Commission	10%	2 stories and 25 feet	Front and Rear Yard = 30 feet Side Yard = 20 feet

Current and New Districts

Highlights

- Lot Coverage and Setback changes should allow property owners more flexibility.
- Transit oriented development encouraged around 'T' Stops.
- High intensity and other specified businesses restricted to either end of West Liberty Avenue.
- Additional Green Space area identified.
- High intensity residential uses restricted to main roads.

Supplemental Regulations Specificity to Ensure Quality

- There are 44 Supplemental Regulations.
- Some are for clarity, some are to protect the Borough and some are required by State law.
- Some are new and some have been expanded.
- Higher intensity or more objectionable uses have more regulations.

12. DAY CARE CENTER.

Stand-alone day care centers are permitted as conditional uses in the MFR District and home occupation day care centers are permitted as conditional uses in the SFR, TFR and MFR Districts as conditional uses only if:

- A. Apply for and obtain any required state license with the Commonwealth of Pennsylvania;
- B. Comply with all applicable building (including exiting requirements), fire safety (including requirements for sprinkler systems), and health code requirements;
- C. Conform to lot size, building size, setbacks and lot coverage standards applicable to the zoning district in which the facility is located.
- D. Comply with all signage requirements applicable to the zoning district in which the facility is located whenever signage is proposed;
- E. A day care center cannot be located within 150 feet from any existing adult entertainment facility, as described in Article XII and defined in Article II;
- F. Limit hours of operation to facilitate neighborhood compatibility, while at the same time providing appropriate opportunity for person(s) who use child care facilities and who work a nonstandard work shift;
- G. All outdoor play areas shall be located in a fenced area in the rear of the building. A five (5) foot landscaped buffer shall be provided along any boundary with an adjacent residential lot.

Parking

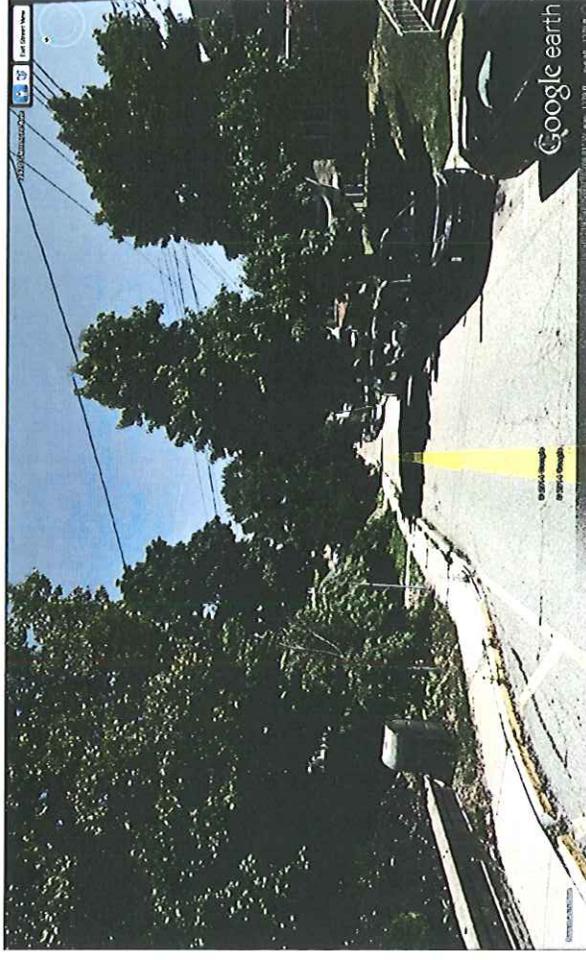
Flexibility to Encourage Development

- Each type of use has its own parking requirements.
- Parking requirements are designed to provide adequate parking without discouraging development.
- Residential parking requirements are made more flexible.
- Parking space sizes are provided for more flexibility.
- Alternatives and waivers are provided for minimum parking requirements.



Landscaping Greening the Borough

- New section to the Zoning Code.
- Supplements the Borough's Shade Tree Ordinance.
- Provides for varying types of landscaping.
- Includes fence requirements.
- Provides for the implementation of suggested trees and shrubs.
- Provides for the preservation of trees where possible.



Signage

More Flexibility, Less Visible « Noise »

- Signage definitions are enhanced, including with graphical representations where appropriate.
- Signs generally permitted or prohibited are clearly identified.
- Specific signage requirements by district are delineated.
- Overhanging signs will now be permitted with restrictions.
- Electronic Display signs will now be permitted with restrictions.



Administration and Enforcement

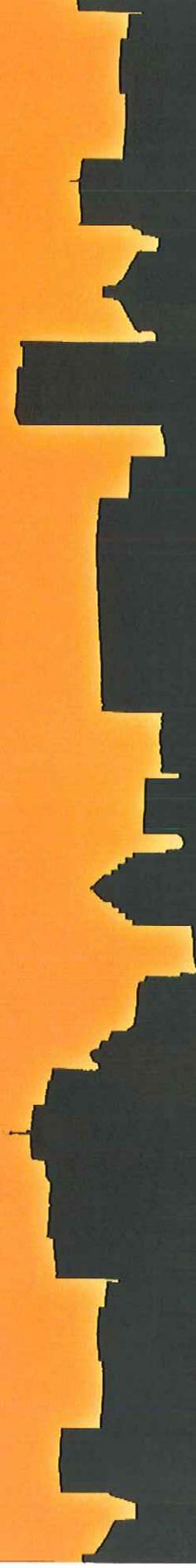
Improve our Strengths, Eliminate our Weaknesses

- Almost everything that doesn't meet the requirements of the new Zoning Code is allowed to remain until the use changes or the structure is more than 50% destroyed.
- Non-Conforming Window Signs are permitted to stay for 1 year.
- Existing check cashing, pawn shops, tattoo parlors and adult businesses will have 1 year to comply with all new regulations except for location by separate ordinance.
- Zoning Hearing Board increased from 3 to 5 members.



Next Steps and Questions

- Council Adoption
- How do these changes affect my property?
- When can I start using the new Zoning Code?



Chapter 210

ZONING

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ARTICLE I - General Provisions

§ 210-1. Title.

The official title of this chapter is the "Dormont Borough Zoning Ordinance."

§ 210-2. Authority.

This chapter is adopted by virtue of the authority granted to the Borough by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, as may be amended from time to time.

§ 210-3. Interpretation.

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

§ 210-4. Community development objectives.

Community development objectives are set forth in the Dormont Borough Comprehensive Plan Update adopted by the Borough Council on March 3, 2014. In addition to the specific objectives stated in the 2014 Comprehensive Plan Update, the general community development objectives on which this chapter is based are:

- A. To promote and protect the public health, safety and welfare of the residents of the Borough and of the public, generally.
- B. To encourage and facilitate orderly community growth and development.
- C. To protect the character and maintain the stability of the residential and commercial areas within the Borough.
- D. To provide adequate light, air, amenities and access to properties.
- E. To guide development in order to provide adequate and economical community facilities and utilities.
- F. To divide the Borough into various zoning districts, restricting and regulating therein the location, construction, alteration and use of buildings, structures and land.
- G. To prevent the incompatible development or use of land and to prevent blighting conditions and hazards in travel and transportation.

- H. To conserve and stabilize property values through encouragement of the most appropriate use of land in relation to adjacent land uses.
- I. To promote conservation of the environment and other natural and historic features.
- J. To implement the 2014 Dormont Borough Comprehensive Plan Update.

§ 210-5. Compliance.

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

ARTICLE II - Definitions

§ 210-6. Word usage.

All words used in this chapter shall carry their customary meanings except where specifically defined. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged, designed to be used or occupied." The word "person" shall include an individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender include the feminine gender.

§ 210-7. Definitions.

The following words and phrases shall have the particular meanings specified for the purpose of this chapter:

ACCESSORY BUILDING or ACCESSORY USE

A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use.

- A. An accessory use includes, but is not limited to, the following:
 - (1) Children's playhouse, garden house or private greenhouse.
 - (2) Civil defense shelter serving not more than two families.
 - (3) Carport, utility shed, shed or building for domestic storage.
 - (4) Storage of merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations.
 - (5) Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by district regulations.

- (6) Nonpaying guesthouse or rooms for nonpaying guests within an accessory building, provided that such facilities are used for the occasional housing of guests or occupants of the principal building and not for permanent occupancy by others as housekeeping units.
- (7) Servants' quarters or servants' house.
- (8) Off-street motor vehicle parking area; loading and unloading facility.
- (9) Home occupation.
- (10) Fence or sign.

B. All accessory uses shall be governed by Articles III through XII of this Chapter.

ADULT ARCADE

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

ADULT BOOKSTORE or ADULT VIDEO STORE

- A. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- B. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "adult bookstore" or "adult video store." Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

ADULT CABARET

A nightclub or bar or similar commercial establishment which regularly features:

- A. Persons who appear in the state of nudity;

- B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL

A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
- B. Offers sleeping rooms for rent four or more times in one calendar day during five or more calendar days in any continuous thirty-day period.

ADULT MOTION-PICTURE THEATER

A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or other photographic reproductions are shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT NOVELTY STORE

Any commercial establishment offering one (1) or more of the following items for sale to the general public: apparel, accessories and performance aids used to enhance or participate in sexual conduct.

ADULT THEATER

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

ADVERTISING SIGN

See "sign" and "billboard."

AIR-CONDITIONING UNIT

A whole house conditioner either in front or back but as close as possible to the center of the home.

ALLEY

A service way providing a secondary public means of access to abutting properties, or a way as shown on a recorded plan.

ALTERATIONS

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

AMUSEMENT ARCADE

Any establishment displaying seven or more amusement devices including but not limited to pool tables, air hockey, "pong" games, mechanical rides for children, electronic games, and shooting gallery types of games.

ANIMAL CARE (LIMITED)

This is any establishment providing small animal (household pets) boarding or veterinary services with no outside runs, not including lab animals.

APARTMENT

A room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

APARTMENT HOUSE

Any type of building used by three or more families living independently of each other and containing dwelling units.

AREA

The size of a building or land parcel in square feet or acres.

AREA, BUILDING

The total of areas taken on a horizontal plane from ground to the sky of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AREA, FLOOR

The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls, or from the center line of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the floor area of a building or buildings shall include basement space, penthouses, attic space providing structural headroom of 7 1/2 feet or more, interior balconies and mezzanine enclosed porches, accessory uses other than accessory off-street parking, lobbies and hallways. For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein, and fitting and dressing rooms.

ART OR MUSIC STUDIO

An establishment serving as a studio for art, music or photography.

AUTOMOBILE

A self-propelled, free-moving vehicle, primarily used for personal conveyance on a public street or way.

AUTOMOBILE LAUNDRY or CAR WASHING FACILITY

A structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles, but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be an "automobile laundry" under this definition.

AUTOMOBILE AND/OR TRAILER SALES AREA

An open area, other than a street or way, used for the display of new and/or used automobiles or trailers, and where minor and incidental repair work (other than body and fender repair) may be done.

BANK OR FINANCIAL INSTITUTION

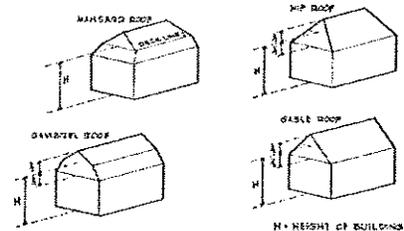
Any establishment serving as a bank; savings and loan, credit union or other financial institution.

BASEMENT

A room or rooms partially underground, but having more than 1/2 of its height above the average level of the adjoining ground. A "basement" shall not be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is five feet or more or if the basement is used for business or dwelling purposes.

BASIC HEIGHT LIMIT

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.



BILLBOARD

A structure, building wall or other outdoor surface used to display lettered, pictorial, sculptured or other matter which directs attention to any product, commodity or service offered only elsewhere than on the premises or as a minor and incidental service on the premises.

BOARD

The Zoning Hearing Board of the Borough of Dormont.

BOROUGH

The Borough of Dormont.

BUFFER AREA

A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUILDING

A structure or appendage to a structure which is permanently affixed to the land, has one or more floors or stories and is bounded by either lot lines or yards. A building may accommodate more than one family and have more than one dwelling unit and may be used for residential, commercial, manufacturing, public or semipublic purposes.

BUILDING HEIGHT

The vertical distance measured from the lowest elevation of the finished grade around 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 eave and ridge for gable, hip and gambrel roofs.

BUILDING INSPECTOR or BUILDING OFFICIAL

The Building Official of the Borough of Dormont. The terms "Building Inspector" and "Building Official" are identical terms.

BUILDING SETBACK LINE

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include walks, steps or terraces.

BULK

The term used to describe the size of buildings or other structures and their relationship to each other, to open area such as yards and also to lot lines and includes the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called "density"); and all open areas in yard space relating to buildings and other structures.

CARPORT

A structure with a roof, no walls and four corner supports, but containing no side sections and which shall be no less than 10 feet from the side yard of any adjacent property, 20 feet from the rear yard line of any adjacent property and shall stand in measurement no more than 10 feet by 20 feet with a height of no more than 14 feet.

CARTWAY

The paved portion of a public road or street as measured from the inside face of the curbing.

CELLAR

A portion of a building having 1/2 or more of its height below the average grade of the adjoining ground. In a dwelling, a cellar may not contain living quarters.

CEMETERY

Land used or intended to be used for the burial of dead humans and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such property.

CENTER LINE OF STREET

See "street center line."

CHARITABLE

As applied to any entity, organization, group, business, use, operation or function, means and connotes that the use, business, operation, etc., is conducted not for profit, regardless of the nature or purpose thereof, and shall include those entities which have been designated "charitable" entities under the provisions of the Pennsylvania Solicitation of Charitable Funds Act, the Act of August 9, 1963, P.L. 628, Editor's Note: The Solicitation of Charitable Funds Act was repealed by Act of April 30, 1986, P.L. 107, No. 36. For current provisions, see the Charitable Organization Reform Act, 10 P.S. § 161.1 et seq. or under any of the provisions of the United States Internal Revenue Code or of any laws, regulations or rules enacted thereunder.

CHECK CASHING

An establishment engaged in some or all of a variety of financial services including cashing of checks, warrants, drafts, money orders or other commercial paper securing the same purpose; deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; money transfers, payday advances; issuance of money orders; distribution of governmental checks and food stamps; payment of utility bills; issuance of bus passes and tokens; sale of phone cards and similar uses. This use shall not include a Bank or Financial Institution as defined in this Chapter. This use shall not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a minimum flat fee as a service to its customers, incidental to the main use of the establishment.

CHURCH, CATHEDRAL or TEMPLE

Includes any or all of the following: church, manse, rectory, convent, parish school or similar building incidental to the particular use; school for religious education; convents and other buildings for the housing of students and teachers, communicants and domestic or maintenance employees, but not including business offices, except those administrative offices housed within the structure or rescue missions or the occasional use for religious purposes of properties not regularly so used.

CLINIC, MEDICAL or DENTAL

A facility for the outpatient diagnosis and treatment of human ailments not involving twenty-four-hour-per-day operation and not involving sale of drugs or foodstuffs on the premises.

CLUB (LIMITED)

Any club that does not provide, sell or allow the consumption of intoxicating beverages on the premises and is not more than 2,400 square feet in net floor area.

CLUB (GENERAL)

Any club that provides, sells or allows the consumption of intoxicating beverages on the premises or is more than 2,400 square feet in net floor area.

COMMISSION

All references to the "Commission" are to be the Borough of Dormont Planning Commission.

COMMUNICATIONS FACILITIES

Towers, antennas and associated structures operated by any person, agency or corporation who or which furnishes mobile cellular radio telecommunications services, radio, television and/or other communications services for public or private use, excluding, however, police, fire and emergency transmissions by governmental units.

COMMUNITY BUS SHELTER

Any structure, as defined by this section, the purpose of which is to provide shelter and a waiting area to persons waiting for, entering or exiting public bus service.

CONDITIONAL USES

Those uses of property allowed in certain districts of the Borough, not as a matter of right, but after approval of the governing body upon recommendation of the Planning Commission and upon the meeting of certain conditions that may be imposed thereon.

CONDOMINIUM

A unit or concept of ownership as defined in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.

CONVERTED HOUSE TRAILER

A trailer rendered immobile and placed on either a temporary or permanent foundation for use as sleeping or living quarters (but still considered as a mobile home).

CORNER LOT

A lot bounded on adjacent sides by intersecting streets. On through lots, the front lot line shall be located on the side having principal access. The required setback on all sides bounded by a street shall equal the building setback line of the district in which the corner lot is situated. With regards to decorative fences, the established front yard will be the yard facing the street or road bearing the mailing address of the property. The other yard will be considered the side yard and shall be required to comply with the front yard requirements regarding fences.

COUNCIL

All references to the "Council" are to the Council of the Borough of Dormont.

COVERAGE

That percentage of the lot area covered by the building area.

CULTURAL SERVICE

A museum or similar use engaged in the collection, display or preservation of objects of community or cultural interest in on or more of the arts or science.

DAY-CARE CENTER or DAY NURSERY

A school designed to provide daytime care or instruction for two or more children of preschool age supervised by responsible adults, whose numbers shall be determined by the sponsoring agency or persons establishing the same and who meet all applicable state and federal requirements, if any, for operation of the same.

DENSITY, BUILDING

Maximum number of dwelling units permitted per acre or per lot.

DENSITY, POPULATION

Maximum hypothetical number of persons per acre or per lot.

DISTRICT, ZONING

A section of the Borough for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are established.

DWELLING

A building designed or used exclusively as the living quarters for one or more families.

DWELLING, GROUP

A group of two or more one-family, two-family or multiple-family dwellings occupying a lot in one ownership and having a yard in common.

DWELLING, MULTIPLE-FAMILY

A dwelling or group of dwellings on one plot or lot containing separate living units or dwelling units for three or more families, but which may have joint services or facilities, or both, and not exceeding three stories in height. Also called Multifamily Dwelling.

DWELLING, MULTISTORY MULTIPLE-FAMILY

A multiple-family dwelling of more than three stories, but not exceeding seven stories and 75 feet in height, unless further restricted in district regulations herein.

DWELLING, SINGLE-FAMILY

A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances.

DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for one family.

EDUCATIONAL CLASSROOM SPACE

An establishment which conducts classes from kindergarten through college or other higher learning institution.

ENLARGEMENT

An addition to the floor area of an existing building, an increase in size of another structure or an increase in that portion of a tract of land occupied by an existing use.

ESCORT

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

ESCORT AGENCY

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

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead: gas, electrical, steam or water transmission or distribution systems or collection, communication, supply or disposal systems.

FAMILY

One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit, who are not related by blood, adoption, or marriage, do not constitute the functional equivalent of a traditional family. This definition does not intend to prohibit group homes and/or community living arrangements that are determined to be protected by the Federal Fair Housing law, provided such facilities are licensed and permitted under the authority of the Department of Welfare of the Commonwealth of Pennsylvania or other state department or agency. In determining the functional equivalent of a traditional family, the following criteria shall be present:

1. The group shares the entire dwelling unit.

2. The group lives and cooks together as a single housekeeping unit.
3. The group shares expenses for food, rent, utilities or other household expenses.
4. The group is permanent and stable, and not transient or temporary in nature.
5. Any other factor reasonably related to whether the group is the functional equivalent of a family.

FENCE

Any construction of wood, metal, wire, mesh, masonry (brick or stone), concrete or similar material erected for the purpose of screening one property from another to assure privacy, protection or confinement of property. A wall other than a retaining wall shall be considered a fence.

FIREARMS BUSINESS

Any business establishment, duly licensed by the appropriate agencies of the United States of America and the Commonwealth of Pennsylvania that engages in the sale of firearms either by wholesale or retail, mail order or any other manner.

FLOOR AREA

See "area, floor."

FLOOR-AREA RATIO

The floor-area ratio (FAR) is the ratio of the gross square footage of structures on a site to the gross square footage of the site. For example, an FAR of 1.0 on a 10,000 square foot site could be achieved with a one-story building of 10,000 square feet, a two story building in which each floor measures 5,000 square feet, a four story building in which each floor measures 2,500 square feet, etc. The FAR controls the density of the site. A high FAR will allow higher densities than a low FAR. FAR allows flexibility in design while controlling for overall building size. The FAR is used in conjunction with height limits, setbacks, and lot coverage to arrive at acceptable densities and design of a development.

FORESTRY

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

FRONT YARD

See "yard, front."

FUNERAL HOME

An establishment engaged in undertaking services such as preparing the human deceased for burial, and arranging and managing funerals, including mortuaries and crematoria.

GARAGE, COMMUNITY

A single building or group of minor garages erected for the use of adjacent property owners or residents of multifamily structures for the storage of automobiles and not for the repair and maintenance thereof.

GARAGE, PRIVATE

An accessory building, housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GARAGE, PRIVATE DETACHED

An accessory building housing only motor vehicles, the property of and for the use of occupants of the premises on which the garage is located. Any such detached garage, notwithstanding any other provision of this chapter, shall house no more than three vehicles, contain no more than 700 square feet of area and will be no higher than 12 feet measured from the grade to the eaves and be no less than 10 feet from the side yard of any adjacent property, 20 feet from the rear yard line of any adjacent property.

GARAGE, PUBLIC

Any garage other than a private garage, available to the public, and which is used for storage, parking, repair, rental, greasing, washing, servicing, adjusting or equipping of motor-driven vehicles.

GARDEN APARTMENT

A garden-type apartment is one which is generally located in a structure containing not less than six units and up to 24 units; usually not exceeding three stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and frequently exhibiting different facades and design features between structures in a garden apartment complex.

GROCERY STORE

A retail store, the primary function of which is the sale of staple goods and other basic life necessities.

HALF STORY

A story with a cubic content of not more than 50% of the cubic content of the first story of the building.

HEIGHT OF SIGN

The vertical distance measured from ground level to the highest point on the sign or its supporting structure, whichever is higher.

HIGH-RISE

A high-rise dwelling unit is generally considered to be an apartment building not exceeding seven habitable stories or 70 feet in height. The height shall be measured from the lowest point of the ground surface around the building.

HOSPITAL

An institution or building for reception, care and medical treatment of the sick or injured, containing facilities for surgery and twenty-four-hour-per-day emergency treatment, including ancillary commercial activities customarily incident thereto.

HOTEL

A building in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all hours, and which is open to transient guests in contradistinction to a boardinghouse, lodging house or rooming house.

HOUSE TRAILER

See "mobile home."

IMPERVIOUS SURFACE

A surface composed of any material which impedes or prevents the natural infiltration of water into the soil. Such surfaces include all concrete, asphalt and gravel surfaces. All buildings, parking areas, driveways, roads, sidewalks and any other areas composed of these materials are impervious.

IMPERVIOUS SURFACE RATIO

A measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces by the usable lot area on which such impervious surfaces are located.

IMPROVEMENT

Any type of structure, excavation or paved section or change thereof.

INSTITUTIONAL HOME

Any dwelling, home, house, apartment, hotel, motel, building, structure or facility or any part or portion of any of those previously identified items established, used and/or operated as the temporary or permanent residence or shelter, for more than one full day, for more than two persons who are not relatives of the operator. The term "institutional home" shall include the facilities as defined herein regardless of whether such facilities are established, owned, used or operated as private or public facilities, as profit-making facilities or entities or as charitable facilities or entities, and regardless of what name, title, description or designation might be applied to such facilities by the owners and/or operators thereof. The term "institutional home" shall include but shall not be limited to such facilities as hospitals, hospices, detention facilities, halfway houses, regardless of the nature of the residents thereof, asylums, orphanages, rehabilitation facilities, sanitariums, vocational training facilities, nursing homes and facilities, personal care residences and facilities and the like. The term shall include any facilities established, owned, used or operated as public or private facilities, as profit-making facilities or entities or as charitable facilities or entities, regardless of what name, title or designation might be applied to such facilities by the owners thereof.

INSTITUTIONAL HOUSE

A public or private benevolent eleemosynary establishment devoted to the shelter, maintenance or education and care of minor children; homeless, aged or infirm persons; or members of a religious community. This classification shall not include almshouse, penal or reformatory institutions for the custody, care or treatment of persons suffering from dementia, mental derangement or drugs or alcohol addiction.

JUNKYARD

An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two or more unlicensed, uninspected, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard."

LAUNDRY SERVICES

An establishment that is primarily engaged in dry cleaning and laundry services, including pressing, repair, and dry cleaning, other than personal services directly to a consumer.

LIBRARY

A facility housing a collection of books, magazines or other material which is loaned to the general public without charge.

LOADING SPACE

An off-street space or berth, abutting upon a street or way or other appropriate means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which space or berth is not less than 10 feet in width and of sufficient length to ensure that no vehicle using the space shall extend beyond the property line, and in no case shall the space or berth be less than 25 feet in length.

LOT

A parcel, tract or area of land accessible by means of a public street. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used as one parcel.

LOT, CORNER

See "corner lot."

LOT COVERAGE

A percentage which, when multiplied by the lot area, will determine the permitted ground area which may be covered with an impervious surface.

LOT, DEPTH OF

The mean horizontal distance between the front lot line and the rear lot line, measured midway between the side lot lines.

LOT LINE, FRONT

In the case of an interior lot, the line separating the lot from the street.

LOT LINE, REAR

The line generally parallel to the front lot line which defines the rear of the lot.

LOT LINE, SIDE

Any lot line which is not a front lot line or a rear lot line.

LOT, THROUGH

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

LOT WIDTH

The horizontal distance between side lot lines measured along the front lot line or the building setback line.

MANUFACTURING AND ASSEMBLY

An establishment engaged in the manufacture of products or parts, predominantly using previously prepared material, including processing, fabrication, assembly, treatments, and packaging of such products, and incidental storage, sales and distribution of such products.

MEDICAL FACILITIES

"See clinic, medical or dental."

MIXED-USE DEVELOPMENT

Development contained on a single project that includes different, complementary uses (both residential and non-residential) and which provide for a variety of activities throughout the day. Mixed-use development may be horizontal (adjoining uses in a separate buildings within a single project) or vertical (different uses within the same building).

MOBILE HOME

Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed, pulled by a motor vehicle or self-propelled, regardless of whether the wheels are attached or unattached or a permanent or semi-permanent foundation is constructed underneath or any structure of a permanent or semi-permanent nature is attached thereto and intended for human occupancy.

MOTEL

A building or a group of buildings having units containing sleeping accommodations which are available for a temporary rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than two transient occupants not normally quartered on the premises shall be considered as a "motel" facility under the provisions of this chapter.

MULTIPLE-FAMILY DWELLINGS

"See dwelling, multiple-family."

MUNICIPAL PLANNING ACT NO. 247, PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED

Nothing in this Zoning Ordinance can be construed to be in variance with the Pennsylvania Municipalities Planning Code, as amended, or as amended by legislation or litigation.

NO IMPACT HOME-BASED BUSINESS

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

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

NONCONFORMING BUILDING OR STRUCTURE

Any lawful building or other structure which does not conform to one or more of the applicable area and bulk regulations of the district in which it is located either on the effective date of this chapter or as a result of a subsequent amendment thereto.

NONCONFORMING LOT

Any lawful lot which does not conform to one or more of the applicable area regulations of the district in which it is located either on the effective date of this chapter or as a result of a subsequent amendment thereto.

NONCONFORMING USE

Any lawful use, whether of a building or other structure or of a tract of land which does not conform to the applicable use regulations of the district in which it is located, either on the- effective date of this chapter or as a result of subsequent amendments thereto. However, no existing use shall be deemed "nonconforming" solely because of the existence of less than the required off-street parking or loading conditions.

NUDE MODEL STUDIO

Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or STATE OF NUDITY

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

NURSERY - RETAIL

An establishment using the lot for the retail sale of plants and planting materials.

NURSERY SCHOOL

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

NURSING OR CONVALESCENT HOME

An institution or building for the inpatient long-term care of convalescent or postoperative patients, including therewith full-time nursing care.

OFFICE

An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, government, design, engineering, accounting and similar offices.

OFFICE BUILDING

A building designed or primarily used for office purposes, no part of which is used for manufacturing or a dwelling other than living quarters for a watchman or custodian.

OPEN SPACES

Common greens, parks, other recreation space or generally open areas available to the public; or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such buildings and their guests.

PARKING - COMMERCIAL

An area used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

PARKING LOT

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

PARKING SPACE

An open or covered area with a paved all-weather surface, or space in a private garage or other structure, which space shall be at least nine feet by 20 feet in size for the storage of one automobile, accessible from a public way.

PARKS AND RECREATION USES

Any use that includes parks, playgrounds or other Open Spaces as defined in this Chapter which provides active or passive recreational opportunities for the general public.

PAWN SHOP

An establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property. This category also includes establishments which offer cash for personal property such as "Cash for Gold" establishments.

PERMITTEE and/or LICENSEE

A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

PERSON

An individual proprietorship, partnership, corporation, association or other legal entity.

PERSONAL-CARE RESIDENCE

A building where food, shelter and personal assistance or supervision are provided for at least one full day for three or more ambulatory adults who are not relatives of the operator and who may require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate-care facility.

PERSONAL-CARE RESIDENCE, LARGE

A personal-care residence having more than 10 occupants, including clients (any person who is a resident), operator (any person responsible for the day-to-day operation and supervision of the home) and family of the operator. An operator may also be the householder.

PERSONAL-CARE RESIDENCE, SMALL

A personal-care residence that is limited to no more than 10 persons and no fewer than three persons, including clients (any person who is a resident), operator (any person responsible for the day-to-day operation and supervision of the home or residence) and family of the operator. An operator may also be the householder. Clients shall be limited to no more than eight persons.

PERSONAL SERVICES

Personal Services. Any place of business providing services and accessory retail sales of products related to the services provided, categorized by the following programmatic elements or similar:

1. Barber shops
2. Beauty salons
3. Nail salons
4. Bridal salon/clothing rental
5. Shoe repair shops
6. Fortunetellers, Psychics, and similar services
7. Tanning salons
8. Hair salons
9. Tailors
10. Home electronics and small appliance repair

PERVIOUS AREA

The area of a lot covered by surfaces or materials that allows for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/mulch, vegetative matter, permeable pavers, green roofs, or other materials that allow for the passage of water.

PLANNED RESIDENTIAL DEVELOPMENT

An area of land controlled by a single landowner and developed as a single entity for a number of dwellings, the plan for which does not necessarily correspond in lot size, type of dwelling unit, density, lot coverage or required open space to any other residential district in the community.

PLANNING COMMISSION

The Planning Commission of the Borough of Dormont.

PORCH

A roofed open structure projecting from the front, side or rear wall(s) of a building.

PRIVATE

Any organization or establishment limited to members of an organization recognized by the commonwealth or other persons specifically invited or permitted where no inducement or advertisement has been made to the general public.

PROFESSIONAL OFFICE

A room or rooms used for carrying on a professional occupation which is recognized by the commonwealth and requires a license for practice. See Office.

PROVIDER OF PERSONAL WIRELESS SERVICE FACILITIES

A person or entity offering telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services; the term also relates to providers of facilities for the provision of personal wireless services and providers of commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

PUBLIC ASSEMBLY (LIMITED)

Any public assembly use with a capacity of less than 500 persons.

PUBLIC BUILDING

A building owned by a governmental agency and used for public purposes or the business of the agency.

PUBLIC RECREATION

Leisure-time activities, including but not limited to sports and entertainment, which are open to anyone without restriction, except for rules and standards of conduct and use.

PUBLIC UTILITY

A service by a company or agency or individual licensed or regulated by the Public Utility Commission of the Commonwealth of Pennsylvania, distributing water, gas or electricity by means of a network of overhead or underground lines, all of which shall be to provide such services to residents or occupants of properties within the zoning district of the same; the term shall not include communications facilities, such as telephone, cellular telecommunications, radio transmissions, television transmissions or any other communications services for public or private use, for transmission to persons, residents or occupants of premises not in the zoning district in which the services are provided, excluding therefrom, however, are police, fire and emergency transmissions by government units or facilities.

PUBLIC UTILITY SERVICE BUILDINGS, STRUCTURES OR FACILITIES

Public utility service buildings, structures or facilities owned by a public utility as defined herein and which provide the services for which the building, structure or facility was designed to residents of the zoning district in which the building, structure or facility is located. The term shall not include telephones, central offices, electric substations, communications facilities, tower sites or other electronic, or radioactive, electromagnetic transmission towers, antennas or other equipment or

facilities for transmission for use by the general public situate outside the boundaries of the Borough of Dormont.

REAR YARD

See "yard, rear."

RESTAURANT

A place where the principal and substantial activity is the sale of food and the incidental sale of non-intoxicating beverages or intoxicating beverages if licensed by the Pennsylvania Liquor Control Board.

RESTAURANT – FAST FOOD

A Restaurant where the design or principal method of operation is that of a quick-service restaurant where orders are generally not take at the customers' tables, where food is generally wrapped in disposable wrapping or containers, and where food and beverage may be served directly to the customer in an automobile.

RESTAURANT - GENERAL

A Restaurant, not Fast Food, with a gross floor area of 2,400 square feet or more or one that has live entertainment or dancing.

RESTAURANT - LIMITED

A Restaurant, not Fast Food, with a gross floor area of less than 2,400 square feet and that does not have live entertainment or dancing.

REST HOME

A building of residential character housing long-term aged residents, capable of self-care. However, nothing in this chapter shall prohibit the employment or retention of nursing or attendant staff.

RETAIL

Commercial establishments whose principal business is the sale of goods to the general public. For purposes of this chapter, the definition of retail requires that a significant portion of sales normally and customarily occur on the premises. Unless otherwise indicated, the definition of retail is broadly assumed to include banks; restaurants and other dining establishments open to the public, including those located in hotels; coin-operated laundries; dry-cleaning pickup stations; photographic studios; and similar activities.

SCHOOL

Any building, group of buildings or grounds, or portion thereof, used for the purposes of educating individuals.

SELF-SERVICE LAUNDRY

A business that provides home-type washing, drying or ironing machines or dry-cleaning machines for hire to be used by customers on the premises.

SELF-STORAGE FACILITY

A building or group of two or more buildings containing one or more individual, self-contained, compartmentalized storage units for inside storage of business and household goods where no individual unit within said building or buildings exceeds 500 square feet in floor area, the operation and maintenance of which facility is subject to the terms of the Pennsylvania "Self-Service Storage Facility Act", 73 P.S. §1901, et seq. A self-storage facility may include as ancillary uses a management office and/or limited retail sales of as packing and storage materials.

SEMI-NUDE

A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SENIOR ASSISTED LIVING FACILITY

A building or a series of buildings consisting of a dining area served by a central kitchen containing units for independent elderly persons who are in need of some basic help with activities of daily living. See Personal Care Residence.

SENIOR INDEPENDENT LIVING FACILITY

A building or a series of buildings consisting of a dining area served by a central kitchen containing units for independent, self-reliant elderly persons requiring no medical assistance, care or supervision. See Personal Care Residence.

SERVICE STATION

A building(s), premises or portions thereof which are used, arranged, designed or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft, as well as for minor automobile repair, including state inspections.

SETBACK

See "building setback line."

SEXUAL ENCOUNTER CENTER

A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion- picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SIDE YARD

See "yard, side."

SIGN

Any surface, fabric or device bearing lettered, pictorial, sculptured or other matter designed to convey information visually and exposed to public view; any structure designed to carry the above visual information; or any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

SIGN, ADVERTISING

A sign which offers services or goods produced or available somewhere other than on the lot on which the sign is located. The words "advertising sign" include the word "billboard." Neither directional, warning nor other signs posted by public officials in the course of their public duties shall be construed as advertising signs.

SIGN, BUSINESS

A sign which offers services or goods available on the lot on which the sign is located.

SIGN, TEMPORARY

A sign which advertises the premises upon which it is located for sale, lease, or development; or which advertises the services of professionals, artisans, mechanics, or other members of the building trades while present at and participating in the construction or alteration of the premises upon which such sign is located; or which advertises or announces community, civic, educational, charitable, or religious projects, special events, campaigns, and the like; or which depicts other noncommercial speech, including but not limited to signs placed in anticipation of an upcoming election or during other similar political campaign or event.

SINGLE-FAMILY DETACHED DWELLING

A building designed for and occupied exclusively as a residence for only one family, having no party wall in common with an adjacent building and having yard areas on all four sides.

SOLAR-BASED ARCHITECTURAL ELEMENT

Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT

Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM

A solar collection system consisting of one or more building-and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on- site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

SPAS, HOT TUBS

Spas and hot tubs having a span of 9' or less at the widest point, shall be locked with a top specifically made from the manufacturer of the spa or tub whenever not in the immediate supervision of a responsible adult. Spas and hot tubs having a span greater than 9' at any point, shall be considered a swimming pool and must adhere to the swimming pool guidelines.

SPECIAL EXCEPTION

A special exception deals with special permission, granted only by the Zoning Hearing Board, to occupy land for specific purposes when such use is not permitted by right.

SPECIFIED ANATOMICAL AREAS

The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES

Includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C above.

STORY

That portion of a building, other than the basement (as defined), included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET

A right-of-way, or portion thereof, intended for general public use to provide means of approach for vehicles and pedestrians. The word "street" includes the words "road", "avenue", "boulevard", "highway", "thoroughfare" and "way".

STREET ACCESS POINT

The distance between any vehicular entrance/exit along a street.

STREET CENTER LINE

A line which is usually at an equal distance from street lines or right-of-way lines.

STREET LINE

See "lot line, front."

STRIP COMMERCIAL DEVELOPMENT

Development in excess of 50,000 square feet consisting entirely or almost entirely of retail as defined herein and offices, arranged in detached one- or two-story structures with surface parking between the street and the front entrance to the businesses.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

SUBSTANTIAL ENLARGEMENT (OF A SEXUALLY ORIENTED BUSINESS)

The increase in floor areas occupied by the business by more than 25%, as the floor areas exist on date of enactment of this Zoning Code.

SWIMMING POOL

A structure used for the purpose of swimming and having a mean depth of two feet or more.

TATTOO PARLOR OR BODY PIERCING SHOP

An establishment that is engaged to any extent in providing tattoos or body piercings to customers.

TELECOMMUNICATIONS ANTENNA

A device used to collect or transmit telecommunications or radio signals, such as panels, microwave dishes, single pole known as whips and such other devices used for these purposes, but which shall not exceed 10 feet in height or six feet in width, or which shall not have a diameter of more than six feet in width.

TELEPHONE CENTRAL OFFICE

A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company, but in a residential district not to include public business facilities, storage of materials, truck or repair facilities or housing of repair crews.

TOWER

A structure that is intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles and lattice construction steel structures.

TOWER SITE

Any lot or parcel on which communications facilities, as defined herein, are located or proposed to be located.

TOWNHOUSE

A dwelling unit development consisting of a series of attached units, separated from one another by continuous vertical walls, without openings from basement to roof.

TRANSFER OF OWNERSHIP OR CONTROL (OF A SEXUALLY ORIENTED BUSINESS)

Includes any of the following:

- A. The sale, lease or sublease of the business.
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

TRANSIT ORIENTED DEVELOPMENT (TOD)

A transit-oriented development (TOD) is a mixed-use residential and commercial area designed to maximize access to public transport, and often incorporates features to encourage transit ridership.

TRUCK

A motor-driven vehicle used for hauling purposes.

USE

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

VARIANCE

A "variance," granted only by the Zoning Hearing Board, refers to permissive waivers from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.

VEHICLE/EQUIPMENT REPAIR - GENERAL

Any vehicle/equipment service not conducted within a completely enclosed building; any establishment engaged in body work or painting of vehicles or equipment; or any establishment involved in the repair of heavy equipment, including any vehicle with more than two axles. Typical uses include businesses in the following activities: paint and body shops; truck repair facilities; and, heavy machinery repair shops.

These are repairs that produce relatively high levels of noise, vibration and fumes and, more specifically, include the following types of repairs to motor vehicles and repairs of a similar nature with respect to impacts on nearby properties:

1. Audio sound system installation;
2. Auto body customizing;
3. Sun roof installation;
4. Auto body sheet metal, fiberglass or plastic repair, replacement, prepping or painting;
5. Auto body or frame media blasting;
6. Chassis and frame cleaning, fabrication, straightening or welding;
7. Transmission repair and replacement;
8. Any other types of automotive work not included in the definition of Vehicle/Equipment Repair - Limited; and
9. Any "Limited" repair of motor vehicles of greater than 6,000 pounds gross vehicle weight.

VEHICLE/EQUIPMENT REPAIR - LIMITED

An establishment providing automobile and other equipment repair or maintenance services within completely enclosed buildings. Typical uses include businesses in the following activities: electronic tune-ups; brake repairs (including drum turning); air conditioning repairs; transmission and engine repairs; tire repairs; front end alignments; battery recharging; oil changes and lubrication; and, State inspection stations.

These are repairs and servicing that produce relatively low levels of noise, vibration and fumes and, more specifically, include the following types of repairs to motor vehicles of a gross vehicle weight of no more than 6,000 pounds:

1. Motor vehicle maintenance;
2. Air conditioning, starting and charging service;
3. Brake repair and replacement;
4. Engine oil changes, fluids replacement;
5. Exhaust system repair and replacement;
6. Automotive electrical work other than audio sound system installation;
7. Shock absorber, spring, and strut replacement;
8. Upholstery work;

9. Tire balancing, tire installation; wheel alignment;
10. Windshield and glass installation;
11. Tune-ups, diagnostics; spark plug replacement, emission control service; and
12. Other repairs of a similar nature with respect to impacts on nearby properties.

VEHICLE/EQUIPMENT SALES

An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance. Typical uses include: new and used automobile and truck sales; automobile rentals; boat sales; motorcycle sales; construction equipment rental yards; moving trailer rental; farm equipment sales and rental; and, machinery sales, service and rental.

WADING POOL

A structure containing water, but not used for the purposes of swimming or landscaping. A "wading pool" is not a reflecting pool or cooling pool for mechanical equipment or a decorative fountain. A "wading pool" is no more than two feet in depth and is designed for use by people.

YARD

A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

YARD, FRONT

A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the front lot line and the building line.

YARD, REAR

A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than 30% of the space, and steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such building.

YARD, SIDE

A yard between the principal building and the side lot line extending from the front yard or from the front lot line, where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally and at 90° with the side lot line, from the nearest part of the principal building.

ZONING DISTRICT

See "district, zoning."

ZONING MAP

A map entitled the "Borough of Dormont, Pennsylvania, Zoning Map," dated January 1, 2015.

ARTICLE III - District Regulations

§ 210-8. Zoning Map.

A map entitled "Dormont Borough Zoning Map" is hereby adopted as part of this chapter. The Zoning Map shall be kept on file and made available to the general public for examination at the office of the Borough Manager. The map shall be signed and attested by the Borough Manager and shall bear the seal of the Borough. All amendments affecting district boundaries shall be noted on the map, including date of adoption, and shall be attested to by the Borough Manager.

§ 210-9. Zoning Districts.

The Borough is divided into the districts stated in this chapter as shown by the district boundaries on the Zoning Map. The districts are as follows:

- SFR Single-Family Residential District
- TFR One- and Two-Family Residential District
- MFR Multifamily Residential District
- TOD Transit Oriented Development District
- LNC Local Neighborhood Commercial District
- UNC Urban Neighborhood Commercial District
- CIV Civic District
- GSD Green Space District

§ 210-10. District boundaries.

- A. District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The vacation of roads shall not affect the location of such district boundaries.
- B. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimension stated on the Zoning Map or by the fact that it clearly coincides with a property line, his interpretation must state this, and then the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this chapter.

§ 210-11. District regulations - General.

- A. Any use not specifically listed in the authorized uses for a zoning district shall not be permitted in that zoning district, unless such use is authorized by the Zoning Hearing Board as a use by special exception. The authorization for the Zoning Hearing Board to grant approval of a use which is not specifically listed in the authorized uses for a zoning district shall be limited to the UNC Urban Neighborhood Commercial District where "Comparable uses not specifically listed" is listed as a use by special exception in that zoning district and such approval shall be granted only in accordance with the express standards and criteria contained in Article XII and/or Article XVIII of this Chapter.

B. In the SFR, TFR and MFR Districts, the authorized dwelling unit(s) shall be the only principal structure on the lot, whether authorized as a conditional use or as a permitted use, and all dwelling units shall be located within the same principal structure.

C. In the MFR and TOD Districts and in planned residential developments which contain townhouses or other multifamily dwellings, two or more townhouses or other multifamily structures may occupy the same lot, if approved by the Zoning Hearing Board, subject to all applicable requirements of this Chapter.

D. In all districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

E. In the LNC and UNC Districts, several authorized uses may occupy the same lot or structure, provided that all applicable requirements for each of the uses can be met on the lot.

§ 210-12. Purpose of Zoning Districts.

- A. The SFR Single-Family Residential District is intended to be the most protected residential district in the Borough, where traditional family-oriented values can flourish and where only single-family detached dwellings are permitted for housing. This is the largest zoning district in the Borough and is removed from traffic, business, and institutional interference as much as possible. Solid housing stock and well-maintained properties characterize this district.
- B. The TFR One- and Two-Family Residential District is intended to be the location for one- and two-family homes that reflect the urban nature of such neighborhoods as characterized by a mixture of detached and attached single- and two-family dwellings situated on small lots with narrow yards and modest setbacks. This district is convenient to public transportation, shopping, services and institutions and allows a greater density of families than SFR. Dwellings here can be larger and allow for additional off-street parking.
- C. The MFR Multifamily Residential District is intended as a high-density residential district with all types of housing provided for, along with a full range of community facilities and services. While traditional family values are supported in this district, unrelated individual and non-traditional occupancy of dwelling units is equally encouraged. Shopping, public transportation, and public and religious institutions are within walking distance or part of the development and major traffic arteries are adjacent to the MFR zoning district. A mix of uses, greater lot coverage, and more traffic and parking congestion mark this district.
- D. The TOD Transit Oriented Development District is intended to:
- promote the development of a dynamic, mixed-use district of appropriate scale and magnitude surrounding the Dormont Junction and Potomac Avenue light rail stations;
 - ensure that future development is consistent with the vision and recommendations of the 2013 Comprehensive Plan;
 - provide for a variety of housing types and promote middle to higher income residential opportunities;

- create an active, interesting, and interconnected pedestrian environment that facilitates access between the Dormont Junction and Potomac Avenue light rail stations and nearby residential, commercial, civic, recreational, and institutional uses;
 - provide for connectivity of streets in the vicinity of the Dormont Junction and Potomac Avenue light rail stations;
 - design and arrange structures, buildings, streets and open spaces to create an inviting, walkable, human-scale environment;
 - reduce the dependence on automobile use by increasing the use of transit, providing opportunities for alternative modes of travel, and encouraging pedestrian and bicycle commuting;
 - minimize the dedication of land to automobile parking by reducing the amount of required parking, encouraging the use of shared parking, and ensuring that parking is located and designed so as to avoid unduly dominating the district.
- E. The LNC Local Neighborhood Commercial District is intended to:
- Maintain the small scale and rich diversity of neighborhood-serving commercial districts;
 - Promote and enhance the quality of life in adjacent residential areas;
 - Reduce the adverse impacts that are sometimes associated with commercial uses in order to promote compatibility with residential development.
- F. The UNC Urban Neighborhood Commercial District is intended to:
- Serve a broader market than the immediate neighborhood;
 - Allow a range of development while controlling impacts on neighborhoods adjacent to them;
 - Ensure that new development fits within existing development patterns;
 - Reinforce qualities of the built environment, such as continuity of storefronts and pedestrian-oriented streetscapes.
- G. The CIV Civic District is intended to provide for the continuation of existing public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, and other public utility facilities.
- H. The GSD Green Space District is intended to:
- Provide sufficient open space, in appropriate locations, to meet the anticipated needs of the existing and future populations of the Borough;

- Protect areas in the Borough for the preservation and conservation of the natural environment; floodplains, streams and the like; nature parks; and open space located to constitute a harmonious and appropriate part of the physical development of the Borough;
- Permit and encourage the retention of open space;
- Provide adequate recreational areas in the Borough for leisure activities, including but not limited to active and passive recreation.

ARTICLE IV – SFR – Single-Family Residential District

§ 210-13. Principle Uses Permitted By Right.

The following principal uses are permitted by right in the SFR – Single-Family Residential District:

- A. Single-family Detached Dwelling Unit on One Lot.
- B. Parks and open space, and community gardens.

§ 210-14. Development Standards.

- A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2,500) square feet.
- B. Lot Coverage. Maximum lot coverage for the SFR Zoning District is 45% or 1,000 square feet plus 20% of the lot area for lots less than 5,000 square feet.
- C. Height Limit and Roof Pitch. The Basic Height Limit shall be twenty-five (25) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to thirty (30) feet. All parts of the roof above twenty-five (25) feet shall be pitched.
- D. Structure Depth. The depth of any structure shall not exceed sixty (60) feet. Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.
- E. Yards and setbacks.
 - 1. Front and rear yards.
 - a. The sum of the front yard plus the rear yard shall be a minimum of 30 feet.
 - b. In no case shall either yard have a depth of less than 10 feet.
 - c. If recommended in a neighborhood plan adopted or amended by the Borough Council after January 1, 2015, an amending Ordinance designating an area as SFR may require front and/or rear yards greater than 10 feet, provided that the requirement of subsection 210-14 (E) (1) (a) shall not be increased or decreased, and the requirement of subsection 210-14 (E) (1) (b) shall not be reduced.

2. Side setbacks. The required minimum side setback is 5 feet. The side setback may be averaged between the two sides. No portion of the side setback shall be less than 3 feet, except as follows:
 - a. Street side setbacks shall be a minimum of 5 feet.
 - b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of subsection 210-14 (E) (2). The easement shall be recorded with Allegheny County. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 18 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.
3. Exceptions from Standard Yard and Setback Requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 210-14 (E) (3) and (E) (4) are met:
 - a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
 - b. Certain features of a structure.
 - 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-14 (E) (3) (b) may not exceed 30 percent of the area of the facade on which the features are located.

F. Parking.

1. One (1) off-street parking space per dwelling unit shall be required as provided for single-family structures in Article XIII, Standards for Parking.
2. Access. Access to parking shall be from the alley when the property abuts a platted, improved alley in all zones, or when the Borough Council determines that alley access is feasible and desirable to mitigate parking access impacts.
3. Location.
 - a. Parking shall be located on the same lot as the principal structure.
 - b. Parking may be in or under a structure, or outside a structure, provided that:
 - (1) Parking shall not be located in the front yard;
 - (2) Parking shall not be located in a side setback abutting a street or in the first ten (10) feet of a rear yard abutting a street.

§ 210-15. Accessory Uses and Structures.

- A. Accessory structures shall be permitted in the SFR Zoning District under the following conditions:
 1. Garages are subject to the yard and setback requirements of subsection 210-14 (E).
 2. Garages (Private and Private, Detached) are limited to a height of 12 feet as measured on the facade containing the entrance for the vehicle.
 3. Accessory structures other than garages noted above are limited to 12 feet in height and subject to the yard and setback requirements of subsection 210-14 (E).
- B. No Impact Home-Based Business. See Definition.
- C. Swimming Pools. Home swimming pools for non-commercial use are regulated by Section 210-52 (C) (39).

§ 210-16. Accessory Uses Permitted as Conditional Uses.

- A. Public utility facilities.
- B. Telecommunication antennas that:
 1. Are freestanding, constructed on and/or supported at ground level; or
 2. Are attached to a structure and extend more than 10 feet above the base of the roof; or
 3. Television satellite dishes with a diameter greater than three feet; or
 4. Satellite dishes that are not mounted to the main structure.

ARTICLE V – TFR – One- and Two-Family Residential District

§ 210-17. Principle Uses Permitted By Right.

The following principal uses are permitted by right in the TFR – One- and Two-Family Residential District:

- A. Any principal use permitted in the SFR District as set forth in Article IV.
- B. Single-family attached dwellings, provided that:
 - 1. Appropriate agreements and covenants approved by the Borough Solicitor provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
 - 2. Not more than four dwelling units shall be attached laterally in a series, provided that this provision shall not be applicable in the case of dwelling units existing on the effective date of the ordinance;
 - 3. A plan of development shall be required as set forth in Article XVII of this Chapter and in Chapter 183, Subdivision and Land Development, for any development with three or more newly constructed single-family attached dwellings.
- C. Two-family detached dwellings;
- D. Two-family attached dwellings lawfully existing prior to the effective date of this Section.

§ 210-18. Principle Uses Permitted By Special Exception.

The following principal uses are permitted by Special Exception in the TFR – Multifamily Residential District:

- A. Personal Care Residence - Small. See Article XII, Section 210-52 (C) (29).

§ 210-19. Development Standards.

- A. Lot Area. Lot area and lot width regulations in the TFR One- and Two-Family Residential District shall be as follows:
 - 1. Single-family detached dwellings: Minimum lot area is 3,600 square feet and minimum lot width is 30 feet.
 - 2. Single-family attached dwellings: Minimum lot area is 2,200 square feet and minimum lot width is 18 feet, except that the width of any lot at the end of a series of attached units shall be not less than 21 feet.
 - 3. Two-family detached dwellings: Minimum lot area is 4,400 square feet and minimum lot width is 42 feet.
 - 4. Two-family attached dwellings: Minimum lot area is 4,400 square feet and minimum lot width is 36 feet.
- B. Lot Coverage. Maximum lot coverage for the TFR Zoning District is 55% of the lot.

- C. **Height Limit and Roof Pitch.** The Basic Height Limit shall be thirty-five (35) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to forty (40) feet. All parts of the roof above thirty-five (35) feet shall be pitched.
- D. **Structure Depth.** The depth of any structure shall not exceed sixty (60) feet. Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.
- E. **Yards and setbacks.**
1. **Front and rear yards.**
 - a. The sum of the front yard plus the rear yard shall be a minimum of 25 feet.
 - b. In no case shall either yard have a depth of less than 10 feet.
 - c. If recommended in a neighborhood plan adopted or amended by the Borough Council after January 1, 2015, an amending Ordinance designating an area as TFR may require front and/or rear yards greater than 15 feet, provided that the requirement of subsection 210-19 (E) (1) (a) shall not be increased or decreased, and the requirement of subsection 210-19 (E) (1) (b) shall not be reduced.
 2. **Side setbacks.** The required minimum side setback is 5 feet for detached single-family dwellings; 7 feet for attached single-family dwellings; and 10 feet for detached or attached two-family dwellings. No portion of the side setback shall be less than these measurements, except as follows:
 - a. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of subsection 210-19 (E) (2). The easement shall be recorded with Allegheny County. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 18 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.
 3. **Exceptions from Standard Yard and Setback Requirements.** The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 210-19 (E) (3) and (E) (4) are met:
 - a. **Uncovered porches or steps.** Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
 - b. **Certain features of a structure.**

- 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-19 (E) (3) (b) may not exceed 30 percent of the area of the facade on which the features are located.

F. Parking.

1. One (1) off-street parking space per dwelling unit shall be required as provided for single-family and two-family dwelling units in Article XIII, Standards for Parking.
2. Access. Access to parking shall be from the alley when the property abuts a platted, improved alley in all zones, or when the Borough Council determines that alley access is feasible and desirable to mitigate parking access impacts.
3. Location.
 - a. Parking shall be located on the same lot as the principal structure.
 - b. Parking may be in or under a structure, or outside a structure, provided that:
 - (1) Parking shall not be located in the front yard;
 - (2) Parking shall not be located in a side setback abutting a street or in the first ten (10) feet of a rear yard abutting a street.

§ 210-20. Accessory Uses and Structures.

- A. Accessory structures shall be permitted in the TFR Zoning District under the following conditions:
 1. Garages are subject to the yard and setback requirements of subsection 210-19 (E).
 2. Garages (Private and Private, Detached) are limited to a height of 12 feet as measured on the facade containing the entrance for the vehicle.
 3. Accessory structures other than garages noted above are limited to 12 feet in height and subject to the yard and setback requirements of subsection 210-19 (E).
- B. No Impact Home-Based Business. See Definition.

- C. Swimming Pools. Home swimming pools for non-commercial use are regulated by Section 210-52 (C) (39).

§ 210-21. Accessory Uses Permitted as Conditional Uses.

- A. Public utility facilities.
- B. Telecommunication antennas that:
 - 1. Are freestanding, constructed on and/or supported at ground level; or
 - 2. Are attached to a structure and extend more than 10 feet above the base of the roof; or
 - 3. Television satellite dishes with a diameter greater than three feet; or
 - 4. Satellite dishes that are not mounted to the main structure.
- C. Keeping of Hens – See Article XII, Section 210-52 (C) (44).

ARTICLE VI – MFR – Multifamily Residential District

§ 210-22. Principle Uses Permitted By Right.

The following principal uses are permitted by right in the MFR – Multifamily Residential District:

- A. Any principal use permitted in the TFR District as set forth in Article V.
- B. Multifamily dwellings, provided that:
 - 1. All development standards in Section 210-23 of this Chapter are met;
 - 2. Not more than one kitchen per unit is permitted;
 - 3. A plan of development shall be required as set forth in Article XVII of this Chapter and in Chapter 183, Subdivision and Land Development.

§ 210-23. Principle Uses Permitted By Special Exception.

The following principal uses are permitted by Special Exception in the MFR – Multifamily Residential District:

- A. Clinic; See Article XII, Section 210-52 (C) (8).
- B. Institutional House; See Article XII, Section 210-52 (C) (18).
- C. Professional Office; See Article XII, Section 210-52 (C) (24).
- D. Personal Care Residence - Small. See Article XII, Section 210-52 (C) (29).

§ 210-24. Development Standards.

- A. Lot Area. Lot area and lot width regulations in the MFR Multifamily Residential District shall be as follows:

1. Multifamily dwellings: Minimum lot area is 7,000 square feet and minimum lot width is 50 feet.
 2. Professional Office: Minimum lot area is 5,000 square feet and minimum lot width is 30 feet.
 3. Clinic; Small Personal Care Residence: Minimum lot area is 5,000 square feet and minimum lot width is 30 feet.
 4. Group Dwelling; Institutional House; Senior Independent Living Facility: Minimum lot area is 7,000 square feet and minimum lot width is 50 feet.
- B. Lot Coverage. Maximum lot coverage for the MFR Zoning District is 65% of the lot except for Multifamily Dwellings where the maximum lot coverage is 80% of the lot.
- C. Height Limit and Roof Pitch. The basic height limit shall be three stories and forty (40) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to forty-five (45) feet. All parts of the roof above forty (40) feet shall be pitched.
- D. Structure Depth. The depth of any structure shall not exceed eighty (80) feet. Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.
- E. Yards and setbacks.
1. Front and rear yards.
 - a. The sum of the front yard plus the rear yard shall be a minimum of 25 feet.
 - b. In no case shall either yard have a depth of less than 10 feet.
 - c. If recommended in a neighborhood plan adopted or amended by the Borough Council after January 1, 2015, an amending Ordinance designating an area as MFR may require front and/or rear yards greater than 10 feet, provided that the requirement of subsection 210-24 (E) (1) (a) shall not be increased or decreased, and the requirement of subsection 210-24 (E) (1) (b) shall not be reduced.
 2. Side setbacks. The required minimum side setback is 5 feet; or 15 feet adjacent to one- or two-family dwellings. For corner lots, the side setback is 20 feet. No portion of the side setback shall be less than these measurements, except as follows:
 - a. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 15 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of subsection 210-24 (E) (2). The easement shall be recorded with Allegheny County. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 18 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.

3. Exceptions from Standard Yard and Setback Requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 210-24 (E) (3) and (E) (4) are met:
 - a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
 - b. Certain features of a structure.
 - 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-24 (E) (3) (b) may not exceed 40 percent of the area of the facade on which the features are located.

F. Parking.

1. One (1) off-street parking space per dwelling unit shall be required as provided for single-family and two-family dwelling units in Article XIII. Required parking for any other permitted use is found in Article XIII as well.
2. Access. Access to parking shall be from the main arterial whenever possible, unless the Borough Council determines that alley access is more feasible and desirable to mitigate parking access and traffic impacts.
3. Location.
 - a. Parking shall be located on the same lot as the principal structure.
 - b. Parking may be in or under a structure, or outside a structure, provided that:
 - (1) Parking shall not be located in the front yard;
 - (2) Parking shall not be located in the first ten (10) feet of a rear yard or side yard abutting a street.

G. Signage

1. All signage regulations as outlined in Article XV shall apply.

§ 210-25. Accessory Uses and Structures.

A. Accessory structures shall be permitted in the MFR Zoning District under the following conditions:

1. Garages are subject to the yard and setback requirements of subsection 210-17 (E).
2. Garages (Private and Private, Detached) are limited to a height of 12 feet as measured on the facade containing the entrance for the vehicle.
3. Accessory structures other than garages noted above are limited to 12 feet in height and subject to the yard and setback requirements of subsection 210-17 (E).

B. No Impact Home-Based Business. See Definition.

C. Swimming Pools. Home swimming pools for non-commercial use are regulated by Section 210-52 (C) (39).

§ 210-26. Accessory Uses Permitted as Conditional Uses.

A. Public utility facilities.

B. Telecommunication antennas that:

1. Are freestanding, constructed on and/or supported at ground level; or
2. Are attached to a structure and extend more than 10 feet above the base of the roof; or
3. Television satellite dishes with a diameter greater than three feet; or
4. Satellite dishes that are not mounted to the main structure.

C. Day Care Center.

D. Keeping of Hens – See Article XII, Section 210-52 (C) (44).

ARTICLE VII – TOD – Transit Oriented Development District

§ 210-27. Principle Uses Permitted By Right.

The following principal uses are permitted by right in the TOD – Transit Oriented Development District:

- A. Bed and breakfast facilities or hotels of 100 or fewer rooms or suites.
- B. Child care centers.
- C. Cinemas, if part of a mixed-use development.
- D. Community meeting facilities.
- E. General offices.

- F. Multiple-family development.
- G. Public open space and private open space to which the public is generally admitted.
- H. Restaurant – General
- I. Restaurant - Limited
- J. Retail uses, as defined herein, of less than 20,000 square feet per tenancy which are part of a mixed-use development.
- K. Schools and libraries.
- L. Service-oriented offices.
- M. Theaters, entertainment, and cultural uses.
- N. Townhouse.

§ 210-28. Principle Uses Permitted as Conditional Uses.

The following uses are allowed in the TOD – Transit Oriented Development District by Conditional Use approval only, upon a finding by the Borough Council that the development in question is consistent with the purpose of this Chapter:

- A. Cinemas as a single use in a detached one- or two-story structure. See Article XII, Section 210-52 (C) (7).
- B. Club – General See Article XII, Section 210-52 (C) (9).
- C. Hospitals See Article XII, Section 210-52 (C) (16).
- D. Hotels of more than 100 rooms or suites. See Article XII, Section 210-52 (C) (17).
- E. Laboratories or research facilities See Article XII, Section 210-52 (C) (19).
- F. Retail uses, as defined herein, in excess of 20,000 square feet per tenancy. See Article XII, Section 210-52 (C) (34).
- G. Retail uses of any floor area as a single use in a detached one- or two-story structure. See Article XII, Section 210-52 (C) (34).

§ 210-29. Prohibited Uses.

The following uses are prohibited in the TOD – Transit Oriented Development District:

- A. Automotive sales, rental, or storage (including trucks and recreational vehicles, but excluding the rental and storage of shared subscription vehicles).
- B. The sale, rental, or repair of industrial, gardening, or heavy equipment.
- C. Industrial, warehousing, or distribution activities.
- D. Car washes and similar facilities.

- E. Strip commercial development as defined herein.
- F. Construction, salvage, or junk yard.
- G. Commercial parking facilities (surface lots or garages not associated with a mixed-use development).
- H. Self- or mini-storage.
- I. Detached single-family homes.
- J. Service stations.
- K. Drive-through facilities.
- L. Any other use not specifically listed in Section 210-28 or 210-29.

§ 210-30. Development Standards.

- A. Lot Area. Lot area and lot width regulations in the TOD – Transit Oriented Development District shall be as follows:
 - 1. The maximum by-right Floor-Area Ratio is 2.5. Floor-Area ratios exceeding this amount must be approved by the Planning Commission.
- B. Lot Coverage. Maximum lot coverage for the TOD Zoning District is 85% of the lot except for Mixed-Use Development where the maximum lot coverage is 95% of the lot. The Borough Council may grant additional coverage up to 100% if it finds that doing so furthers the purposes of this Ordinance.
- C. Height Limit and Roof Pitch.
 - 1. The minimum height limit shall be three stories and forty (40) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to forty-five (45) feet. All parts of the roof above forty (40) feet shall be pitched.
 - 2. The maximum height limit shall be ninety (90) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to ninety-five (95) feet. All parts of the roof above ninety (90) feet shall be pitched.
 - 3. Notwithstanding the building height provisions noted above, for lots that are sloped more than 25 degrees, maximum height will be determined from the lowest portion of the property and will be limited to five stories or sixty-five (65) feet for the highest portion of the property.
- D. Yards and setbacks.
 - 1. Except as indicated, the following provisions shall apply to all public streets, or streets which shall be accepted as public, within the TOD District:

- A. Sidewalks shall provide a pedestrian clear zone consisting of a continuous, unobstructed right of way at least 8 feet in width, depending on street type and function.
 - B. The pedestrian clear zone shall be between buildings and a planting/furniture zone next to the street curb, so as to provide a sense of enclosure and safety for pedestrians. The planting/furniture zone shall be a minimum of 4 feet in width.
 - C. A mandatory supplemental zone of at least 4 feet in width adjacent to buildings may include porches, stoops, outdoor seating or dining areas, or outdoor merchandising, which shall not physically encroach on or obstruct the required the pedestrian clear zone.
 - D. Street trees shall be planted a maximum of 30 feet on center and decorative pedestrian street lights shall be placed a maximum of 60 feet on center and spaced at equal distances within the planting/furniture zone.
2. The following provisions shall define the placement of buildings along public sidewalks and plazas, as applicable:
- A. The minimum front setback shall be zero, such that buildings are situated directly adjacent to the supplemental zone. Setbacks greater than zero are permitted.
 - B. To maintain an appropriate scale relative to pedestrians, ground-floor uses shall be a maximum of 16 to 20 feet in height above the sidewalk.
 - C. The first three stories of a building fronting on a public street or plaza shall be delineated through the use of windows, belt courses, cornice lines, or similar architectural elements.
 - D. Where retail or service-oriented offices front on a public street or plaza, a minimum of 75% of the affected building façade shall consist of transparent surfaces, such as windows or doorways, to promote visual interest. Where residential or general office uses front on a public street, a minimum of 50% of the affected building façade should consist of transparent surfaces.
 - E. Primary pedestrian entrances shall be oriented to the street or plaza and shall be clearly visible.
3. Exceptions from Standard Yard and Setback Requirements. The following parts of structures may project into a required side or rear yard:
- a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.

- b. Certain features of a structure.
 - 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
 - 4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-30 (D) (3) (b) may not exceed 40 percent of the area of the facade on which the features are located.
- E. Parking. Parking requirements within the TOD – Transit Oriented Development District are as follows:
 - 1. A maximum of 1 parking space per multi-family unit, plus 1 guest space per 15 units, is permitted.
 - 2. Parking for non-residential uses shall be provided not to exceed 3 per 1,000 square feet (gross) and not less than less than 1 per 500 square feet (gross) for uses covering less than 1,000 square feet.
 - 3. Further reduction in the number of required parking spaces may be permitted by a Conditional Use granted by the Borough Council after a finding by the Planning Commission that the development will be adequately served by users of public transportation. Required parking may be reduced by 20% for developments directly adjacent to a transit station and by 10% for developments located within one block of a transit station.
 - 4. Shared parking is strongly encouraged. On lots serving more than one use, the total number of spaces required may be reduced by a percentage equal to the percentage of shared spaces, not to exceed 20%, provided that the applicant submits credible evidence to the satisfaction of the Planning Commission that the peak parking demand of the uses do not coincide, and that the accumulated parking demand at any one time shall not exceed the total capacity of the facility. Such evidence must take into account the parking demand of residents, employees, customers, visitors, and any other users of the lot. It must also take into account parking demand on both weekends and weekdays, and both during the daytime and overnight.
 - 5. Where feasible, ingress and egress from parking shall be from side streets or alleys.

6. Surface parking lots must be to the rear of buildings, and shall not exceed one acre in size. Surface lots are prohibited in front of businesses.
7. Surface parking lots with more than thirty spaces shall be divided into separate areas by landscaped areas of at least 10 feet in width. A minimum of 15 percent of all surface lots shall be landscaped. No row of parking shall be more than 10 spaces wide without being interrupted by a landscaped area. Each landscaped area shall have at least one tree. Landscaped areas should be planted with low-maintenance, salt tolerant plants capable of withstanding extreme weather conditions.
8. Surface lots shall be screened along all sidewalks by a landscaped buffer of not less than six feet, or three foot walls or fencing compatible with the adjacent architecture.
9. Surface parking lots shall provide pedestrian walkways and connections to the sidewalk system.
10. On-street parking is permitted when additional spaces are created. Existing on-street parking spaces may not be counted towards required parking.
11. Parking structures shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
12. Parking structures must include ground level retail or transit along all arterial streets.
13. All structured parking must be designed so that the only openings at street level are those to accommodate vehicle ingress and egress, and pedestrian access to the building.
14. All parking structures must be designed so that vehicles are not visible from the sidewalk to the second floor of adjacent properties.
15. Parking structures shall be designed to be compatible with adjacent buildings and architecture.
16. Bicycle racks shall be provided on site at a ratio of 1 space for every 15 automobile parking spaces or portion thereof.
17. All parking lots and structures must provide pedestrian access ways to streets that meet the Dimensional Requirements detailed in Section 210-30 (A) through (D) above.
18. Signage that shows the location and best means of access to the transit station must be provided at all parking facilities on all levels.

§ 210-31. Accessory Uses and Structures.

- A. Accessory structures shall be permitted in the TOD Zoning District under the following conditions:
 1. Accessory structures are limited to 15 feet in height and subject to the yard and setback requirements of subsection 210-30 (A) through (D) above.
- B. No Impact Home-Based Business. See Definitions.

- C. Swimming Pools. Swimming pools for non-commercial use are regulated by Section 210-52 (C) (39).

§ 210-32. Accessory Uses Permitted as Conditional Uses.

- A. Public utility facilities.
- B. Telecommunication antennas that:
 - 1. Are freestanding, constructed on and/or supported at ground level; or
 - 2. Are attached to a structure and extend more than 10 feet above the base of the roof; or
 - 3. Television satellite dishes with a diameter greater than three feet; or
 - 4. Satellite dishes that are not mounted to the main structure.
- C. Day Care Center.

§ 210-33. Design Standards

- A. Streetscapes
 - 1. Street trees shall be planted by the developer along all public rights-of-way. Street trees shall be planted at intervals of a maximum of 30 feet on center. Tree species shall be selected that require minimal maintenance and are of native origin whenever possible.
 - 2. Pedestrian amenities such as benches, public art, planters, trash receptacles, etc. are encouraged and shall be located along sidewalks, and in landscaped areas, open spaces, plazas, and as noted in Section 210-30 (D) above.
 - 3. All new utilities shall be placed underground.
- B. Building Facades
 - 1. All buildings must provide a main entrance on the façade of the building facing the transit station or streets leading to the transit station in addition to a main entrance along the main arterial road.
 - 2. The main entrance of any building shall face the street. The main entrance shall not be set back more than five feet from the front property line, unless a public seating area or plaza is provided in front of the building.
 - 3. Facades over fifty feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines and/or other architectural treatments.
 - 4. Architectural style and materials shall be compatible with the surrounding area, and facades must provide a visually interesting environment.
- C. Signage
 - 1. Height: No signs shall extend higher than the height of the ground story.

2. Size: No façade sign shall exceed 25 percent of the ground floor wall area. No other sign shall exceed 25 square feet in size. Signs may be double sided.
3. Design: All signs within a given project shall be complimentary in their use of color, shape, and material.
4. Other Regulations: All other signage regulations as outlined in Article XV shall apply.

ARTICLE VIII – LNC – Local Neighborhood Commercial District

§ 210-34. Principle Uses Permitted By Right.

The following principal uses are permitted by right in the LNC – Local Neighborhood Commercial District:

1. Art or Music Studio
2. Bank or Financial Institution
3. Bed and Breakfast
4. Church, Cathedral or Temple – Fewer than 20 parking spaces required
5. Clinic, Medical or Dental
6. Club (Limited)
7. Cultural Service – Less than 5,000 square feet of gross floor area
8. Day Care Center
9. Library
10. Office – Less than 10,000 square feet of gross floor area
11. Restaurant – Limited
12. Retail – Less than 10,000 square feet of gross floor area

§ 210-35. Principle Uses Permitted by Conditional Use.

The following principal uses are permitted by conditional use in the LNC – Local Neighborhood Commercial District:

1. Animal Care – Limited See Article XII, Section 210-52 (C) (3).
2. Church, Cathedral or Temple – 25 or more parking spaces required See Article XII, Section 210-52 (C) (6).
3. Communications Facility See Article XII, Section 210-52 (C) (10).
4. Grocery Store – Less than 3,000 square feet of gross floor area See Article XII, Section 210-52 (C) (15).
5. Hotel or Motel – Less than 40 guest rooms See Article XII, Section 210-52 (C) (17).

6. Institutional Home See Article XII, Section 210-52 (C) (18).
7. Institutional House See Article XII, Section 210-52 (C) (18).
8. Laundry Services See Article XII, Section 210-52 (C) (20).
9. Mixed-Use Development See Article XII, Section 210-52 (C) (22).
10. Office – More than 20,000 square feet of gross floor area See Article XII, Section 210-52 (C) (24).
11. Parks and Recreation – Less than 19 parking spaces and no concessions or spectator seating See Article XII, Section 210-52 (C) (26).
12. Personal Services See Article XII, Section 210-52 (C) (28).
13. Public Building See Article XII, Section 210-52 (C) (31).
14. Restaurant – Fast Food See Article XII, Section 210-52 (C) (33).
15. Restaurant – General See Article XII, Section 210-52 (C) (33).
16. Retail – More than 10,000 square feet of gross floor area See Article XII, Section 210-52 (C) (34).
17. School – Less than 75 students See Article XII, Section 210-52 (C) (36).
18. Any other use not specifically mentioned in Section 210-34, 210-35 or 210-36.

§ 210-36. Principle Uses Permitted by Special Exception.

The following principal uses are permitted by special exception in the LNC – Local Neighborhood Commercial District:

1. Club – General See Article XII, Section 210-52 (C) (9).
2. Cultural Service – More than 5,000 feet of gross floor area See Article XII, Section 210-52 (C) (11).
3. Funeral Home See Article XII, Section 210-52 (C) (14).
4. Grocery Store – More than 3,000 square feet of gross floor area See Article XII, Section 210-52 (C) (15).
5. Hotel or Motel – 40 or more guest rooms See Article XII, Section 210-52 (C) (17).
6. Nursery – Retail – Less than 10 parking spaces and less than ½ acre lot size See Article XII, Section 210-52 (C) (23).
7. Parking – Commercial – Less than 25 spaces See Article XII, Section 210-52 (C) (25).
8. Retail – Outdoor sales where the sales are distinct from those of the adjacent business See Article XII, Section 210-52 (C) (35).
9. School – 75 or more students See Article XII, Section 210-52 (C) (36).

10. Service Station See Article XII, Section 210-52 (C) (38).

11. Vehicle/Equipment Repair – Limited See Article XII, Section 210-52 (C) (42).

§ 210-37. Development Standards.

A. Lot Area. Lot area and lot width regulations in the LNC – Local Neighborhood Commercial District shall be as follows:

1. The maximum by-right Floor-Area Ratio is 2.0. Floor-Area ratios exceeding this amount must be approved by the Planning Commission.

B. Lot Coverage. Maximum lot coverage for the LNC – Local Neighborhood Commercial Zoning District is 90% of the lot. The Borough Council may grant additional coverage up to 100% if it finds that doing so furthers the purposes of this Ordinance.

C. Height Limit and Roof Pitch. The Basic Height Limit shall be three stories and forty (40) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to forty-five (45) feet. All parts of the roof above forty (40) feet shall be pitched.

D. Yards and setbacks.

1. Front and rear yards.

a. The sum of the front yard plus the rear yard shall be a minimum of 10 feet.

b. In no case shall either yard have a depth of less than 5 feet.

2. Side setbacks. The required minimum side setback is 5 feet; or 10 feet adjacent to one- or two-family dwellings. For corner lots, the side setback is 10 feet. No portion of the side setback shall be less than these measurements, except as follows:

a. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of subsection 210-37 (D) (2). The easement shall be recorded with Allegheny County. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 36 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.

3. Exceptions from Standard Yard and Setback Requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 210-37 (D) (3) and (D) (4) are met:

- a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
- b. Certain features of a structure.
 - 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 36 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 3 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 36 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
- 4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-37 (D) (3) (b) may not exceed 40 percent of the area of the facade on which the features are located.

E. Parking.

- 1. Required parking for any other permitted use is found in Article XIII, Standards for Parking.
- 2. Access. Access to parking shall be from the main arterial whenever possible, unless the Borough Council determines that alley access is more feasible and desirable to mitigate parking access and traffic impacts.
- 3. Location.
 - a. Parking shall be located on the same lot as the principal structure.
 - b. Parking may be in or under a structure, or outside a structure, provided that:
 - (1) Parking shall only be located in the front yard if sufficient landscaping is provided as found in Article XIII and Article XIV;
 - (2) Parking shall not be located in the first five (5) feet of a rear yard or side yard abutting a street.

F. Signage

- 1. All signage regulations as outlined in Article XV shall apply.

§ 210-38. Accessory Uses and Structures.

- A. Accessory structures shall be permitted in the LNC – Local Neighborhood Commercial Zoning District under the following conditions:
1. Accessory structures are limited to 15 feet in height and subject to the yard and setback requirements of subsection 210-37 (A) through (D) above.

ARTICLE IX – UNC – Urban Neighborhood Commercial District

§ 210-39. Principle Uses Permitted By Right.

The following principal uses are permitted by right in the UNC – Urban Neighborhood Commercial District:

1. Art or Music Studio
2. Bank or Financial Institution
3. Bed and Breakfast
4. Church, Cathedral or Temple
5. Clinic, Medical or Dental
6. Club (Limited)
7. Cultural Service
8. Day Care Center
9. Library
10. Office
11. Personal Services
12. Restaurant – Limited
13. Retail – Less than 10,000 square feet of gross floor area

§ 210-40. Principle Uses Permitted by Conditional Use.

The following principal uses are permitted by conditional use in the UNC – Urban Neighborhood Commercial District:

1. Animal Care – Limited See Article XII, Section 210-52 (C) (3).
2. Communications Facility See Article XII, Section 210-52 (C) (10).
3. Grocery Store See Article XII, Section 210-52 (C) (15).
4. Hotel or Motel – Less than 40 guest rooms See Article XII, Section 210-52 (C) (17).
5. Institutional Home See Article XII, Section 210-52 (C) (18).

6. Institutional House See Article XII, Section 210-52 (C) (18).
7. Laundry Services See Article XII, Section 210-52 (C) (20).
8. Nursery – Retail – Less than 10 parking spaces and less than ½ acre lot size See Article XII, Section 210-52 (C) (23).
9. Parks and Recreation – Less than 19 parking spaces and no concessions or spectator seating See Article XII, Section 210-52 (C) (26).
10. Public Building See Article XII, Section 210-52 (C) (31).
11. Restaurant – Fast Food See Article XII, Section 210-52 (C) (33).
12. Restaurant – General See Article XII, Section 210-52 (C) (33).
13. Retail – More than 10,000 square feet of gross floor area See Article XII, Section 210-52 (C) (34).
14. Retail – Outdoor sales where the sales are distinct from those of the adjacent business See Article XII, Section 210-52 (C) (35).
15. School See Article XII, Section 210-52 (C) (36).
16. Self-Storage Facility See Article XII, Section 210-52 (C) (37).
17. Any other use not specifically mentioned in Section 210-40, 210-41 or 210-42.

§ 210-41. Principle Uses Permitted by Special Exception.

The following principal uses are permitted by special exception in the UNC – Urban Neighborhood Commercial District:

1. Amusement Arcade See Article XII, Section 210-52 (C) (2).
2. Car Wash See Article XII, Section 210-52 (C) (4).
3. Check Cashing See Article XII, Section 210-52 (C) (5).
4. Club – General See Article XII, Section 210-52 (C) (9).
5. Firearms Business See Article XII, Section 210-52 (C) (13).
6. Funeral Home See Article XII, Section 210-52 (C) (14).
7. Hotel or Motel – 40 or more guest rooms See Article XII, Section 210-52 (C) (17).
8. Manufacturing and Assembly See Article XII, Section 210-52 (C) (21).
9. Parking – Commercial See Article XII, Section 210-52 (C) (25).
10. Pawn Shop See Article XII, Section 210-52 (C) (27).
11. Public Assembly (Limited) See Article XII, Section 210-52 (C) (30).

12. Service Station See Article XII, Section 210-52 (C) (38).
13. Tattoo Parlor or Body Piercing Shop See Article XII, Section 210-52 (C) (40).
14. Vehicle/Equipment Repair See Article XII, Section 210-52 (C) (42).
15. Vehicle/Equipment Sales See Article XII, Section 210-52 (C) (43).

§ 210-42. Development Standards.

- A. Lot Area. Lot area and lot width regulations in the UNC – Urban Neighborhood Commercial District shall be as follows:
 1. The maximum by-right Floor-Area Ratio is 2.5. Floor-Area ratios exceeding this amount must be approved by the Planning Commission.
- B. Lot Coverage. Maximum lot coverage for the UNC – Urban Neighborhood Commercial Zoning District is 95% of the lot. The Borough Council may grant additional coverage up to 100% if it finds that doing so furthers the purposes of this Ordinance.
- C. Height Limit and Roof Pitch. The Basic Height Limit shall be four stories and fifty (50) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to fifty-five (55) feet. All parts of the roof above fifty (50) feet shall be pitched.
- D. Yards and setbacks.
 1. Front and rear yards.
 - a. The sum of the front yard plus the rear yard shall be a minimum of 10 feet.
 - b. In no case shall either yard have a depth of less than 5 feet.
 2. Side setbacks. The required minimum side setback is 5 feet; or 10 feet adjacent to one- or two-family dwellings. For corner lots, the side setback is 10 feet. No portion of the side setback shall be less than these measurements, except as follows:
 - a. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of subsection 210-42 (D) (2). The easement shall be recorded with Allegheny County. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 36 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.
 3. Exceptions from Standard Yard and Setback Requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 210-42 (D) (3) and (D) (4) are met:

- a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
- b. Certain features of a structure.
 - 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 36 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 3 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 36 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-42 (D) (3) (b) may not exceed 40 percent of the area of the facade on which the features are located.

E. Parking.

1. Required parking for any other permitted use is found in Article XIII, Standards for Parking.
2. Access. Access to parking shall be from the main arterial whenever possible, unless the Borough Council determines that alley access is more feasible and desirable to mitigate parking access and traffic impacts.
3. Location.
 - a. Parking shall be located on the same lot as the principal structure.
 - b. Parking may be in or under a structure, or outside a structure, provided that:
 - (1) Parking shall only be located in the front yard if sufficient landscaping is provided as found in Article XIII, Standards for Parking and Article XIV, Standards for Landscaping;
 - (2) Parking shall not be located in the first five (5) feet of a rear yard or side yard abutting a street.

F. Signage

1. All signage regulations as outlined in Article XV shall apply.

§ 210-43. Accessory Uses and Structures.

A. Accessory structures shall be permitted in the UNC – Urban Neighborhood Commercial Zoning District under the following conditions:

1. Accessory structures are limited to 15 feet in height and subject to the yard and setback requirements of subsection 210-42 (A) through (D) above.

ARTICLE X – CIV – Civic District

§ 210-44. Principle Uses Permitted By Right.

The following principal uses are permitted by right in the CIV – Civic District:

1. Any use operated or controlled by the Borough, County, State or Federal government.
2. Any public or private elementary school, middle school, high school, college or university, with the exception of private vocational schools.
3. Communication facilities, including electrical power substation facilities, telephone switching stations and towers, water facilities, sewer facilities, storm water facilities, cable TV lines and wireless communication facilities.

§ 210-45. Development Standards.

A. Lot Area. Lot area and lot width regulations in the CIV – Civic District shall be as follows:

1. The maximum by-right Floor-Area Ratio is 0.6. Floor-Area ratios exceeding this amount must be approved by the Planning Commission.

B. Lot Coverage. Maximum lot coverage for the CIV – Civic District is 60% of the lot. The Borough Council may grant additional coverage up to 75% if it finds that doing so furthers the purposes of this Ordinance.

C. Height Limit and Roof Pitch. The Basic Height Limit shall be three stories and forty-five (45) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to fifty (50) feet. All parts of the roof above forty-five (45) feet shall be pitched.

D. Yards and setbacks.

1. Front and rear yards.
 - a. The front yard shall be a minimum of 5 feet unless adjacent to a residential zoning district in which case it will be the same minimum as that district.
 - b. The rear yard shall be a minimum of 15 feet.

2. Side setbacks. The required minimum side setback is 5 feet; or 10 feet adjacent to one- or two-family dwellings. For corner lots, the side setback is 15 feet. No portion of the side setback shall be less than these measurements, except as follows:
 - a. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side setback may be reduced from the requirement of subsection 210-45 (D) (2). The easement shall be recorded with Allegheny County. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 24 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.
3. Exceptions from Standard Yard and Setback Requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 210-45 (D) (3) and (D) (4) are met:
 - a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
 - b. Certain features of a structure.
 - 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 24 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 24 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-45 (D) (3) (b) may not exceed 40 percent of the area of the facade on which the features are located.

E. Parking.

1. Required parking for any other permitted use is found in Article XIII, Standards for Parking.

2. Access. Access to parking shall be from the main arterial whenever possible, unless the Borough Council determines that alley access is more feasible and desirable to mitigate parking access and traffic impacts.
3. Location.
 - a. Parking shall be located on the same lot as the principal structure.
 - b. Parking may be in or under a structure, or outside a structure, provided that:
 - (1) Parking shall only be located in the front yard if sufficient landscaping is provided as found in Article XIII, Standards for Parking and Article XIV, Standards for Landscaping;
 - (2) Parking shall not be located in the first five (5) feet of a rear yard or side yard abutting a street.

F. Signage

1. All signage regulations as outlined in Article XV shall apply.

§ 210-46. Accessory Uses and Structures.

A. Accessory structures shall be permitted in the CIV – Civic Zoning District under the following conditions:

1. Accessory structures are limited to 15 feet in height and subject to the yard and setback requirements of subsection 210-45 (A) through (D) above.

ARTICLE XI – GSD – Green Space District

§ 210-47. Principle Uses Permitted By Right.

1. Natural and other recreational parks
2. Golf Courses, public or private
3. Community garden
4. Stormwater management facilities, drainage area, and common and landscape areas
5. Any other use determined to be compatible with the above-stated uses and those uses adjoining.

§ 210-48. Development Standards.

- A. Lot Area. Lot area and lot width in the GSD – Green Space District shall be approved by the Planning Commission as appropriate for the principle use being developed.
- B. Lot Coverage. Maximum lot coverage for the GSD – Green Space District is 10% of the lot. The Borough Council may grant additional coverage up to 20% if it finds that doing so furthers the purposes of this Ordinance.

- C. Height Limit and Roof Pitch. The Basic Height Limit shall be two stories and twenty-five (25) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend above the height limit to thirty (30) feet. All parts of the roof above twenty-five (25) feet shall be pitched.
- D. Yards and setbacks.
1. Front and rear yards.
 - a. The sum of the front yard plus the rear yard shall be a minimum of 30 feet.
 - b. In no case shall either yard have a depth of less than 10 feet.
 2. Side setbacks. The required minimum side setback is 20 feet. The side setback may be averaged. No portion of the side setback shall be less than 10 feet, except as follows:
 - a. Street side setbacks shall be a minimum of 15 feet.
 3. Exceptions from Standard Yard and Setback Requirements. The following parts of structures may project into a required yard or setback, provided that the applicable restrictions in subsections 210-48 (D) (3) and (D) (4) are met:
 - a. Uncovered porches or steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
 - b. Certain features of a structure.
 - 1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback.
 - 2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback.
 - 3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width.
 4. Limit on features on a facade. The combined area of features that project into a required yard or setback pursuant to subsection 210-48 (D) (3) (b) may not exceed 30 percent of the area of the facade on which the features are located.

E. Parking.

1. Required parking for any other permitted use is found in Article XIII, Standards for Parking.
2. Access. Access to parking shall be from the main arterial whenever possible, unless the Borough Council determines that alley access is more feasible and desirable to mitigate parking access and traffic impacts.
3. Location.
 - a. Parking shall be located on the same lot as the principal structure.
 - b. Parking may be in or under a structure, or outside a structure, provided that:
 - (1) Parking shall only be located in the front yard if sufficient landscaping is provided as found in Article XIII, Standards for Parking and Article XIV, Standards for Landscaping;
 - (2) Parking shall not be located in the first five (5) feet of a rear yard or side yard abutting a street.

F. Signage

1. All signage regulations as outlined in Article XV shall apply.

§ 210-49. Accessory Uses and Structures.

A. Accessory structures shall be permitted in the GSD – Green Space District under the following conditions:

1. Accessory structures are limited to 20 feet in height and subject to the yard and setback requirements of subsection 210-48 (A) through (D) above.
2. The following accessory uses and structures shall be permitted herein:
 - A. Recreational equipment
 - B. Restroom facilities
 - C. Gazebos
 - D. Picnic shelters
 - E. Clubhouse
 - F. Swimming Pools
 - G. Farmers market
 - H. Parking facility, non-commercial
 - I. Any other accessory use determined to be compatible with the above-stated uses and those uses adjoining.

ARTICLE XII – Standards and Criteria for Granting Conditional Use Approvals and Special Exceptions

§ 210-50. Purposes, Organization and Applicability.

- A. Both a "special exception" and a "conditional use" are permissions granted to an applicant to use land in a zoning district for a purpose or land use that is permitted in that district. Special exceptions and conditional uses are utilized by this Chapter because merely allowing and not allowing land uses is too narrow for sound planning in some zoning districts. Some land uses fall in between what is consistent and what is not consistent with a district's planned way of life. Furthermore, some uses should be located in a district, but should be very carefully sited or controlled in order to protect the district's overall quality of life. Establishing a special exception/conditional use system for the Borough of Dormont that allows such land uses in appropriate zoning districts, subject to location and operation standards that are to protect the quality of life in those districts, is the general purpose of Article XII.
- B. A major difference between special exceptions and conditional uses is that the former are granted or denied by the Zoning Hearing Board, while the latter are granted or denied by the Borough Council. Land uses that are allowed as special exceptions generally affect only their particular neighborhoods, while land uses that are allowed as conditional uses may affect the entire Borough, and, thus, should be under the jurisdiction of the Borough's primary elected officials (i.e., the Council). Another major difference between a special exception and conditional use is that a conditional use must be referred to the Borough's Planning Commission for its recommendation to Council. The district regulations earlier in this Chapter list the land uses which are allowed in each zoning districts as special exceptions, and which land uses are allowed in each zoning districts as conditional uses.
- C. Special exceptions and conditional uses are not deviations from this Chapter or its purposes listed in § 210-4, Community Development Objectives. These uses are both envisioned by this Chapter and, if the location and operation standards prescribed by this Article are followed, they are permitted by this Chapter.
- D. The procedure that an applicant is to use in obtaining a special exception or a conditional use is provided in § 210-52, Procedure for Obtaining Special Exception or Conditional Use. The standards that the Zoning Hearing Board or the Borough Council (as the case may be) is to use in determining whether or not a special exception or conditional use (as the case may be) will be granted to the applicant are provided in § 210-53, Standards for Granting Special Exception or Conditional Use. This article and its regulations only apply to land uses that are proposed to be established in a zoning district where those uses are allowed only as special exceptions or conditional uses by this Chapter.

§ 210-51. Procedure for Obtaining Special Exception or Conditional Use.

All applications for special exceptions and conditional uses shall be made according to the following rules:

- A. Who may apply? - Any landowner or a tenant with the written permission of the landowner may apply for a special exception or conditional use.

- B. What land uses that may be permitted through a special exception or a conditional use? - The only land uses that may be permitted through a special exception or a conditional use are those that are expressly permitted as special exceptions or conditional uses for the involved zoning district in any part of this Chapter.
- C. Applying to the Zoning Officer. - Any one of the aforementioned parties who wishes to establish a land use that is permitted in the involved zoning district as a special exception or a conditional use shall file an application with the Zoning Officer on a form supplied by the Borough. This application shall not be considered complete unless enough information is included on the form to enable the Zoning Hearing Board or the Borough Council (as the case may be) to determine if the proposed land use meets the standards given for that use under § 210-53. Upon receiving a complete application, the Zoning Officer shall forward it to the Zoning Hearing Board for its consideration if the application is for a special exception, or to the Planning Commission for its recommendation and Borough Council for approval if the application is for a conditional use.
- D. What procedure is the Zoning Hearing Board to use in deciding on a special exception application? - The procedure that the Zoning Hearing Board will use in deciding whether or not to grant a special exception is detailed in Article XVIII.
- E. What procedure is the Borough Council to use in deciding on a conditional use application? - The procedure that Borough Council will use in deciding whether or not to grant a conditional use is detailed in Article XII.
- F. Who has the burden of proof? - In both special exception hearings and conditional use hearings, the burden of proof shall be on the applicant to prove that his or her proposed use meets the standards prescribed for it by § 210-53, Standards for Granting Special Exception or Conditional Uses.
- G. Conditions. - In granting a special exception or a conditional use, the Zoning Hearing Board or the Borough Council (as the case may be) may attach reasonable conditions and safeguards (in addition to those prescribed by § 210-53) as it may deem necessary to implement the purposes of this Chapter. Such conditions shall "run with the land," and shall not be tied solely to a particular landowner. If a condition is violated subsequent to the grant of a special exception or a conditional use, it shall be enforced according to the provisions of Article XVII.
- H. How do I appeal the decision of the Zoning Hearing Board or the Borough Council? - The decision of the Zoning Hearing Board regarding a special exception application, or the decision of the Borough Council regarding a conditional use application may be appealed to the Allegheny County Court of Common Pleas.
- I. Zoning and occupancy permits. - Zoning and occupancy permits shall be required for each approved special exception or conditional use.

§ 210-52. Standards for Granting Special Exception or Conditional Use.

- A. The purpose and organization of this section. - The purpose of this section is to provide standards that the Zoning Hearing Board will use in deciding whether or not to grant a special exception use, or that the Borough Council will use in deciding whether or not to grant a conditional use. Each land use or activity that is permitted as a special exception or a conditional use in one or more zoning districts in this Chapter is listed in alphabetical order under Subsection C below. Each application made under § 210-51, Procedure for Obtaining Special Exception or Conditional Use, must meet the standards detailed under the specific proposed land use or activity in order to obtain a special exception or a conditional use. Note that both the standards for land uses that this Chapter permits as special exceptions and the standards for land uses that this Chapter permits as conditional uses are provided in the same list.
- B. The performance standards. - The purpose of this section is to provide overall standards which apply to every type of special exception or conditional use as provided for in this Chapter. These standards are to be used by the Zoning Hearing Board in deciding whether or not to grant a special exception use, or by the Borough Council in deciding whether or not to grant a conditional use.
1. The proposed land use constitutes an appropriate use that is consistent with the character and type of development in the area surrounding the involved parcel.
 2. The proposed land use will not substantially impair, alter, or detract from the value, use, or enjoyment of surrounding properties via fumes, odors, vibrations, glare, electrical interference, radio or television signal interference, voltage fluctuations, smoke, noise, or other noxious, offensive, or hazardous elements.
 3. The hours of operation of the proposed uses listed below will not disturb the lifestyle of its neighbors.
 4. The proposed use will not threaten the safety, health, morals, and general welfare of the Borough and its citizens.
 5. The proposed land use will follow all provisions of this chapter.
 6. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally recommended by the National Fire Protection Association in the handling of any such material.
 7. No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other properties.
 8. Pollution of water shall be subject to the requirements and regulations established by regulatory agencies.

C. The Specific Standards.

1. ADULT-ORIENTED BUSINESS.

No authorization for a zoning permit or occupancy permit, as the case may be, shall be granted for any of the following categories of uses, collectively known as adult-oriented businesses (Adult Arcade; Adult Bookstore; Adult Novelty Store; Adult Video Store; Adult Cabaret; Adult Motel; Adult Motion-Picture Theater; Adult Theater; Escort Agency; Nude Model Studio; Sexual Encounter Center; Sexually Oriented Business; any other similar use), unless the following regulations are and will be complied with:

- A. Adult oriented businesses, as defined by this Ordinance, shall not be permitted in any Zoning District other than the UNC District as a special exception.
- B. An adult oriented business shall not be located within five hundred (500) feet of any of the following uses: a church; public or private pre-elementary, elementary or secondary school; public library; day care center or pre-school facility; public park or residential dwelling. The distance shall be measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.
- C. No such use shall be located within one thousand (1,000) feet of another adult oriented business.
- D. Parking: one (1) off-street parking space for each one hundred (100) square feet of gross floor area used or intended to be used for servicing customers.
- E. Any adult oriented business, other than an adult motel, that exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction that depicts nudity or sexual conduct shall comply with the following:
 - i. At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - ii. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment.
 - iii. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station.

- iv. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises that has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.
 - v. No viewing room shall be occupied by more than one (1) person at a time. No connections or openings to an adjoining viewing room shall be permitted.
 - vi. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
 - vii. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers.
- F. If the adult business involves live performances, the performers shall not have easy access to the viewers present.
 - G. Liquor or intoxicating beverages shall not be sold on the premises for which the Certificate of Occupancy is sought.
 - H. If the maximum permitted occupancy exceeds fifty (50) persons, the owner and operator of any adult nightclub shall provide security officers, licensed under the laws of the Commonwealth.
 - I. No stock in trade that depicts nudity or sexual conduct shall be permitted to be viewed from the sidewalk, street or highway.
 - J. No signs or other displays of products, entertainment or services shall be permitted in any window or other area that is visible from the street or sidewalk.
 - K. Windows shall not be covered or made opaque in any way.
 - L. Notice shall be given at the entrance stating the hours of operation and restricting admittance to adults only. The term adult shall have the meaning provided by applicable statutory law.
 - M. Owners and operators of adult businesses shall obtain a Certificate of Occupancy to operate from the Borough pursuant to Section 210-99 (d). In addition, such owners or operators shall supply to the Borough such information regarding ownership and financing of the proposed business as is required by the Borough. Applications for a Certificate of Occupancy shall be filed with the Borough Manager.
 - N. The adult business shall be initially approved upon compliance with all requirements of this Section and provisions of the required Certificate of Occupancy application. For each year thereafter that the adult business intends to continue, the owner or operator shall seek a renewal of the Certificate of Occupancy. The application for renewal shall be submitted to the Borough Manager by November 1st of the year preceding the year for which renewal is sought. The lack of Certificate of Occupancy

or failure to renew such Certificate of Occupancy in a timely manner shall be a violation of this Ordinance and shall be grounds for denial or revocation of the Certificate of Occupancy for the adult business.

2. AMUSEMENT ARCADE.

Within the UNC District, amusement arcades are permitted by special exception, subject to the following criteria:

- a. All activities shall take place within a completely-enclosed building.
- b. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the arcade.
- c. A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Article XIII of this Chapter.
- d. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

3. ANIMAL CARE – LIMITED.

Within the LNC and UNC Districts, limited animal care facilities are permitted as conditional uses with the following criteria:

- A. Standards For Veterinary Offices: The following standards shall govern the operation of a veterinary office:
 - i. Noise generated by animals within the building shall not exceed the noise performance standards of the Borough at the property lines.
 - ii. When outside, each animal shall be leashed and under the control of a person. A ratio of one person per one animal shall be maintained for all animals outdoors at all times.
 - iii. Animals may be taken outside between the hours of seven o'clock (7:00) a.m. and ten o'clock (10:00) p.m.
 - iv. Outside areas shall be cleared of excrement daily to eliminate offensive odors.
 - v. Animals causing a nuisance outside shall be controlled or taken inside if the animal cannot be controlled immediately.
 - vi. Animals not receiving medical treatment may be boarded for extended stays.
 - vii. Veterinary offices shall be authorized to provide boarding services, but such services shall comply with State of Pennsylvania inspection requirements and the operator shall obtain and/or display appropriate certificates or documentation of compliance. The operator of the veterinary office shall be required to obtain a conditional use permit to provide on premises boarding services.

b. Standards For Pet Care Establishments: The following standards shall govern the operation of a pet care establishment:

- i. Where permitted, as defined by this Chapter, animals may be allowed outside without leashes.
- ii. Where permitted, outdoor areas for use by animals not on leashes shall be fenced.
- iii. Where outdoor areas are permitted, animals may remain outside without direct supervision by an employee.
- iv. Where permitted, outside areas shall be cleared of excrement daily.
- v. Medical treatments or procedures shall not be regularly administered nor scheduled at a pet care establishment. Emergency medical treatment and nonprofessional care associated with existing medical conditions shall be permitted.
- vi. Other conditions and restrictions as imposed by the Borough Council necessary to protect public health and safety and to protect the use and value of nearby property.

4. CAR WASH.

Roll-over, full-service and self-service car washes are permitted by special exception in the UNC Districts. Car washes are also permitted as a use in combination with a service station subject to the provisions of this Article.

- A. A site plan shall be submitted showing the location of the car wash and zoning district of adjacent properties, the location of ingress and egress, the manufacturer's rated hourly production capacity of the equipment to be installed, if available, or other evidence of the capacity of the equipment, the proposed stacking spaces as required by this Section below, the proposed landscape and buffer treatment, and such other information as may be required by the Borough.
- B. All internal paved areas of a car wash site used for stacking, parking and driveway purposes shall comply with Article XIII and shall be laid out to allow automobile circulation in a manner that precludes vehicles from waiting on the street or blocking the right-of-way before gaining entrance.
- C. All stacking spaces for car washes shall be single-file at the entrance of the tunnel. The space for the car being washed shall not be counted as a stacking space. A minimum of the following stacking spaces shall be provided:
 - i. Nine per roll-over car wash tunnel.
 - ii. Nineteen per full-service car wash tunnel.
 - iii. Four spaces for the first tunnel of a self-service car wash, and two waiting spaces for each additional tunnel.
- D. All parking spaces shall be located to avoid conflict with on-site circulation patterns. The following minimum number of parking spaces shall be provided:

- i. To dry vehicles, two for each tunnel of a roll-over or a self-service car wash and six for each tunnel of a full-service car wash.
 - ii. One per vacuum cleaner unit, except in the case of a full-service or a self-service car wash, a stacking space may be used to serve as a parking space for the vacuum cleaner unit.
 - iii. Two additional spaces at a roll-over car wash.
 - iv. Four additional spaces at a full-service car wash.
- E. Locational Standards:
 - i. Roll-over and full-service car wash buildings shall be set back at least 50 feet from the lot line of any residentially zoned property. Except for the landscape buffers, no part of a self-service car wash shall be within 100 feet of a residentially zoned property.
 - ii. The tunnel exit of car wash facilities shall be set back at least 50 feet from the nearest exit drive.
- F. General Design:
 - i. No tunnel entrance or exit of a car wash operation shall face an adjacent residentially zoned property not including those across a street.
 - ii. The rear and sides of buildings facing residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan and shall be subject to review by the Borough Manager, who shall provide written comments to the Zoning Hearing Board.
 - iii. Except for the required access drives, a landscaped transition area shall be provided along the perimeter of all car wash operations. Such area shall have a minimum width of 10 feet where the car wash fronts a public right-of-way and six feet in all side and rear yards abutting non-residentially zoned land. Car wash operations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer that measures no less than 15 feet from that property line.
 - iv. The landscape transition area shall be planted and screened in accordance with the Landscape requirements for automotive uses.
 - v. All waste water shall be contained on site or directed to appropriate stormwater facilities only.
 - vi. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site, the Borough may require changes in building or site plan design or hours of operation for car washes for which an additional special exception is required.

5. CHECK CASHING.

The purpose of regulating check cashing establishments is to ensure security and compatibility with surrounding uses and properties and to avoid any impacts associated with such uses. Check cashing businesses are permitted by special exception in the UNC Districts.

- A. The business shall not be located within 600 feet of a public or private school (pre-school through twelfth grade), public assembly use (non-entertainment) or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, assemblies of people (non-entertainment) or park site.
- B. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.
- C. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing, transitional housing and transitional housing development or businesses licensed by the State of Pennsylvania for off- or on-sale of alcoholic beverages as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-site or on-site alcoholic beverage sales business.
- D. The business shall be located a minimum distance of 1,000 feet from any existing pawn shop, check cashing business or similar use.
- E. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.
- F. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.
- G. A security plan shall be provided to the Borough of Dormont Police Department and Borough Manager for review and approval.
- H. The business window shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the lease space shall remain at adequate levels to clearly see into the business from the exterior of the business.
- I. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Borough of Dormont Code.
- J. Prior to occupancy of the business, the business owner shall sign a trespass authority letter authorizing the Borough of Dormont Police Department to enforce trespass law. A copy of this letter shall be provided to the Borough Manager.
- K. No outdoor pay phones shall be permitted on any such premises.
- L. The hours of operation shall be limited to between 8:00 a.m. and 9:00 p.m. daily.

M. The check cashing business shall be initially approved upon compliance with all requirements of this Section and provisions of the required Certificate of Occupancy application. For each year thereafter that the check cashing business intends to continue, the owner or operator shall seek a renewal of the Certificate of Occupancy. The application for renewal shall be submitted to the Borough Manager by November 1st of the year preceding the year for which renewal is sought. The lack of Certificate of Occupancy or failure to renew such Certificate of Occupancy in a timely manner shall be a violation of this Ordinance and shall be grounds for denial or revocation of the Certificate of Occupancy for the check cashing business.

6. CHURCH, CATHEDRAL OR TEMPLE.

- A. Churches and other places of worship shall have adequate lot size to meet the yard requirements of the zoning district in addition to the area used to meet parking requirements. Yard space may not be counted toward required parking spaces.
- B. The parking lot landscaping standards found elsewhere in this ordinance apply.
- C. Belfries or steeples shall be exempt from the height requirement.
- D. At site plan approval, additional conditions may be imposed to protect nearby property from any detrimental effects due to traffic, noise or other factors.

7. CINEMA.

These may be permitted in the TOD District as either permitted or conditional uses depending on the size only if:

- A. Developed as a single use in a detached one- or two-story structure.
- B. Such uses shall be conducted entirely within an enclosed structure.
- C. Parking areas shall be screened from adjoining residential properties.
- D. A principal structure shall be not less than 20 feet from any property line or such greater distance as may be otherwise required in the district where located.
- E. There shall be no offensive noise or vibration.
- F. Applications for cinemas shall be accompanied by a site development plan.
- G. The site development plan shall show building placement and dimensions, parking, landscaping, internal circulation and the size and location of signage.
- H. The lot size shall be not less than two acres.

8. CLINIC, MEDICAL OR DENTAL.

- A. Minimum lot area shall be 20,000 square feet.
- B. Building height shall not exceed two (2) stories or thirty-five (35) feet.
- C. Lot coverage shall not exceed thirty-three (33) percent.
- D. The Zoning Hearing Board may waive or reduce the front yard and side yard setback requirements.

9. CLUB (GENERAL).

These may be permitted in the TOD District as conditional uses and in the LNC and UNC Districts as special exceptions only if:

- A. Avoid contributing to an undue proliferation of alcoholic beverage sales businesses in an area where additional ones would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
- B. Avoid any adverse impact on adjacent or nearby parks, playgrounds, religious facilities, or schools;
- C. The proposed land use will not have a gross floor area of more than 15,000 square feet;
- D. The proposed use will not congest the Borough's streets or highways;
- E. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- F. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- G. The exterior areas of the proposed use will be adequately lighted;
- H. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

10. COMMUNICATIONS FACILITIES.

Communications facilities are permitted as land uses by special exception in the following zoning districts: LNC and UNC Districts. Communications facilities shall be subject to the provisions of the Code of Ordinances of the Borough of Dormont in addition to the specific criteria listed below:

- A. The minimum site area required shall be as follows:
 - i. Single tower not exceeding 200 feet in height: one acre.
 - ii. Single tower not exceeding 300 feet in height: two acres.
 - iii. Tower site proposed initially or cumulatively for two or more towers: five acres.
- B. Any existing or proposed tower site shall not be located within 2,000 feet of any other existing or proposed tower site, measured from nearest property line to nearest property line.
- C. Shared use of towers and tower sites shall be encouraged. If shared use of an existing or approved tower site is not proposed, the applicant shall demonstrate that the proposed equipment cannot be accommodated on an existing or approved tower site for the following reasons:

- i. The proposed equipment would exceed the structural capacity of the existing or approved towers and reinforcement of the existing or approved towers cannot be accomplished at a reasonable cost.
 - ii. The proposed equipment will cause RF (radio frequency) interference with other existing or proposed equipment for that tower or that existing or approved tower site and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers or the existing or approved tower site do not have adequate space to accommodate the proposed equipment.
 - iv. Addition of the proposed equipment would result in NIER (nonionizing electromagnetic radiation) levels which exceed any adopted local, federal or state emission standards.
 - v. There are other valid reasons that make it impractical to place the proposed equipment on any existing or proposed tower or any existing or approved tower site.
- d. Shared use shall be conditioned upon the applicant's agreement to pay a reasonable fee and the cost of adapting existing facilities to the proposed use reasonably required to accommodate shared use.
 - e. Communications facilities and their associated structures may exceed the height limitations of the zoning district, provided they shall be set back from any property line or public street right-of-way a minimum distance of 50% of the tower height or greater, if necessary, to guarantee that, in the event of collapse, the structure shall not fall on any adjacent property and all ice-fall or debris from tower failure shall be contained on the tower site.
 - f. No communications facility shall be located within 500 feet of any property line located in the SFR, TFR or MFR Zoning Districts.
 - g. If title to the land on which the communications facility is located is conveyed to the owner of the facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the zoning district.
 - h. Unless the essential communications facility is located on a building, the tower structure shall be completely enclosed by an eight-foot-high chain link or similar fence with self-latching gate to limit accessibility to the general public, unless the entire property is secured by such a fence.
 - i. All guy wires and all guyed towers shall be clearly marked so as to be visible at all times.
 - j. All guy wires shall be located a minimum of 25 feet from any property line.
 - k. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
 - l. The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind and other loads in accordance with the antenna's location.

- m. Unless the essential communications facility is located on a building, a soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, shall be submitted to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
- n. An antenna which is proposed to be mounted on an existing building or structure, other than an existing communications tower, shall not exceed the height of the building or structure by more than 15 feet.
- o. The applicant shall demonstrate that the proposed height of the communications facility antenna is the minimum height necessary to function effectively.
- p. All antennas and tower structures shall be subject to any applicable Federal Aviation Administration (FAA) and airport zoning regulations.
- q. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications facility.
- r. No sign or other structure shall be mounted on the tower, except as may be required or approved by the FCC, FAA or other governmental agency.
- s. No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). All required lighting shall be shielded and reflected away from adjoining properties.
- t. All tower structures shall be fitted with anti-climbing devices as approved by the manufacturers for the type of installation proposed.
- u. A minimum of two off street parking spaces shall be provided on the tower site, plus one off street parking space for each on-site personnel.
- v. Existing vegetation on the site shall be preserved to the maximum extent possible.
- w. The applicant shall design the tower to be as compatible as reasonably possible with the surrounding area, including, where appropriate, disguising the tower to resemble a tree, church steeple, or other structure.
- x. A minimum twenty-foot easement or right-of-way for access shall be provided to the tower which is adequate to accommodate maintenance and emergency vehicles and which is improved with a dust-free, all-weather surface sufficient to accommodate the weight of vehicles proposed to use the easement or right-of-way subject to approval by the Borough Council. The right-of-way or easement shall be maintained by the landowner or lessee.
- y. In January of each year, the operator shall provide verification to the Borough Zoning Officer that there have been no changes in the operating characteristics of the communications faculty as approved at the time of the application, including at a minimum:
 - i. Direction of the signal;
 - ii. Frequency, modulation and class of service;
 - iii. Transmission and maximum effective radiated power;
 - iv. Manufacturer, type and model of equipment;
 - v. Height of the antenna;

- vi. Name, address and emergency telephone number for the operator;
 - vii. Copy of the current FCC license.
- z. Any addition of an antenna or modification of an existing antenna shall require submission of a new application for approval in accordance with the provisions of this section.

11. CULTURAL SERVICE.

Any cultural service may be permitted in the LNC District as a special exception only if:

- A. The proposed land use will not have a gross floor area of more than 10,000 square feet;
- B. The proposed land use will not congest the Borough's streets or highways;
- C. The proposed land use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- D. The proposed land use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises.

12. DAY CARE CENTER.

Stand-alone day care centers are permitted as conditional uses in the MFR District and home occupation day care centers are permitted as conditional uses in the SFR, TFR and MFR Districts as conditional uses only if:

- A. Apply for and obtain any required state license with the Commonwealth of Pennsylvania;
- B. Comply with all applicable building (including exiting requirements), fire safety (including requirements for sprinkler systems), and health code requirements;
- C. Conform to lot size, building size, setbacks and lot coverage standards applicable to the zoning district in which the facility is located.
- D. Comply with all signage requirements applicable to the zoning district in which the facility is located whenever signage is proposed;
- E. A day care center cannot be located within 500 feet from any existing adult entertainment facility, as described in Article XII and defined in Article II;
- F. Limit hours of operation to facilitate neighborhood compatibility, while at the same time providing appropriate opportunity for person(s) who use child care facilities and who work a nonstandard work shift;
- G. All outdoor play areas shall be located in a fenced area in the rear of the building. A five (5) foot landscaped buffer shall be provided along any boundary with an adjacent residential lot.

13. FIREARMS BUSINESS.

A firearms retail establishment or firearm retail sales shall be permitted in the UNC District as a special exception only if:

- A. No portion of the establishment shall be located within five hundred feet (500 ft.) of a Residence.
- B. No portion of the establishment shall be located within five hundred feet (500 ft.) of a church, school, library, or playground.
- C. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.
- D. Any firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times. At a minimum that means either a double locked door system or buzzer system and at least one security camera focused on the entrance.
- E. Any firearm retail sales establishment shall be located on the ground level of a building and provide direct access to the exterior.
- F. Any proposal for a new or expanded firearm retail sales establishment shall be referred to the Borough of Dormont Chief of Police for review and comment regarding security measures, and to the Borough Manager for review and comment regarding potential neighborhood impacts.

14. FUNERAL HOME.

A funeral home use shall be permitted in the LNC and UNC Districts as a special exception only if:

- A. A tract upon which a funeral home is to be established shall have at least one hundred (100) feet of frontage on a collector street or an arterial street and be at least one acre in area.
- B. Structures shall be set back at least twenty-five (25) feet from any property line separating the subject property from residentially zoned or developed properties.
- C. Off-street parking shall conform to Article XIII of this Chapter.
- D. A plan illustrating compliance with the above requirements shall be submitted to the Zoning Hearing Board before the proposal is placed on their Agenda. The Zoning Hearing Board shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed funeral home are greater than any possible depreciating effects and damages to neighboring properties.

15. GROCERY STORES.

Such stores may be permitted in the LNC District as conditional uses when under 3,000 square feet and as special exceptions when over 3,000 square feet and in the UNC District as conditional uses only if:

- a. The proposed store will not congest the Borough's streets or highways;

- b. The proposed store will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- c. The proposed store use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- d. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

16. HOSPITAL.

Hospitals may be permitted in the TOD District as conditional uses only if:

- A. The minimum site for any hospital shall be three (3) acres.
- B. All principal buildings shall be located at least 25 feet from all lot lines.
- C. The site shall have a minimum length and width dimension of 200 feet.
- D. The proposed use will not congest the Borough's streets or highways;
- E. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- F. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- G. The exterior areas of the proposed use will be adequately lighted;
- H. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

17. HOTELS AND MOTELS

- A. Nonresidential units. Hotel and motel units shall not contain kitchen facilities of any nature, shall not be used as apartments for non-transient tenants, shall not contain more than two rooms and shall not be connected by interior doors in groups of more than two.
- B. Site area. There shall be no more than one hotel or motel unit for each 3,000 square feet of site area exclusive of the area between the lot lines and the minimum required setback lines.
- C. Room size. Each hotel or motel room shall have an area of at least 300 square feet. Each hotel or motel unit shall have a bath facility with a shower and/or bath, one toilet facility and a sink. No hotel or motel building shall exceed the height of 35 feet.
- D. Accessory uses. The following accessory uses shall be permitted:
 - i. One apartment for the use of the manager or caretaker and his/her family.

- ii. One coffee shop for hotels and motels with no more than 25 rooms. For hotels or motels with more than 25 rooms, a restaurant with bar facilities and a coffee shop are permitted.
- iii. Amusement and sports facilities for the use of the hotel and motel guests, including:
 - 1. Swimming pool.
 - 2. Children's playground.
 - 3. Tennis and other game courts.
 - 4. Game or recreation rooms.
 - 5. Office and lobby, provisions of which shall be mandatory for each hotel or motel.
 - 6. Meeting and/or conference rooms and banquet facilities.
- E. Fire protection. All hotels and motels shall be equipped with sprinkler and fire alarm systems.
- F. The proposed use will not congest the Borough's streets or highways;
- G. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- H. The proposed use will provide for safe automobile access that, where possible, minimizes the total number of access points on the involved street or highway;
- I. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

18. INSTITUTIONAL HOME – INSTITUTIONAL HOUSE

- A. The yard requirements for multi-family use in the district in which the use is located apply.
- B. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- C. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within 1,000 feet of the site may be used to meet this requirement.
- D. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- E. The proposed use will not congest the Borough's streets or highways;
- F. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- G. The proposed use will provide for safe automobile access that, where possible, minimizes the total number of access points on the involved street or highway;

- H. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

19. LABORATORIES – RESEARCH FACILITIES

Laboratories or Research Facilities may be permitted in the TOD District as a conditional use only if:

- A. The proposed use will not congest the Borough's streets or highways;
- B. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- C. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- D. The exterior areas of the proposed use will be adequately lighted; outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- E. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.
- F. All materials and equipment shall be stored within a completely enclosed building.
- G. The storage and disposal of hazardous and infectious materials and wastes shall be in accordance with the requirements of the Pennsylvania Department of Environmental Resources and any other local, state or federal agencies authorized to regulate such activities.

20. LAUNDRY SERVICES.

- A. In the LNC District the Gross Floor Area cannot exceed 3,000 square feet.
- B. In the UNC District the Gross Floor Area cannot exceed 5,000 square feet.
- C. Only synthetic, non-flammable solvents shall be used.
- D. Boiler horsepower shall not exceed 25 horsepower.
- E. Steam discharge shall be into a suitable vacuum or steam tank for condensation and discharge into the sanitary sewer system and shall not be to the exterior of the building.
- F. The establishment shall not engage in dry cleaning work other than that brought in over the counter or by normal customer service delivery truck.
- G. The proposed use will not congest the Borough's streets or highways;
- H. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;

- I. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- J. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

21. MANUFACTURING AND ASSEMBLY.

Manufacturing and Assembly businesses with or without retail operations on premises may be permitted in the UNC District as special exceptions only if:

- A. The proposed use will not congest the Borough's streets or highways;
- B. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- C. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- D. The exterior areas of the proposed use will be adequately lighted;
- E. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

22. MIXED-USE DEVELOPMENT.

Mixed-Use developments may be permitted in the LNC District as conditional uses only if:

- A. Design considerations. A mixed use project shall be designed to achieve the following objectives:
 - i. The design shall provide for internal compatibility between the different uses.
 - ii. Potential noise, hours of operation, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
 - iii. The design of the mixed use project shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.
 - iv. The design of a mixed use project shall ensure that the residential units are of a residential character, and that privacy between residential units and between other uses on the site is maximized.

- v. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, courtyards, walkways, and street furniture.
 - vi. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.
- B. Mix of uses. A mixed use project may combine residential units with any other use, or combination of uses allowed in the applicable zoning district; provided that where a mixed use project is proposed with a use that is otherwise required to have Conditional Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.
- C. Maximum density. The residential component of a mixed use project shall comply with the maximum density requirements of the applicable zoning district.
- D. Site layout and project design standards. Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements:
- i. Location of units. Residential units shall not occupy ground floor space within the first 50 feet of floor area measured from each building face adjacent to a street.
 - ii. Loading areas. Commercial loading areas shall be located as far as possible from residential units and shall be screened from view from the residential portion of the project to the extent feasible.
 - iii. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and non-residential uses.
- E. Performance standards:
- i. Lighting. Lighting for the commercial uses shall be appropriately shielded to not negatively impact the residential units.
 - ii. Noise. All residential units shall be designed to minimize adverse impacts from non-residential project noise, in compliance with the Borough's noise regulations.
 - iii. Hours of operation. A mixed-use project proposing a commercial component that will operate outside normal business hours (8:00 a.m. to 6:00 p.m.) shall require the Borough Manager's approval to ensure that the commercial use will not negatively impact the residential uses within the project.
- F. The proposed use will not congest the Borough's streets or highways;
- G. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- H. The proposed use will provide for safe automobile access that, where possible, minimizes the total number of access points on the involved street or highway.

23. NURSERY – RETAIL.

Nursery – Retail use developments may be permitted in the LNC District as special exceptions and in the UNC District as conditional uses only if:

- A. Frontage - Shall front on and access from a collector or arterial street.
- B. Lot Size - A minimum of one-half acre is required.
- C. Hours of Operation - Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.
- D. Setbacks - All structures and outdoor storage areas shall be setback a minimum of 40 feet from the property line.
- E. Loading - All loading and unloading of trucks shall occur on the site.
- F. Office - An office is permitted as an accessory use, provided it is not a mobile home.
- G. Compatibility - The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional approval.
- H. Spraying - No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.
- I. Buffering - A buffer shall be provided along all property lines that are not screened by plant material.
 - i. Incompatibility Buffer - An incompatibility buffer shall be required adjacent to all retail, office, parking, loading and other non-growing areas within 25 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.
 - ii. Compatibility Buffer - A compatibility buffer shall be provided around all growing areas less than 30 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.
 - iii. Right-Of-Way Buffer - A Right-Of-Way buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 25 feet of a Right-Of-Way. A Right-Of-Way buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width, and contains plant materials providing a six foot high visual buffer equivalent in opacity to a Right-Of-Way buffer. Existing native vegetation within the Right-Of-Way buffer shall be preserved.
 - iv. Barbed Wire - The use of barbed wire shall be prohibited.
- J. Outdoor Bulk Storage - Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in the District.

- K. Site Plan - Relocation of structures on an approved site plan due to regulatory requirements may exceed the above threshold limitations.
- L. The proposed use will not congest the Borough's streets or highways;
- M. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- N. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- O. The exterior areas of the proposed use will be adequately lighted;
- P. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

24. OFFICE.

Office uses may be permitted in the LNC District as conditional uses and in the MFR District as special exception uses only if:

- A. Office uses cannot be at street level. All office uses must be either below grade or at the second floor or higher.
- B. No accessory uses are allowed within the landscaped yard setbacks adjacent to public streets.
- C. Minimum interior side yard setbacks of ten feet for new construction or setbacks in conformance with existing structures for those which are to remain.
- D. A rear yard setback having a depth of not less than ten feet which depth shall be measured from the property line for new construction.
- E. Lot coverage shall not exceed seventy percent of the net lot areas for new construction.
- F. Building height is limited to twenty-five feet at the minimum rear and side yard setbacks within seventy-five feet of a single-family residential district for new construction. Height is measured from natural grade or from grade approved by the Planning Commission. Such height may be increased with additional setback by providing three feet additional setback for each one foot in height to a maximum building height of three stories not to exceed forty-five feet. A maximum building height of three stories not to exceed forty-five feet is permitted adjacent to all other zoning districts for new construction.
- G. Access to site is to be from an arterial street for new construction.
- H. The proposed use will not congest the Borough's streets or highways;
- I. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;

- J. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- K. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

25. PARKING – COMMERCIAL

Commercial parking uses may be permitted in the LNC and UNC Districts as special exceptions only if:

- A. No charge shall be made for the use of such parcel for parking purposes that is less than the amount charged in Borough parking lots.
- B. All such off-street parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with any such off-street parking.
- C. All such off-street parking space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Borough Engineer.
- D. All such off-street parking spaces and areas shall comply with the design standards identified by the Borough Engineer.
- E. There shall be no parking of vehicles closer to any lot line which abuts an SFR, TFR, or MFR District than a distance equal to the dimension of the abutting corresponding yard as required in that Zoning District.
- F. The exterior areas of the proposed commercial parking will be adequately lighted;
- G. All such off-street parking shall comply with the provisions for landscaping and screening set forth in Article XIII and Article XIV.

26. PARKS AND RECREATION.

Parks and Recreation uses may be permitted in the LNC and UNC Districts as conditional uses only if:

- A. All park facilities shall meet any applicable minimum parking requirements set forth in Article XIII. In the event that no minimum parking requirement is applicable for the particular type of park facility proposed, then the minimum parking requirement shall be determined by a parking study analyzing the parking demands and requirements created by the particular park facility. Uses requiring more than 19 parking spaces are prohibited.

- B. All on-site parking lots shall be screened from adjacent residential properties and any additional conditions or requirements imposed pursuant to Planning Commission review will be required.
- C. All exterior lighting shall be arranged and directed so as to direct the light away from adjacent residential uses.
- D. All signage shall be erected and maintained in compliance with Article XV.
- E. The proposed use will not congest the Borough's streets or highways;
- F. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- G. The proposed use will provide for safe automobile access that, where possible, minimizes the total number of access points on the involved street or highway;
- H. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

27. PAWN SHOP.

The purpose of regulating pawn shops and similar uses is to ensure security and compatibility with surrounding uses and properties and to avoid any impacts associated with such uses. Pawn shops and similar businesses are permitted by special exception in the UNC District.

- a. The business shall not be located within 600 feet of a public or private school (pre-school through twelfth grade), assemblies of people (non-entertainment) or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, assemblies of people (non-entertainment) or park site.
- b. The business shall not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.
- c. The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home, emergency shelter, supportive housing, transitional housing and transitional housing development or businesses licensed by the State of Pennsylvania for off- or on-sale of alcoholic beverages as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-site or on-site alcoholic beverage sales business.
- d. The business shall be located a minimum distance of 1,000 feet from any existing pawn shop, check cashing business or similar use.
- e. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.

- f. The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.
- g. A security plan shall be provided to the Borough of Dormont Police Department and Borough Manager for review and approval.
- h. The business window shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the lease space shall remain at adequate levels to clearly see into the business from the exterior of the business.
- i. No merchandise shall be displayed in the store windows.
- j. No outdoor storage or display of merchandise.
- k. No firearms shall be sold on the premises or taken as collateral for any loan.
- l. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Borough of Dormont Code.
- m. Prior to occupancy of the business, the business owner shall sign a trespass authority letter authorizing the Borough of Dormont Police Department to enforce trespass law. A copy of this letter shall be provided to the Borough Manager.
- n. No outdoor pay phones shall be permitted on any such premises.
- o. The hours of operation shall be limited to between 8:00 a.m. and 9:00 p.m. daily.
- p. The pawn shop business shall be initially approved upon compliance with all requirements of this Section and provisions of the required Certificate of Occupancy application. For each year thereafter that the pawn shop business intends to continue, the owner or operator shall seek a renewal of the Certificate of Occupancy. The application for renewal shall be submitted to the Borough Manager by November 1st of the year preceding the year for which renewal is sought. The lack of Certificate of Occupancy or failure to renew such Certificate of Occupancy in a timely manner shall be a violation of this Ordinance and shall be grounds for denial or revocation of the Certificate of Occupancy for the pawn shop business.

28. PERSONAL SERVICES.

These may be permitted in the LNC District as conditional uses only if:

- A. It shall be illegal for any person to open and/or operate a personal service use without first obtaining all required Commonwealth of Pennsylvania licenses.
- B. Standards; prohibitions and requirements. Each personal service use shall be maintained to provide a safe and sanitary environment as defined by the Commonwealth of Pennsylvania and Allegheny County.
 - i. Use of a cosmetology and/or nail salon/shop as sleeping quarters is prohibited.
 - ii. Every cosmetology and/or nail salon/shop and all appurtenances or equipment therein shall be kept in a clean and sanitary condition at all times.

- iii. Every cosmetology and/or nail salon/shop shall be well lighted, well ventilated, and be provided with an adequate supply of hot and cold water.
 - 1. Lighting shall be sufficient to provide adequate illumination in the work area, such as 30 foot candles.
 - 2. Windows shall be effectively screened against insects, rodents, and other vermin.
 - 3. All plumbing fixtures must be protected against back-siphonage or backflow.
 - 4. Plumbing fixtures shall be clean and free from defects.
- iv. Razors, scissors, clippers; pinchers, needles and all other instruments, electrical and nonelectrical, shall, after each use on a patron, be sterilized by immersion in a suitable and approved solution, or by some other method in approved by the Commonwealth of Pennsylvania and Allegheny County.
 - 1. Disinfectants shall be changed in accordance with the manufacturer's instructions to ensure complete disinfection. No sediment from the item being disinfected shall be allowed to remain in the bottom of the disinfection container.
- C. Combs and brushes shall be cleaned after each use with soap and water and then shall be sterilized in the manner described above or by some other manner approved by the Board of Health.
- D. Requirements of attendants.
 - i. They shall wear a clean, washable outer coat or uniforms.
 - ii. They shall thoroughly wash their hands with soap and water between each patron.
 - iii. They shall thoroughly wash their hands with soap and water immediately after using the toilet, eating and/or smoking.
 - iv. They shall not remove warts or moles or treat any disease of a patron, nor perform any medical procedure such as an injection, nor dispense any medical advice.
 - v. Personnel shall have appropriate licenses as issued by the Commonwealth of Pennsylvania. Such licenses shall be displayed in the establishment where the public can view them.
- E. Headrests, if used, shall be protected with fresh paper and a laundered towel for each patron.
- F. Individual paper neckbands or freshly laundered towels shall be used and not reused unless laundered after use on each patron.
 - i. All linens and towels shall be disposed of in a covered receptacle after each patron.
 - ii. Clean towels and linens shall be stored off the floor in a clean, protected location.
- G. The use of any cosmetic, acid, solution or any article or material that may be injurious to the skin, hair, or health shall not be used.
- H. Waste disposal shall be performed daily in a manner which is determined to be acceptable by Allegheny County.

- I. Each salon/shop shall provide adequate toilet and hand-washing facilities for patrons and employees.
- J. The proposed personal service use will not have a gross floor area of more than 3,000 square feet;
- K. The proposed use will not congest the Borough's streets or highways;
- L. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- M. The proposed use will provide for safe automobile access that, where possible, minimizes the total number of access points on the involved street or highway;
- N. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

29. PERSONAL CARE RESIDENCE.

Small personal care residences may be permitted in the TFR and MFR Districts as special exception uses only if:

- A. A personal care home of any type (family, group or congregate) in a residential zoning district shall be at least 1,000 feet from any other personal care home (of any type) in the same or any other zoning district.
- B. A personal care home shall not function as a work release facility for convicts or ex-convicts, function as a drug rehabilitation center, or function as a facility serving as an alternative to incarceration, in a residential zoning district.
- C. The managing caregiver of a family personal care home must be the owner of the property and a full-time resident of the facility.
- D. The managing caregiver of a group personal care home must be a full-time resident of the facility.
- E. Where legally required, the Group Home is licensed by, certified by, approved by, registered with, or under contract with a Federal, State, or local government and evidence of such is provided to the Borough Manager within sixty (60) days of approval of the Planning Commission.
- F. No exterior change which would alter its residential character shall be made to the exterior of the building(s) and the grounds for such uses in a residential district.
- G. No alteration or additions to the primary structure shall be made for the purpose of increasing the number of persons to whom personal care services are provided.
- H. No signs shall be permitted other than those signs permitted by the regulations of the zoning district within which the personal care residence is located.
- I. Where such use is allowed in any zoning district, and no parking requirements for the use are specified, the parking requirements to be applied will be those governing residential uses but one additional space shall be required for each four (4) beds.
- J. The location of the personal care residence has been approved by the Planning Commission.

- K. An administrative record of each personal care residence shall be maintained with the Borough.

30. PUBLIC ASSEMBLY (LIMITED).

Such uses may be permitted in the UNC District as special exceptions only if:

- a. The proposed use will not have a capacity of 500 persons or more;
- b. The proposed use constitutes an appropriate use that is consistent with the character and type of development in the area surrounding the involved lot;
- c. The proposed use will not substantially impair, alter, or detract from the value, use, or enjoyment of surrounding properties via fumes, odors, vibrations, glare, electrical interference, radio or television signal interference, voltage fluctuations, noise, or other noxious, offensive, or hazardous elements;
- d. The proposed use will not congest the Borough's streets or highways;
- e. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- f. The proposed use will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- g. The proposed use will not require an uneconomical, inefficient, or illogical extension of public utilities and services;
- h. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

31. PUBLIC BUILDINGS

Such uses may be permitted in the CIV District by right and in the LNC and UNC Districts as conditional uses only if:

- A. Public uses shall be accompanied by a statement by an official or officer of the governmental body who shall be present giving the exact reasons for selecting the particular site as the location for the proposed facility, including any alternatives considered.
- B. For public uses, it shall be concluded that the proposed location of the special permit/special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
- C. In or abutting any Residential District, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.
- D. In addition to the general standards set forth above, the following standards shall apply for arenas and stadiums:
 - i. The minimum lot size requirement shall be one (1) acre.

- ii. The road frontage requirement shall be 300 feet on a road designated as an arterial (or higher) in the Comprehensive Plan unless the Borough Council finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
- E. Library and Public Safety facilities shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Borough Council finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
- F. The Planning Commission may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirements which will ensure the minimal impact on the use of the surrounding area and uses.

32. PUBLIC UTILITY FACILITIES.

Such uses may be permitted in the SFR, TFR, and MFR Districts as conditional uses only if:

- A. In addition to all other submission requirements set forth in Section 210-51 above, all applications for public utility facilities uses shall be accompanied by the following:
 - i. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
 - ii. Four (4) copies of a statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.
- B. Public Utility Facility conditional uses shall not be required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located. However, such requirements may be established in the conditions under which such a conditional use permit is granted.
- C. No land or building in any district shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment or for the parking of vehicles, except those needed by employees connected with the operation of the immediate facility.
- D. In all zoning districts, all equipment, machinery and facilities not located within an enclosed building shall be effectively screened.
- E. There shall be a finding that there is no more suitable site available for such use in a Commercial District, except that in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a Commercial District within a distance of one mile, unless there is a substantial showing that it is impractical for satisfactory service to be rendered from an available location in such Commercial District.

33. RESTAURANTS (FAST FOOD OR GENERAL).

Such restaurants may be permitted in the LNC or UNC Districts as conditional uses only if:

- a. The proposed restaurant will not have a gross floor area of more than 5,000 square feet;
- b. The proposed restaurant will not congest the Borough's streets or highways;
- c. The proposed restaurant will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- d. The proposed restaurant will provide for safe automobile and truck access that, where possible, minimizes the total number of access points on the involved street or highway and provides ample storage space on driveways for vehicles leaving the premises;
- e. The exterior areas of the proposed restaurant will be adequately lighted;
- f. Refuse from the proposed restaurant will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

34. RETAIL.

Retail uses may be permitted as conditional uses in the TOD District if the use is over 20,000 square feet or is in a detached one- or two-story structure; or in the LNC and UNC Districts if the use is over 10,000 square feet; only if:

- A. Retail development in the districts and of the sizes noted above shall be subject to the design and site development criteria and development standards contained in this section. These guidelines shall be applied as part of the review and approval process for use permits and detailed applications.
- B. In addition to all other applicable review procedures and design criteria, all new development governed by this section shall exceed design criteria and development standards contained in the zoning district of the development. Said design criteria and development standards shall be exceeded through design practices such as additional architectural detailing; exceptional landscape design; improved public spaces; use of renewable energy and/or recycled construction materials; and provisions for alternative modes of transportation.
- C. The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation and air conditioning. The building design shall also allow for:
 - i. The interior subdivision of the structure into separate tenancies;
 - ii. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;
 - iii. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections;
 - iv. Landscaping schemes that complement the multiple entrance design; and

- v. Other elements of design which facilitate the multi-tenant reuse of the building and site.
- D. Applications for these types of retail development shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the review authority finds that:
- i. The plan conforms to the Borough's Comprehensive Plan and the requirements of this chapter or parts thereof for the Borough as a whole;
 - ii. A sound and adequate plan exists for said redevelopment;
 - iii. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the Borough; and
 - iv. The development plan provides a maintenance plan for normal repairs and upkeep of property, including but not limited to building, parking lot and surfacing, landscaping, signage and elimination of legible impressions, images, or remnants of signs remaining on a building or sign surface after the use for which the sign was permitted ceases to operate.
- E. The Borough may enter into a development agreement with the owner of the real property and undertake activities, including the acquisition, removal or demolition of structures, improvements or personal property located on the real property, to prepare the property for this type of retail development. A development agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for a specified use consistent with the provisions of this chapter and offering recourse to the Borough if the redevelopment is not completed as determined by the Borough.

35. RETAIL – OUTDOOR SALES.

Outdoor retail uses may be permitted as a special exception in the LNC District and as a conditional use in the UNC District only if:

- A. The minimum lot area shall be 10,000 square feet, and the minimum lot width shall be 100 feet.
- B. Display areas shall meet the setback requirement applicable to principal buildings in the zoning district.
- C. The outdoor storage of operative automobiles and other products for sale shall not be in any required yard and shall be handled and stored so as to present an orderly, planned, efficient operation at all times. Any area used for storage of products for sale shall be effectively hidden from any area zoned for residential use by an obscuring fence or wall not less than six feet in height.
- D. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.

- E. Outdoor display areas shall not be located within public or private right(s)-of-way or in required landscaping or buffer yards. Display area shall meet the following requirements:
- F. Maximum allowable outdoor display shall be fifty percent (50%) of the sum total of the following equation:
 - i. Length of proposed front property line times the required front setback.
- G. In no case shall more than fifty percent (50%) of the total allowable display area be developed into an impervious surface.

36. SCHOOL.

School uses may be permitted as a special exception in the LNC District if they have more than 75 students; as a conditional use in the LNC District if less than 75 students; and, as a conditional use in the UNC District no matter the size of the school only if:

- A. The school shall provide all parking and loading/unloading requirements as required by this Ordinance.
- B. All parking and recreation/play areas which abut residential uses shall be screened.
- C. Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- D. Refuse from the proposed school will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

37. SELF-STORAGE FACILITIES.

These may be permitted in the UNC District as conditional uses only if:

- a. The proposed storage facility buildings will not have a combined gross floor area of more than 20,000 square feet per floor;
- b. A buffer of natural vegetation shall be required on property borders visible from any residential land uses or public rights-of-way;
- c. The proposed use will not congest the Borough's streets or highways;
- d. The proposed use will not impair the access, sight lines, or safety of any public roadway or driveway, private roadway or driveway, pedestrian walk, or parking area;
- e. The proposed use will provide for safe automobile access that, where possible, minimizes the total number of access points on the involved street or highway;
- f. Refuse from the proposed use will be stored in a location that is as undetectable as possible from neighboring lots, and will be removed for disposal regularly.

38. SERVICE STATIONS.

Service Station uses may be permitted as a special exception in the LNC and UNC Districts only if:

- A. Minimum lot size – 25,000 square feet
- B. Minimum lot depth – 100 feet

- C. Minimum lot width – 150 feet
- D. Minimum setback line from front property lines – 40 feet
- E. Minimum distance from all property lines other than front property – 25 feet.
- F. Minimum distance between buildings, including accessory uses, and any residential district – 100 feet.
- G. Minimum distance between any service station and repair garage access driveways and the following uses: church, library, school, college, nursing home, hospital, and similar uses – 200 feet, measured along the same street line in the same block.
- H. Minimum distance between structures of any service station and/or repair garage and another service station and/or repair garage shall be four hundred (400) feet, measured along the same street line in the same or adjoining block. For similar use establishments locating in confronting adjacent blocks, the point of beginning measurement shall off-set to the opposite street line, except that this provision shall be applicable when the common street is separated by a divider strip, medial strip or other similar control devise.
- I. Minimum distance between gasoline pump islands, compressed air connections, and similar equipment and facilities and any street lines – 20 feet.
- J. Maximum width of curb cuts for access driveways – 35 feet, excepting a combined entrance and exit may total fifty (50) feet.
- K. Spacing of access driveways:
 - i. Minimum distance between any access driveway and any residential district – 50 feet
 - ii. Minimum distance from adjoining property lines –10 feet.
 - iii. Minimum distance from intersection property or right of way lines – 20 feet.
 - iv. Minimum distance between access driveways –20 feet.
- L. Except for access driveway openings where the curb shall be depressed, a raised curb of at least six (6) inches in height shall be provided along all street lines.
- M. Hydraulic hoists, pits, and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed with buildings.
- N. Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
- O. Wrecked or junked or stripped vehicles in an inoperative condition shall not be allowed on the premise.
- P. No gasoline or petroleum products shall be allowed to enter the Borough’s sanitary or storm drainage water sewage systems.
- Q. All petroleum products shall be stored in underground tanks as approved by the National Fire Protection Association and the Commonwealth of Pennsylvania.

39. SWIMMING POOLS.

Swimming Pools for non-commercial use of individual residents or group use of non-profit club members shall be permitted in all Residential Districts with the following standards:

- A. No swimming pools shall be located within setback lines. In no case shall a residential district swimming pool be placed in the front yard setback area;

- B. Pools must be enclosed by a solid fence of a minimum of six (6) feet in height with a self-locking gate of the same height.
- C. Where private clubs and/or multi-family swimming pools are installed, they must be placed near the club house or the buildings to be serviced and each pool must be enclosed by a solid fence of a minimum of six (6) feet in height and a self-locking gate of the same height to prevent the disturbance of any adjacent residential property;
- D. All swimming pool lights shall be directed toward the pool and in no case shall the lighting be directed on or toward any adjacent residential housing; and

40. TATTOO PARLOR OR BODY PIERCING SHOP.

Tattoo parlors and body piercing shops shall be permitted only in the UNC District with the following contingencies:

- A. The lot on which a tattoo parlor is placed or maintained shall have an area of not less than five thousand (5,000) square feet.
- B. No tattoo parlor use shall be located within eight hundred (800) feet of another parlor or within five hundred (500) feet of any school, church, or recreational area.
- C. No person, organization, or corporation may operate a tattoo parlor unless it has obtained a Certificate of Registration from the Pennsylvania Department of Health, if required.
- D. Such Certificate shall be obtained annually and shall not be transferable.
- E. The current Certificate shall be posted in a prominent and conspicuous area where patrons may readily see it.
- F. It shall be unlawful for any person to engage in the business of operating a tattoo parlor without first obtaining a Certificate of Occupancy to engage in such business in accordance with the provisions in this Article.
- G. All building openings, windows, doors and other apertures shall have an opaque covering or otherwise obstructed so as to prevent the viewing of the interior of the establishment from outside of the building or structure.
- H. The room in which tattoo procedures are conducted shall have an area of not less than one hundred (100) square feet.
- I. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment. Pest control records are to be available during normal business hours for inspection by authorized Borough personnel.
- J. The establishment shall have proper facilities for the disposal of waste materials.
- K. The shop shall be arranged so that work tables will be located at least ten (10) feet from observers or waiting customers or such work table shall be separated from observers or waiting customers by a panel or other barrier at least six (6) feet high.
- L. The establishment shall have a cleaning area which shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of thirty-six (36) inches from the required ultrasonic cleaning unit.

- M. Before working on each patron, each tattoo artist shall clean his or her fingernails with his or her individual fingernail file and shall thoroughly wash and scrub his or her hands with hot running water, soap, and his or her individual hand brush. Hands shall be dried with individual single use towels. The operator shall wear a clean, new pair of latex gloves, designed for use in surgery, for each customer.
- N. No tattooing shall be done on any skin that has a rash, pimples, boils, and infections or manifests any evidence of unhealthy conditions.
- O. All facilities and procedures shall comply with the requirements of the Pennsylvania Department of Health, if such regulations exist.

41. TELECOMMUNICATIONS ANTENNAS.

Telecommunications antennas that do not meet the requirements of Communications Facilities above may be permitted as conditional uses in all zoning districts only if:

- a. Are freestanding, constructed on and/or supported at ground level or are attached to a structure and extend more than ten (10) feet above the base of the roof;
- b. Television satellite dishes require a conditional use only if they are greater than three (3) feet in diameter or are not mounted to the main structure;
- c. The proposed antenna is consistent with the character and type of development in the neighborhood surrounding the involved lot;
- d. The proposed antenna will not substantially impair, alter, or detract from the value, use, or enjoyment of surrounding properties via vibrations, glare, electrical interference, radio or television signal interference, voltage fluctuations, or other noxious, offensive, or hazardous elements; and
- e. The proposed antenna will not impair the access, sight lines, or safety of any public roadways or driveways, private roadways or driveways, pedestrian walks, or parking areas.

42. VEHICLE/EQUIPMENT REPAIR.

Vehicle and Equipment Repair uses may be permitted as a special exception in the LNC District for Limited uses only and as a special exception in the UNC District for Limited and General uses only if:

- A. No such use shall be located on a parcel that is within one hundred (100) feet of a Residential District.
- B. No motor vehicle repairs shall be performed before 7 a.m. or after 9 p.m.
- C. A motor vehicle service garage or service station shall include no more than four (4) service bays. For corner properties, such service bays shall be oriented to a street characterized by commercial or industrial uses as opposed to residential or local retail uses, if one or more of the abutting streets can be so characterized.
- D. All tires, barrels, discarded auto parts, and other outdoor storage of materials used or sold on the premises must be screened from view from adjacent properties and streets.

- E. No commercial tractor, trailer or semi-trailer, except trailers designed to be pulled by passenger automobiles, may be parked on the premises of a motor vehicle service station or service garage for more than four (4) hours within any twenty-four (24) hour period, except in case of emergency. Not more than four (4) customer vehicles may be stored overnight in an outdoor location on the premises of a motor vehicle service station or service garage. A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours.

43. VEHICLE/EQUIPMENT SALES.

Vehicle and Equipment sales may be permitted as special exception uses in the UNC District only if:

- A. Visual Screening of areas contiguous to residential zoning Districts shall be provided to protect adjacent properties from light, debris and noise and to preserve adjacent property values even when there is a change in use to Vehicle and Equipment Sales that replaces a previous use that is of equal or greater intensity.
- B. All Parking, outdoor storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
- C. The lighting shall be in compliance with the lighting standards of this Code. No string-type or search lighting shall be permitted.
- D. The noise levels shall be in compliance with the compatibility noise standards of this Code. Outdoor speakers and sound amplification systems shall not be permitted.
- E. No repair work shall be conducted except in an enclosed building.

44. KEEPING OF HENS.

The accessory use of keeping hens may be granted as a conditional use in the TFR and MFR Districts only if:

- A. The maximum number of adult Hens shall be six (6) per Lot.
- B. The maximum number of non-egg-laying replacement Chicks or Pullets shall be six (6) per Lot.
- C. Roosters are expressly forbidden.
- D. The on-site slaughtering of Hens is prohibited.
- E. Dimensional Regulations:
 - 1. Maximum Height:
 - a. Coop. Enclosed Coop space shall not exceed eight (8) feet in height.
 - b. Run. Runs shall not exceed eight (8) feet in height.
 - 2. Size.

- a. Coop. Coop space must allow a minimum of two (2) square feet per Hen and one (1) nest box per three (3) Hens within, and shall not exceed a maximum size of eight (8) feet by six (6) feet.
 - b. Run. Runs must allow a minimum of four (4) square feet per Hen, but in no case shall occupy more than twenty-five percent (25%) of the rear yard.
 - 3. Setbacks.
 - a. Subject to Article 10 (Accessory Uses), Coops and Runs shall be set back five (5) feet from all property lines in all Districts.
 - b. Coops and Runs shall not be located in the front yard or in a side yard that abuts a street in all Districts.
 - c. Coops and Runs shall not be within a fifteen (15) foot buffer of habitable structures on adjacent properties in all Districts.
- F. Materials.
 - 1. All Coops shall be made of washable and sanitizable material such as fiberglass reinforced plastic.
 - 2. All Runs shall have a securely built frame, preferably wooden; shall be covered in wire mesh material such as hardware cloth; and designed to be predator proof.
- G. Screening.
 - 1. Any portion of the Coop or Run directly visible from a street at any distance shall be screened by either a fence that is constructed to be at least sixty percent (60%) opaque or a landscaped buffer of at least four (4) feet in height. If such fences cannot meet the requirements for fences elsewhere in this Chapter than the Coop or Run would not be permitted.

ARTICLE XIII – Standards for Parking

§ 210-53. Purpose.

The purpose of this chapter is to establish off-street vehicle parking requirements that balance the Borough’s goal to encourage walking, bicycling, and transit use with the goal to provide adequate off-street parking to meet the needs of shoppers, visitors, and residents, and reduce on-street parking demand on nearby residential streets. Off-street parking requirements are based on the needs of the community and consider the context of the neighborhood, transit availability, on-street parking availability, density and mix of uses, walkability, and the use of alternative modes of transportation. Parking requirements are designed to accommodate average day-to-day demand, as opposed to peak demand, in order to reduce excessive off-street parking and free up land for more economically productive uses. It is also the purpose of this chapter to provide flexibility and allow alternative means of addressing parking demand.

§ 210-54. General provisions.

- A. Off-street parking requirement. Off-street vehicle parking shall be provided and maintained for all existing and new development at the ratios specified in and in accordance with the standards and requirements of this chapter.

- B. Parking to be provided on-site. Required off-street parking shall be provided and maintained on the same parcel or integrated development site as the land use it is intended to serve, except as provided in this chapter. An integrated development site is a site consisting of two or more contiguous parcels sharing parking facilities with reciprocal access and parking easements or similar shared parking agreements.
- C. Calculation of the off-street parking requirement. The required number of off-street vehicle and bicycle parking spaces is rounded to the nearest whole number.
- D. Expansion or change in use of existing buildings and structures that do not meet current parking requirements. The following rules apply to buildings and uses that met all applicable parking requirements when constructed or established, but that do not meet current parking requirements, due to the later adoption of or amendments to these requirements.
 - 1. Increases in building size. Additional parking is required only when there is an increase in building size of 15% or more of the gross building square footage or, in the case of a residential project, an increase in the number of residential units by 15% or more.
 - 2. Change in use. If a new use of a building or structure requires greater off-street parking than the previous use, additional off-street parking is required in an amount equal to the difference between the parking required of the new use and the parking that would have been required of the prior use if current parking requirements had been applicable.
- E. Restaurant outdoor seating. Square footage allocated to restaurant outdoor seating is not included in calculating the minimum off-street vehicle parking requirement for restaurants.
- F. Affordable housing and senior housing.
 - 1. The off-street vehicle parking requirement is reduced by 50% for each affordable housing unit and each senior housing unit.
 - 2. For purposes of this section, an "affordable housing unit" is a housing unit restricted to occupancy by a lower or very low income household as defined by the Commonwealth of Pennsylvania. A "senior housing unit" is a housing unit restricted to occupancy based on age requirements for older persons as defined by the Commonwealth of Pennsylvania.
- G. Accessible parking requirements. Off-street parking facilities shall conform to Chapter 60 of the Pennsylvania Code. The required number of spaces in off-street parking facilities that are restriped or redesigned to meet accessibility requirements may be reduced as necessary to comply with Chapter 60 of the Pennsylvania Code.
- H. Exemptions for small lots. Off-street parking is not required for nonresidential uses on lots of 4,000 square feet or less.
- I. Exemptions for nonresidential uses in residential mixed use development. Off-street parking is not required for nonresidential uses in mixed use buildings in which at least 50% of the building's square footage is devoted to residential uses.
- J. Exemptions for adaptive reuse. Off-street parking is not required for those portions of historic resources that are converted from nonresidential uses to residential uses.
- K. Authority to require additional parking. The Borough Manager or Borough Council may require greater or fewer off-street parking spaces than required by this chapter, or may impose other parking related requirements, as a condition of a special permit, variance, or plan review.

§ 210-55. Off-Street Parking requirement by land use type.

A. Vehicle parking requirements. Vehicle parking requirements are established for land uses as stated below.

Land Use	Minimum Vehicle Parking Requirements
1. Residential Uses	
Single- family, duplex	1 space per dwelling unit, except on lots equal to or less than 3,000 square feet where there is no minimum requirement
Second residential unit	1 space per dwelling unit
Multi-family dwelling (3 units or more)	0.5 space per dwelling unit
Residential hotel (SRO)	1 space per 10 dwelling units, plus 1 space for manager
2. Commercial Uses	
Auto sales lot	0.5 space per 1,000 gross square feet of building
Bed and breakfast inn, rooming and boarding house	1 space per 5 dwelling units, plus 1 space for resident owner/manager
Commercial services (except those specifically included in this Table)	0.5 space per 1,000 gross square feet of building
Hotel	1 space per 10 dwelling units
Motel	1 space per 10 dwelling units
Office, medical clinic or office, etc.	0.5 space per 1,000 gross square feet of building; maximum 4 spaces per 1,000 gross square feet of building
Restaurant, bar, brew pub, wine bar	0.5 space per 1,000 square feet of building
Retail store	0.5 space per 1,000 square feet of building
Warehouse retail	Same as "retail," except if 50% or more of gross square feet of building is used for warehouse, then retail area shall meet retail ratio, and warehouse area shall meet warehouse ratio
3. Industrial Uses	
Wholesale warehousing and manufacturing	0.25 space per 1,000 gross square feet of building; maximum 2 spaces per 1,000 gross square feet of building
Towing service, vehicle storage yard	2 customer spaces, plus 2 spaces per 1,000 gross square feet of office
Individual locker storage building, mini-storage facility	1 space for the manager, 0.1 space per 1,000 gross square feet of building
4. Recreational Uses	
Athletic club, fitness center	3 spaces per 1,000 gross square feet of building

Bowling alley	1 space per lane
Card room, bingo, and similar uses with seating	0.5 space per 1,000 gross square feet of building
Pool hall, billiard hall	0.5 space per 1,000 gross square feet of building
Courts for games played with 4 or fewer players, such as racquetball, tennis, handball	0.5 spaces per court
Indoor fields, such as soccer, volleyball, hockey	$(36 \times \text{no. of fields} + \text{spectator occupancy}) \div 5 = \text{required spaces}$
Batting cages, golf driving range (indoor or outdoor)	0.5 space per batting stand or tee
5. Other Uses	
Assembly (theater, sports arena, night club, dance studio, skating rink, lodge hall and other facilities for cultural, religious or social uses)	1 space per 6 occupants
Child care center	1 space per 12 children
Hospital	1 space per 2 patient beds
Kenel	1 space per 12 animals
Nursing home	1 space per 5 patient beds
School requiring a special permit	Determined by Borough Council
Transit Oriented Developments	See Section 210-30 (E)
Other	Determined by the Building Official

§ 210-56. Development Standards for Off-Street Parking Facilities.

Except as provided below with respect to temporary surface parking lots, all parking facilities shall conform to the following standards:

- A. Use of off-street parking facilities. Off-street parking facilities shall be used for automobile parking only. No sales, storage, repair work, dismantling, or servicing of any kind is permitted.
- B. Off-Street Parking facility shall function properly. No off-street parking facility shall be approved which, in the judgment of the Borough Engineer, cannot properly function due to the site configuration, building obstruction, or restricted access and turning radius, or which requires excessive maneuvering.
- C. Vehicle parking spaces to function independently. Each parking space in an off-street vehicle parking facilities shall function independently of any other parking space, with the following exceptions:
 1. Tandem parking spaces. Off-street vehicle parking facilities that serve a single family dwelling unit, a single family dwelling unit with a second residential unit, or that are signed as parking exclusively for employees may utilize tandem parking spaces.
 2. Attendant parking. Attendant vehicle parking is permitted with a special permit from the Borough upon recommendation of the Traffic and Parking Planning Commission. The Borough Manager may waive or reduce off-street vehicle parking facility development standards required by this Chapter as part of the special permit review.
 3. Stacked parking. Off-street vehicle parking structures that utilize mechanical lifts for stacking parked cars are allowed.

- D. Surfacing, drainage, and striping. Off-street parking facilities shall meet the surfacing and drainage requirements in Chapter 179 of this Code. All vehicle parking spaces shall be marked on the parking area.
- E. Minimum dimensions for vehicle parking spaces:
1. Single-family, two-family residential uses. The minimum dimensions for a garage or carport shall be 10 feet wide and 20 feet deep.
 2. For residential driveways serving one- or two-family dwellings with a maximum two-car parking area, the minimum driveway width shall be ten (10) feet; the maximum driveway width to serve a single-car parking space shall be fourteen (14) feet; and the maximum for a two-car parking space shall be twenty-two (22) feet. Except as provided below, driveways shall have minimum twenty (20) foot length behind the property line.
 - a. Exception: For single-family and two-family units on lots of three thousand two hundred (3,000) square feet or less, the minimum driveway length shall be eighteen (18) feet behind the property line, provided that if the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener.
 - b. Exception: If access to the garage is provided via the alley, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the Borough Manager.
 3. Commercial driveways (all driveways serving larger than two-car, two-family dwelling units) shall be as follows:
 - a. One-way entrance: minimum width fifteen (15) feet, maximum twenty-five (25) foot width;
 - b. One-way exit: minimum twelve (12) foot width, maximum twenty-five (25) foot width;
 - c. A one-way pair of driveways must be separated by ten (10) feet of full height curb;
 - d. Two-way driveways: minimum twenty-four (24) foot width, maximum thirty-five (35) foot width.
 4. Multi-family residential and nonresidential uses. Off-street vehicle parking facilities for multi-family residential and nonresidential development shall conform to the following parking space and maneuvering dimensions:
 - a. Standard vehicle spaces. Standard off-street vehicle parking spaces shall meet the following minimum dimensions:

Type	Space Width	Space Depth	Maneuvering Width
90 degree	8.5 feet	18 feet	24 feet
60 degree	8.5 feet	19 feet	16 feet; 20 feet for two-way traffic
45 degree	8.5 feet	18 feet	12 feet; 20 feet for two-way traffic
30 degree	8.5 feet	15 feet	11 feet; 20 feet for two-way traffic

Parallel	8 feet	22 feet	11 feet; 20 feet for two-way traffic
Other	To be determined by the planning director		

- b. Compact car spaces. Up to 50% of all required and non-required vehicle parking spaces, excluding accessible spaces, may be sized for compact cars. Compact car spaces shall be clearly marked "COMPACT CARS" and shall meet the following minimum dimensions:

Type	Space Width	Space Depth	Maneuvering Width
90 degree	8 feet	15 feet	24 feet
60 degree	8 feet	17 feet	16 feet; 20 feet for two-way traffic
45 degree	8 feet	16 feet	12 feet; 20 feet for two-way traffic
30 degree	8 feet	13 feet	11 feet; 20 feet for two-way traffic
Other	To be determined by the planning director		

- c. Scooter and motorcycle spaces. Scooter and motorcycle spaces shall be a minimum of four feet wide and eight feet long.

- F. Vehicle overhang as planter area. Up to two feet of the required vehicle parking space depth used for a vehicle overhang may be improved and maintained as a planter; provided, that the planter is a minimum of six feet wide and is not located in a required minimum front or street side setback area.
- G. Vehicle maneuvering width. Maneuvering width shall not be located in the public right-of-way, except that a public alley may be utilized as required maneuvering space for adjacent parking facilities.
- H. Setback areas. Off-street vehicle parking spaces and maneuvering areas shall not be located in any required minimum front or street side setback areas for multi-family residential uses or for uses in the LNC or UNC districts.
- I. Tree shading. Off-street vehicle parking facilities shall comply with the shading and landscaping requirements in Article XIV.
- J. Exterior lighting. Exterior lighting shall be provided for all off-street vehicle parking facilities and shall conform to the following requirements:
- a. Exterior lighting shall meet the following performance standards:
 - i. Minimum maintained illumination of one and one-half foot candles per square foot of parking area during business hours;
 - ii. Minimum maintained illumination of one-quarter foot candles per square foot of surface area of all walkways, alcoves, and passageways serving the parking lot from one-half hour before dusk to one-half hour after dawn.
 - b. Exterior lighting shall be designed in coordination with the landscaping plan to minimize interference between the light standards and required illumination and the landscape trees and required shading.
 - c. All light fixtures shall be vandal resistant.
 - d. Exterior lighting shall be shielded or otherwise designed to avoid spill-over illumination to adjacent streets and properties.

- K. Directional signage. A development project may include directional signage to an off-street vehicle parking facility.

§ 210-57. Off-Street Loading and Unloading Space.

- A. Off-street loading and unloading space required. The following loading and unloading space shall be provided and maintained for retail and wholesale markets, warehouses, hotels, hospitals, laundry and dry cleaning establishments, and other places where large amounts of goods are received or shipped. Fractional requirements are omitted.
 - 1. For a building less than 10,000 square feet in gross floor area, none is required.
 - 2. For a building with 10,000 to 40,000 square feet in gross floor area, one space is required.
 - 3. For a building with greater than 40,000 square feet in gross floor area, one space is required for each 40,000 square feet in total gross floor area.
- B. Minimum dimensions. A loading and unloading space shall be at least ten feet wide, 14 feet high, and 40 feet long.
- C. Location. A loading and unloading space shall not be located in the public right-of-way.

§ 210-58. Stand-alone Parking Facilities.

- A. Stand-alone vehicle parking facilities shall comply with the requirements in Article XII for commercial parking facilities.
- B. Stand-alone vehicle parking facilities are permitted in the LNC and UNC Districts subject to approval of the Borough Council with a conditional use permit. In considering a conditional use permit for a stand-alone parking facility, the Planning Commission and Borough Council shall consider the potential impact that the additional parking spaces might have on commute patterns and the use of single-occupancy vehicles.

§ 210-59. Alternatives to Standard Parking Requirements; Other Modifications.

- A. Alternatives and other modifications to the standard off-street parking requirements stated in this subsection are permitted with approval of the Borough Council. The Borough Council shall approve an application for parking modifications if the alternatives proposed in the application substantially conform to the requirements in this section.
 - 1. On-site alternatives to required vehicle off-street parking. Except for required off-street parking for single family and two-family uses, one or more of the following alternatives may be substituted for required off-street parking spaces on the same parcel or integrated development site as the land use the spaces serve:
 - a. Additional bicycle parking. Four non-required bicycle parking spaces may be substituted for one on-site vehicle parking space, up to a maximum of one space or 5% of the required on-site vehicle parking spaces, whichever is greater.
 - b. Car-sharing. A maximum of one car-share space may be substituted for two required onsite vehicle parking spaces. "Car-share space" means a parking space reserved for a vehicle that can be rented or reserved for short periods of time, such as by the hour or minute.

- c. Scooter and motorcycle parking. Two scooter or motorcycle spaces may be substituted for one on-site vehicle parking space, up to a maximum of one space or 5% of the required on-site vehicle parking spaces, whichever is greater.
 - d. Shared-parking. Required off-street parking facilities may be shared between two separate land uses upon demonstrating that the uses utilize the parking spaces at different times. Required parking may be reduced by a percentage equal to the percentage of shared spaces, not to exceed 20%.
 - e. On-street parking. Each on-street parking space directly adjacent to a parcel or an integrated development site occupied by a single building may be substituted for one on-site vehicle parking space. If the parking in the street is unmarked, each 24 feet of adjacent street frontage that can be legally parked shall equal one on-street parking space.
 - f. Transportation management plan. The required number of on-site vehicle parking spaces for a development site or use shall be reduced by 35% if a transportation management plan has been approved by the Traffic and Parking Planning Commission.
2. Off-site alternatives to required vehicle off-street parking. Required off-street parking may be located on a parcel other than the parcel or integrated development site served by the off-street parking, if it is located within the distances specified, and it complies with the requirements stated, below:
- a. In the LNC and UNC districts, off-street parking for residential uses may be located off-site within 400 feet of the use served. Off-street parking for non-residential uses may be located off-site within 1,250 feet of the use served.
 - b. In the SFR, TFR, and MFR districts, off-street parking for residential uses may be located off-site within 300 feet of the use served. Off-street parking for non-residential uses may be located within 600 feet of the use served.
 - c. If the parcel designated for off-street parking is not in the same ownership as the site the parking will serve, the application shall include written evidence that users of the site that the off-site parking will serve will have rights to use the off-site parking parcel for required parking for the duration of the use. Such written evidence must also include provisions should the parking be eliminated.
3. Exceeding maximum vehicle parking requirement in parking structures. The maximum vehicle parking requirement for uses that provide off-street parking in parking structures may be exceeded if:
- a. The off-street parking is made available for public or shared-parking at all times during off-peak hours; and
 - b. The parking structure incorporates active ground floor uses such as retail, restaurants, or offices.
4. Alternative vehicle parking space dimensions and maneuvering widths. Alternatives to the minimum parking space dimensions above may be approved if the alternative space dimensions do not cause vehicle stacking in the adjacent public right-of-way.

- B. Alternatives to required vehicle off-street parking – Parking beyond specified distances of use served. Required off-street parking provided at distances farther than the distances specified above are allowed as part of an approved development plan only.

§ 210-60. Waiver of Minimum and Maximum Parking Requirements.

- A. Waiver of required off-street parking minimum. Up to and including 75% of the required number of off-street vehicle parking spaces may be waived as part of an approved development plan. Greater than 75% of the required number of off-street vehicle parking spaces may only be waived with a variance from the Zoning Hearing Board.
- B. Exceeding the maximum vehicle parking requirement for office projects. The maximum vehicle parking requirement for office projects may be exceeded as part of an approved development plan, if supported by at least one of the following findings:
 - 1. Alternatives to driving to work are not available to employees of the office project due to inadequate pedestrian, bicycle, and transit facilities;
 - 2. The office project will operate at times when transit service is not available or when it is not safe to walk or bicycle to the project site;
 - 3. On-street parking in adjacent residential neighborhoods would be impacted by the office project, and no other measures to reduce this impact (other than additional off-street parking) is feasible; or
 - 4. Unique characteristics of the office project require more parking than that which is otherwise allowed.

§ 210-61. Paving Requirements.

- A. Paving Required. Paving is required for all storage and service areas, as well as off-street parking, driveways, maneuvering, and loading areas for vehicles, including service stations and auto sales. Unpaved areas shall not be used for storage, vehicle parking, driving, or maneuvering. Unpaved areas adjacent to paved areas shall be made inaccessible by a barrier, such as concrete curbs, bollards or fencing.
- B. Paving Materials. Paving materials shall consist of decorative pavers, asphaltic concrete or Portland cement concrete paving, or alternative treatments providing comparable strength and performance for vehicles intended to use the facility and approved by the planning director in consultation with the public works and fire departments. Paving shall include driveways from facility to the edge of public right-of-way paving.
- C. Curbs, Decorative Bollards, or Other Barriers Required. Except at approved driveways, every off-street parking facility; off-street loading or unloading area; and storage, sale, rental, or service area shall be improved with curbs or other barriers that prevent parked vehicles, equipment, or other objects from projecting into the public right-of-way and landscaped planter. The curb or other barrier shall be at least six inches in height and thickness, and shall be constructed of concrete or other suitable material.
- D. Drainage. Drainage for all surfaced areas shall comply with all applicable storm water drainage standards, regulations, and requirements.

ARTICLE XIV – Standards for Landscaping

§ 210-62. Purpose.

The Borough recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance the Borough of Dormont’s urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This Chapter consists of a set of landscaping and screening standards and regulations for use throughout the Borough. The regulations address materials, placement and layout, preparation of the landscape or mitigation area, and timing of installation. Specific requirements for mitigation plantings are later in this Chapter.

§ 210-63. Landscaping and Screening Standards.

Subsections A. through H. state the different levels of landscaping and screening standards to be applied throughout the Borough. The locations where the landscaping or screening is required and the depth of the landscaping or screening are stated in various places throughout the Code. All landscaping and screening required by this Title must comply with all of the provisions of this chapter, unless specifically superseded. The landscaping standards are generally in a hierarchical order. The landscaping standards are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue).

A. L1 - General Landscaping.

1. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.
2. Required materials. The L1 standard has two different requirements for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area.

- a. Where the area to be landscaped is less than 30 feet deep, the standard is one large tree per 30 linear feet, one medium tree per 22 linear feet, or one small tree per 15 linear feet. Trees of different sizes may be combined to meet the standard. Trees may be grouped.
 - b. Where the area is 30 feet deep or greater, the requirement is either two high shrubs or three low shrubs per 400 square feet of landscaped area in addition to the trees required in 2.a, above. The shrubs and trees may be grouped.
- B. L2 - Low Screen.
- 1. Intent. The L2 standard is a landscape treatment which uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.
 - 2. Required materials. The L2 standard requires enough low shrubs to form a continuous screen 3 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 3-foot-high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or non-required screen, wall, or fence is to be placed along the interior side of the landscaped area.
- C. L3 - High Screen.
- 1. Intent. The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.
 - 2. Required materials. The L3 standard requires enough high shrubs to form a screen 6 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 6-foot-high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or non-required screen, wall, or fence is to be placed along the interior side of the landscaped area.
- D. L4 - High Wall.
- 1. Intent. The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation.
 - 2. Required materials. The L4 standard requires a 6 foot high masonry wall along the interior side of the landscaped area. One large tree is required per 30 linear feet of wall, one medium tree per 22 linear feet of wall, or one small tree per 15 linear feet of wall. Trees of different sizes may be combined to meet the standard. In addition, four high shrubs are required per 30 linear feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.

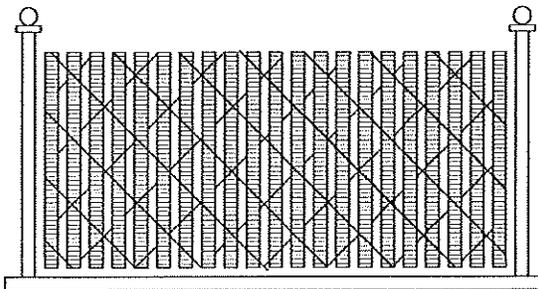
E. L5 - High Berm.

1. Intent. The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials.
2. Required materials. The L5 standard requires a berm between 4 and 6 feet high. If the berm is less than 6 feet high, low shrubs that meet the L2 standard must be planted on top of the berm to assure that the overall screen height is 6 feet. In addition, one large tree is required per 30 linear feet of berm, one medium tree per 22 linear feet of berm, or one small tree per 15 linear feet of berm. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area.

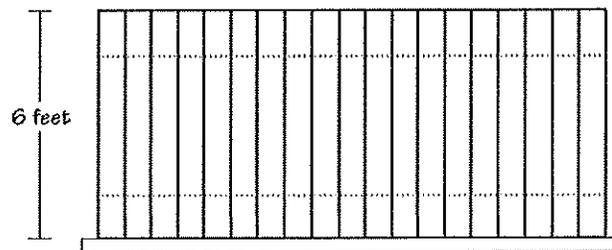
F. F1 - Partially Sight-Obscuring Fence.

1. Intent. The F1 fence standard provides a tall, but not totally blocked visual separation. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is applied in instances where landscaping is not necessary and where nonresidential uses are involved.
2. Required materials. Fences must be 6 feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 210-63-1.

Partially Sight-Obscured Fence
Figure 210-63-1



Fully Sight-Obscured Fence
Figure 210-63-2



G. F2 - Fully Sight-Obscuring Fence.

1. Intent. The F2 fence standard provides a tall and complete visual separation, and is intended to be used in special instances where complete screening is needed to protect abutting uses, and landscaping is not practical. It is usually applied in non-residential situations.
2. Required materials. Fences must be 6 feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 210-63-2.

H. F3 – Front Yard Fence.

1. Front yard and front side yard fences shall be made a conditional use in all residential Zoning Districts subject to the following criteria:
 - a. Fences may not exceed four (4') feet in height.
 - b. Barbed wire or chain link fences are not permitted in the front and front side yards.
 - c. Fencing material and design shall be consistent with the neighborhood and the other surrounding properties.

- d. Fences must contain openings equal to at least seventy-five (75%) percent of the surface area of the fence.
 - e. Fences shall be no less than five (5') feet from the right-of-way.
- I. T1 - Trees.
1. Intent. The T1 standard is a tree requirement for new residential development. It encourages the retention of trees, minimizes the impact of tree loss during development, and ensures a sustained tree canopy in Dormont.
 2. Tree requirement. This requirement may be met using any of the three options below. The applicant may choose to meet one or more of these options. Adjustments to this Subsection are prohibited. The options are:
 - a. Tree preservation. At least 2 inches of existing tree diameter per 1,000 square feet of site area must be preserved. On lots that are 3,000 square feet or smaller, at least 3 inches of existing tree diameter must be preserved per lot. This standard may be met using trees on the lot and within 5 feet of the edges of the lot. Trees within public and private rights-of-way may not be used to meet this standard. When this option is used, a tree preservation plan is required.
 - b. Tree planting. At least 2 inches of tree diameter per 1,000 square feet of site area must be planted. On lots that are 3,000 square feet or smaller, at least 3 inches of tree diameter must be planted per lot.
 - c. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options.
 - (1) Fund use and administration. The Tree Fund fee is collected by the Borough as part of the permit process and is administered by the Borough Manager and the Parks Department. The funds collected will be used to plant trees on public or private property in the same watershed as the site.
 - (2) Calculation of required fund contributions. Applicants must contribute the cost to purchase and plant trees, as set out in (3), below. The cost to purchase and plant trees will be adjusted annually based on current market prices per inch for materials, labor, and maintenance.
 - (3) Required fund contribution. The applicant must contribute the following to the Tree Fund before a building permit will be issued:
 - i. For lots with 3,000 square feet or more of area, the cost to purchase and plant at least 2 inches of tree diameter per 1,000 square feet of site area; or
 - ii. For lots with less than 3,000 square feet of area, the cost to purchase and plant at least 3 inches of tree diameter per lot.
- J. P1 - Parking Lot Interior Landscaping.
1. Intent. The P1 standard is a landscape treatment which uses a combination of trees, shrubs, and ground cover to provide shade, stormwater management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots and associated vehicle areas.
 2. Required materials.
 - a. Trees. The P1 standard requires one large tree per 4 parking spaces, one medium tree per 3 parking spaces, or one small tree per 2 parking spaces. (See § 210-64.C (2) below for the definition of large, medium and small trees.) At least 20 percent of trees must be evergreen. Trees of different sizes may be combined to meet the standard.
 - b. Shrubs. The P1 standard requires 1.5 shrubs per space. For spaces where the front two feet of parking spaces have been landscaped instead of paved, the P1 standard requires one shrub per space. Shrubs may be evergreen or deciduous.

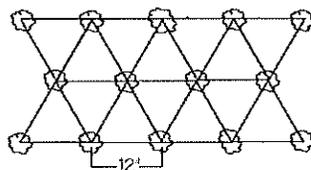
- c. Ground cover plants. The P1 standard requires that the remainder of the area must be planted in ground cover plants. The plants must be spaced to cover the area within 2 years. Mulch does not count as ground cover.

§ 210-64. Plant Materials.

A. Ground cover.

1. Ground cover required. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.
2. Size and spacing. Ground cover plants other than grasses must be at least the four-inch pot size. Area planted in ground cover plants other than grass seed or sod must be planted in triangular spacing (see Figure 210-64-1) at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three years. To use a ground cover plant not listed in the Borough's Shrub List, the applicant must provide the Borough with an objective source of information about the plant's requirements for spacing. Applicants are encouraged to provide information about the plant's watering needs, sun or shade preference, and climate zone hardiness. This information can come from published sources, Internet sources, or nursery information, for example, cut sheets.

Example of Ground Cover Planting on 12-Inch Centers
Figure 210-64-1



- B. Shrubs. All shrubs must be of sufficient size and number to meet the required standards within 2 years of planting. Shrubs must be at least the one-gallon container size at planting.
- C. Trees.
 1. Planting size. Trees may be broadleaf or conifers and must meet the following:
 - a. Broadleaf trees at the time of planting must be fully branched and must be a minimum of 1.5 caliper inches.
 - b. Conifer trees at the time of planting must be fully branched and a minimum of 5 feet in height.
 - c. Specific planting size requirements related to the mitigation, remediation, or restoration of landscaped areas in some instances may supersede the minimums of this paragraph.
 2. Size category.
 - a. Trees are categorized as small, medium, or large using the formulas in C.2.c. below. The Borough's suggested plant lists include the size categories recognized by the Borough for many trees.

- b. To determine the size category of a tree not listed in the Borough's suggested plant list, the applicant must provide the Borough with an objective source of information about the tree's mature height, crown spread, and growth rate. This information can come from published sources, Internet sources, or nursery information such as cut sheets. The Borough will assign the tree to one of the size categories using the formulas in C.2.c, and will periodically update the suggested tree list to include newly categorized trees.
 - c. The size of a tree is calculated according to the following formulas, which incorporate the estimated height and crown spread of a mature specimen and on the species' growth rate:
 - (1) Small trees have a canopy factor of less than 40, medium trees have a canopy factor from 40 to 90, and large trees have a canopy factor greater than 90;
 - (2) Mature height of tree x Mature canopy spread x Growth rate factor x 0.01 = Canopy factor;
 - (3) The growth rate factor is 3 for fast-growing trees, 2 for medium growing trees, and 1 for slow-growing trees.
 3. Existing trees may be used to meet the standards of this chapter, as described in Paragraph D.1.
- D. Plant material choices and preparation.
1. Existing vegetation. Existing vegetation except those plants on the Nuisance Plants List may be used to meet the standards, if protected and maintained during the construction phase of the development as specified in this Chapter. If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree.
 2. Selection of materials. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Arborescent shrubs from the Borough's Plant List may not be used to meet the tree requirement.
 3. Plant diversity.
 - a. Trees. If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Chapter, not to existing trees.
 - b. Shrubs. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.
 - c. Plants may be selected from the Borough's suggested plant lists or other sources.
 4. Nuisance plants. Plants listed on the Nuisance Plants List are prohibited from being planted in Borough-required landscaped areas.
 5. Landscaped area preparation. All new required landscaped areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. All plants on the Nuisance Plant List must be removed from the lower 6 feet of the trees to be preserved in the landscaped area. Trees listed on the Nuisance Plants List are not required to be removed.
- E. Exceeding standards. Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation height limitations are met, including vision clearance standards.

- F. Complying with the standards. It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

§ 210-65. Installation and Maintenance.

- i. Installation. All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Allegheny County Health Department stormwater management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.
- ii. Maintenance. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. A fine may be levied if the landscaping has not been maintained, and new plants required to be planted.
- iii. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in option 1, 2, or 3.
 - 1. Option 1. A permanent built-in irrigation system with an automatic controller.
 - 2. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own once established.
 - 3. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established. An inspection fee, paid at the time of permit application, will be required.
- iv. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas.
- v. Topping prohibited. Topping, an extreme form of crown reduction, of trees that are required by this Chapter is prohibited; required trees must be allowed to grow in their natural form. This prohibition does not apply to pruning performed to remove a safety hazard, to remove dead or diseased material, or to avoid overhead power lines. If a tree smaller than 8 inches in diameter is topped, it must be replaced in kind. If a tree 8 inches or larger in diameter is topped, the owner must have an arborist develop and carry out a 5-year pruning schedule.

§ 210-66. Landscaped Areas on Corner Lots

All landscaped areas on corner lots must meet the vision clearance standards of the Borough's Code. If high shrubs or other sight-obscuring screening is required by this Chapter, low screening must be substituted within vision clearance areas.

§ 210-67. Landscape Plans

Landscape plans must be submitted showing all landscaped areas. Plans must be drawn to scale and show type, size, number, and placement of materials. Materials must be identified with both their scientific and common names. Any required irrigation system must also be shown.

§ 210-68. Tree Preservation Plans

- A. When a tree preservation plan is required. A tree preservation plan must be submitted and approved when existing trees are used to meet a landscape or tree standard.
- B. Elements of a tree preservation plan. A tree preservation plan includes both a site plan and a written statement. All of the following elements must be included:
 - 1. A written statement that the trees to be preserved are healthy; and
 - 2. A site plan that is drawn to scale and shows:
 - a. All trees to be preserved on the site, their species and diameter;
 - b. The location of water, sewer, and other utility easements;
 - c. The location of dry wells and soakage trenches; and
 - d. How the requirements of Section 210-69, Tree Protection Requirements, are met.
- C. Alternative tree preservation plans. If the requirements of Section 210-69, below, cannot be met, an alternative tree preservation plan may be submitted by an arborist or landscape architect. The alternative tree preservation plan must show alternative means for tree protection and preservation, and include a statement by the arborist or architect that the plan provides the same level of protection as the requirements of Section 210-69.

§ 210-69. Tree Protection Requirements.

- A. Where these requirements apply. These requirements apply to all trees shown on a tree preservation plan.
- B. Construction fencing. A construction fence must be placed at the edge of the root protection zone of each tree or group of trees. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. The fence must be placed before construction starts and remain in place until construction is complete.
- C. Development limitations. Within the root protection zone of each tree, the following development is not allowed:
 - 1. New buildings;
 - 2. Grade change or cut and fill during or after construction;
 - 3. New impervious surfaces;
 - 4. Utility or drainage field placement;
 - 5. Staging or storage of materials and equipment during construction; and
 - 6. Vehicle maneuvering areas during construction.

§ 210-70. Completion of Landscaping

The installation of any required landscaping may be deferred during the summer or winter months to the next planting season, but never for more than 6 months. All required landscaping must be installed prior to final inspection.

§ 210-71. Street Trees/Borough Trees

Street trees and other Borough trees are not subject to the regulations of this chapter and are not counted toward any landscaping required by this chapter. Street trees are regulated by the Borough's Shade Tree Commission. See Chapter 190, Trees.

§ 210-72. Mitigation and Restoration Plantings

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

- A. **Plant Source.** Plant materials must be native and selected from the Borough's Plant List. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.
- B. **Plant Materials.** The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers, and the staking of trees must not be employed.
- C. **Nuisance Plants.** Plants listed on the Nuisance Plants List are prohibited from being planted in mitigation areas, and may not be counted as existing vegetation.
- D. **Landscaped Area Preparation.** All new required mitigation areas must be cleared or groundcovers and shrubs listed on the Nuisance Plants List.
- E. **Installation.** Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
- F. **Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.
- G. **Monitoring and Reporting.** Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to the Borough Manager.

ARTICLE XV – Standards for Signage

§ 210-73. Findings and Purpose.

This Article is based upon the following findings:

- A. The Borough of Dormont has been and is now taking appropriate action, through the exercise of its zoning and other municipal authority, to improve the aesthetics and physical appearance of the Borough by means including the regulation of signs.
- B. The regulation of signs is necessary in order to preserve and enhance the substantial governmental interests of the Borough of Dormont in its natural, scenic, historic, cultural, and aesthetic qualities.
- C. There is a substantial governmental interest in enhancing the physical appearance of all parts of the Borough of Dormont, including residential and commercial areas.
- D. Regulating signs will improve the Borough's appearance; make the Borough's commercial, and residential areas more attractive for commercial and residential uses and commercial development; and enhance the economic climate of the Borough.

- E. The regulations set forth in this Article will directly advance the public interest in aesthetics and other qualities of life by preserving and enhancing the appearance of residential and commercial buildings and areas; preserving and enhancing the appearance of public streets, parks and other public properties; and minimizing the intrusiveness of sign structures.
- F. Nonconforming off-premise signs, which traditionally have been used primarily to advertise commercial goods and services not available on the same premises, have a significantly greater adverse aesthetic impact than on premises signs because of their larger sizes, greater heights, less attractive appearances, and/or more intrusive locations.
- G. The public interest is served by use of signs by businesses and services to identify their premises, or the products or services there available, or to display non-commercial messages.
- H. The Borough finds that it is in the Borough's interest to require removal of certain non-conforming signs after the grace period provided by Article XVI has expired.

The purposes of this Article are to preserve and enhance the substantial interests of the Borough of Dormont in the appearance of the Borough; to preserve and enhance the public interest in aesthetics; to preserve and increase amenities of the Borough; to control and reduce visual clutter and blight; and to carry out the authority conferred by the laws of the Commonwealth of Pennsylvania.

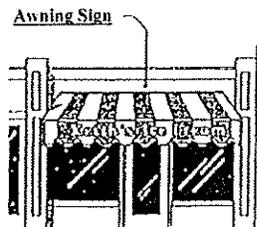
§ 210-74. Applicability.

- A. **General Applicability**
No signs or advertising devices of any kind or nature shall be erected or maintained on any premises or affixed to the inside or outside of any structure to be visible from the outside of any structure except as specifically permitted in this Article.
- B. **Signs in the Public Way**
Signs and banners located entirely within a public way are not subject to the provisions of this Article except as may be specifically provided for elsewhere in this Article.

§ 210-75. Definitions.

For the purpose of this Chapter the following definitions shall apply:

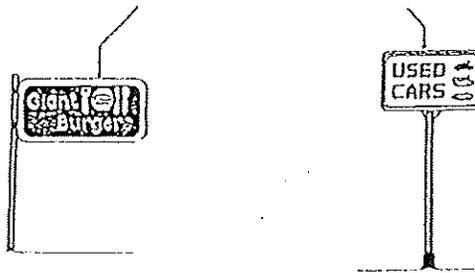
- A. "Alteration" means any change in the size, shape, and method of illumination, position, location, material, construction, or supporting structure of a sign.
- B. "Awning" means a temporary or removable shelter supported entirely from the exterior of a building and composed of non-rigid materials except for support framework.
- C. "Awning sign" means signs painted on or affixed to an awning.



- D. "Building face or wall" means all window and wall area of a building on one plane or architectural elevation.

- E. "Building frontage" means the portion of a building facing a street right-of-way or on-site parking lot.
- F. "Change of sign face" means where an existing sign is altered by a change of message or design on the sign face, without any change to the size or shape of the sign framework or structure, excluding marquee, electronic message boards, menu boards, and changeable face signs.
- G. "Display" means any identifiable visual form or character, which may be comprised solely or be comprised of a combination of words, symbols, images, and graphic elements.
- H. "Electronic display sign" means a sign including, or comprised solely or partially of an electronic display that can be changed by automatic means, including, but not limited to, the operation of computer software is internally illuminated, is permanently fixed to a foundation and shall not include TPCMS (Temporary Portable Changeable Message Signs).
- I. "Effect" means sequential, flashing, or simultaneous illumination by electrical means other than by an electronic display. As used in this chapter effects include, but are not limited to:
 - 1. Animated effect: illumination that depicts a moving object, thing, person, animal, or happening or depicts an ongoing series of images.
 - 2. Chaser effect: illumination that is intended to lead the eye by producing lineal or circular movement.
 - 3. Scintillating effect: illumination that provides a random twinkling of lights, including illumination that forms images, words or sentences at the end of the sequence of twinkling lights.
 - 4. Speller effect: illumination that spells a word, one letter, sentence, number, or character at a time, including flashing a complete word or words or sentence.
- J. "Electronic time and temperature sign" means a sign, or portion thereof, that announces time, temperature and/or date.
- K. "Electronic display" means a display created by light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology. As used in this chapter, electronic displays include, but are not limited to:
 - 1. Dissolve: the changing of an electronic display by means of varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of a subsequent display.
 - 2. Fade: the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the subsequent display gradually increases intensity to the point of being legible or capable of being perceived.
 - 3. Scrolling: the changing of an electronic display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.
 - 4. Static display: an electronic display that does not change.
 - 5. Travel: the changing of an electronic display by the apparent horizontal movement of the visual image.
 - 6. Video display: providing an electronic display in horizontal or vertical formats to create continuously moving images.
- L. "Fabric sign" means any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, fabric or other light material, with or without frames, that is not permanently affixed to a supporting structure.
- M. "Flashing" means sudden or intermittent electrical illumination.
- N. "Freestanding sign" means a sign supported by one or more upright poles or braces placed in or upon the ground and wholly detached from any building. Also known as a ground sign.

Free-standing Signs



- O. "Indirect illumination" means a source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.
- P. "Integrated business center" means a group of two or more businesses that have been developed as a unit and that have common parking facilities.
- Q. "Internal illumination" means a source of illumination from within a sign, including neon signs, but not including electronic display signs and temporary portable changeable message signs.
- R. "Marquee" means a permanent roofed, but not an enclosed structure, attached to or supported by a building for the purpose of providing shelter to patrons entering a building or to patrons in automobiles.
- S. "Nit" means a measurement of luminance, where one nit is equal to one candela per square meter (1cd/m²). A candela means a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.
- T. "Non-conforming sign" means an existing sign, lawful at the time of the enactment of this title, which does not conform to the requirements of this title.
- U. "Portable sign" means any sign not permanently attached to the ground, a building, or other structure, not including TPCMS (temporary portable changeable message signs).
- V. "Projecting sign" means signs other than wall signs, which are attached to and project from a structure or building face more than 18 inches.

Projecting Sign



- W. "Roof sign" means a sign supported by, and located on or over, the roof of a building.

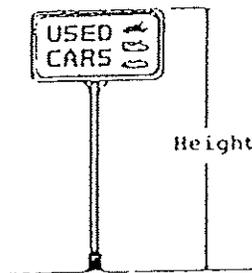
- X. "Sign" means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising or identifying purposes. Sign does not include any cloth attached to a single pole equipped to raise and lower the cloth from the ground.
- Y. Sign Area.
 1. Except as provided in subsection (Y)(2) of this section, the area of a sign shall be calculated by adding the outer dimensions of all the faces presenting a sign message. Pole covers and columns shall not be included in the area of the measurement if they do not include advertising or information. Double-faced signs will be calculated as one sign only when placed back-to-back and separated by no more than twenty-four inches.
 2. The area of a wall sign without a border shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message.

Determining the Area of a Sign



Shaded Area Indicates Area of Signs

- Z. "Sign height" means the distance measured from the average elevation of the ground adjacent to the structure that the sign is mounted on, or the elevation of a public sidewalk or street curb within 10 feet of the sign structure, to the greatest height of the sign face.



- AA. "Sign structure" means the supports, uprights, braces, framework and other structural components of the sign.
- BB. "Street frontage" means the portion of a property which abuts a street right-of-way.
- CC. "Temporary portable changeable message signs (TPCMS)" means any sign that is visible for 60 days twice per year capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means with a dwell time of six seconds, is internally illuminated, not permanently affixed to the ground, a building, or other structure, serves a temporary purpose, is freestanding without a permanent foundation, and contains a surface area of no more than 32 square feet and a height of no more than eight feet.

- DD. "Temporary sign" means any sign that is visible for only 60 days twice per year, is without illumination, not permanently affixed to the ground, a building, or other structure, serves a temporary purpose, is freestanding without a permanent foundation, including lawn signs, vehicle signs, fabric signs and balloon signs but not including TPCMS (temporary portable changeable message signs).
- EE. "Under marquee sign" means a sign which is erected or maintained under and is supported by a marquee.
- FF. "Wall sign" means any sign placed or painted directly against a building wall, with the exposed face of the sign in a plane approximately parallel to the plane of the wall and projects outward from the wall not more than eighteen inches including marquee and under marquee signs.

Wall Sign



- GG. "Window sign" means any sign that is erected or placed within a building or structure but is visible from the exterior of said building or structure.

§ 210-76. Design, Construction, and Maintenance.

All signs shall be designed, constructed, altered, and maintained according to the following standards:

- A. All signs shall comply with the applicable provisions of the Uniform Construction Code and all other applicable structural, electrical and other regulations.
- B. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure.
- C. All signs shall be maintained in good structural condition.
- D. The owner of the property on which the sign is located shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs.

§ 210-77. Enforcement.

The Code Enforcement Officer may determine a sign to be unlawful or abandoned and require its removal or alteration to conform to this code and other applicable county law if it endangers public safety or violates the provisions of this code.

§ 210-78. Signs Generally Permitted.

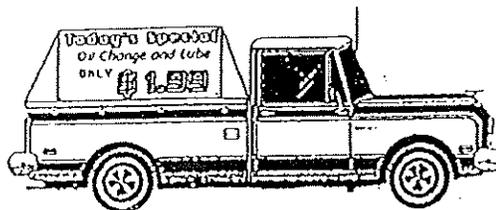
Subject to the limitations in this Article, the following signs and sign work are permitted in all zones. Except for signs described in subsection (A) of this section, the following signs shall not be included when determining compliance with total allowed area:

- A. Change of Sign Face. Altering the message or design on the sign face without any change to size or shape of the sign framework or structure.
- B. Traffic Control Devices, Roadway Signs, Required Public Notices. Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, Borough entrance signs, and signs of a non-commercial nature required by public laws, ordinances or statutes. Notices and signs erected by public officers performing official duties including those erected pursuant to law, administrative order, or court order.
- C. Other Warning Signs. Signs placed on private property to warn the public of a danger or prohibition located on the private property, including but not limited to, "No Trespassing" or "No Dumping" signs, provided such sign does not exceed four square feet in area and six feet in height.
- D. Building Identification. Permanent building plaques, corner stones, name plates and similar building identifications not more than four square feet in area per building.
- E. Historical Signs. Markers erected or maintained by a recognized historical society or organization identifying sites, buildings, or structures.
- F. Interior Signs. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings that are designed and located to be viewed by patrons.
- G. Real Estate Signs. While a lot, building, or portion of a building is for rent, sale or lease, one unlighted sign visible from each street frontage is permitted. Each sign shall not exceed 12 square feet in a residential district.
- H. Preexisting Nonconforming Signs: Permanent signs that existed and were legal prior to the date of adoption of this code that do not conform to the provisions of this chapter with respect to number, surface area, location, or illumination. Preexisting nonconforming signs may be repaired but not replaced unless they were approved by a previous land use decision. Replacement of signs approved by a previous land use decision may only be replaced to the same extent as was allowed in that previous decision.

§ 210-79. Prohibited Signs.

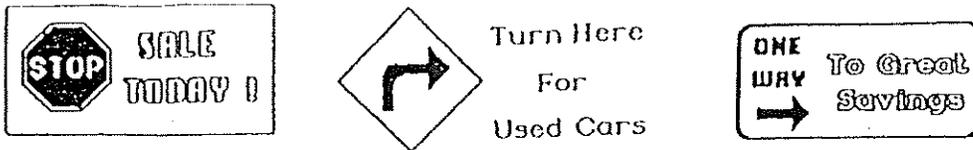
The following signs are prohibited in all zoning districts:

- A. Vehicle signs. Signs which are placed on or affixed to a bus, car, boat, trailer or other motorized vehicle and parked on public or private property with the primary purpose of providing a sign not otherwise permitted by this chapter. This provision is not intended to prohibit signs painted upon or applied directly to a vehicle that is actively used in the daily function of a business.



- B. Hazardous Signs. No sign shall be permitted at or near the intersection of a street or driveway in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape, or color it may interfere with or be confused with authorized traffic sign, signal, or device, or which makes use of a word, symbol or phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

Illustration of hazardous signs:



- C. Animated signs. Any sign using an effect not otherwise permitted by this chapter.
 D. Balloons or similar types of anchored objects not otherwise allowed in this chapter.



- E. Portable, fabric, or temporary signs not otherwise allowed in this chapter.
 F. Signs that emit audible sound, odor, or visible matter. This does not include signs integral to an intercom system serving customers remaining in their vehicles.
 G. Signs that use or employ side guy lines of any type.
 H. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
 I. Signs closer than 10 feet horizontally or vertically to any overhead power line or electrical conductors.
 J. Signs that project into or over driveways, roadways and street right-of-ways, except under marquee signs that project over a public sidewalk. Such under marquee signs shall not be less than seven feet six inches above the sidewalk and shall not exceed a maximum of six square feet.
 K. Signs in a street right-of-way not otherwise allowed in this chapter whether attached to a pole, post, utility pole or placed on its own stake and placed into the ground.
 L. Billboards, signs which direct attention to a business, community service or entertainment not exclusively related to the premises where such sign is located. Billboard signs are prohibited in all zoning districts in the Borough.

§ 210-80. Signs Permitted in Residential Zoning Districts.

Except as provided elsewhere in this Article, no sign shall be erected or maintained in residential zoning districts except as set forth in this section:

- A. Maximum square footage:
 - 1. SFR Zoning District:
 - a. For single family, duplex, or home occupation, one unlighted wall or window sign not exceeding four square feet.
 - b. For uses other than those in (a) above, one freestanding internally illuminated or electronic display sign not exceeding 32 square feet with a dwell time of one hour, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.
 - c. One unlighted temporary sign not exceeding six square feet and 30 inches above grade visible for 60 days twice per year.
 - d. A temporary sign up to 32 square feet may be approved as an adjustment as provided later in this Article.
 - 2. TFR and MFR Zoning Districts:
 - a. For single family, duplex, or home occupation, one unlighted wall or window sign not exceeding four square feet.
 - b. For uses other than those in subsection (A.) of this section, one internally or indirectly illuminated freestanding sign or one electronic display sign not exceeding 32 square feet with a dwell time of one hour, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.
 - c. One unlighted temporary sign not exceeding six square feet and 30 inches above grade visible for 60 days twice per year.
 - d. A temporary sign up to 32 square feet may be approved as an adjustment as provided later in this Article.
 - e. For apartments and retirement homes, only one temporary banner sign not exceeding 50 square feet per street frontage, located on that frontage and visible for 30 days four times per year.
- B. Height.
 - 1. Freestanding sign: six feet
 - 2. Wall and window signs: eight feet
- C. Setbacks. Signs shall be located at least three feet from a lot line abutting a street. All signs shall comply with requirements for vision clearance areas and special street setbacks. Freestanding signs may be erected in special setback areas if established by the Planning Commission.
- D. Illumination.
 - 1. Indirect illumination shall be directed away from and not be reflected upon adjacent premises, streets or roadways. Illumination shall be subject to the standards later in this Article.
 - 2. The light source for an internally illuminated sign may be comprised of light emitting diodes, so long as the light emitting diodes are used for illumination only, do not create an electronic display or effect, and conform to the brightness limitations set forth later in this Article.

§ 210-81. Signs Permitted in Civic and Green Space Zoning Districts.

Except as provided elsewhere in this Article, no sign shall be erected or maintained in the CIV or GSD Zoning Districts except as set forth in this section:

A. Maximum Square Footage:

1. One internally or indirectly illuminated freestanding sign per street frontage with driveway access not exceeding 32 square feet or one electronic display sign not exceeding 32 square feet with a dwell time of eight seconds, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.
2. One temporary sign not exceeding six square feet and 30 inches above grade visible for no more than 60 days twice per year.
3. A temporary sign up to 32 square feet may be approved as an adjustment as provided later in this Article.
4. One temporary banner sign not exceeding 50 square feet per street frontage, located on that frontage, and visible for not more than 30 days four times per year.

B. Height:

1. Freestanding sign: six feet
2. Wall and window signs: eight feet
3. For signs allowed in MCC 210-81 (a) (1): 15 feet

C. Setbacks: Signs shall be located at least three feet from a lot line abutting a street. However, all signs shall comply with requirements for vision clearance areas and special street setbacks. Freestanding signs may be erected in special setback areas if established by the Planning Commission.

D. Illumination.

1. Indirect sign illumination shall be directed away from, and not be reflected upon, adjacent premises and streets or roadways. Illumination shall be subject to the standards later in this Article.
2. The light source for an internally illuminated sign may be comprised of light emitting diodes, so long as the light emitting diodes are used for illumination only, do not create an electronic display or effect, and conform to the brightness limitations set forth later in this Article.

E. Signs no larger than 800 square feet shall be permitted within stadiums, athletic fields, and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Article, signs allowed by this paragraph may employ any effect and shall not be subject to the limitation imposed in 210-87 (A).

§ 210-82. Signs Permitted in Commercial Zoning Districts.

Except as provided elsewhere in this Article, no sign shall be erected or maintained in the LNC or UNC Zoning Districts except as set forth in this section:

- A. Maximum Square Footage: The total area of all signs shall not exceed one square foot for each linear foot of building frontage.

1. Freestanding Sign: One sign per street frontage with driveway entrance limited to a maximum 24 square feet each.
 2. One wall sign for each wall facing a street or parking lot, limited to 32 square feet.
 3. One temporary sign not exceeding six square feet and 30 inches above grade visible for 60 days twice per year.
 4. One temporary banner sign not exceeding 50 square feet per street frontage, located on that frontage, and visible for 30 days four times per year.
 5. Roof Signs: Not permitted.
 6. A-Frame Signs: Not permitted on any public right-of-way.
 7. Subject to the standards above one electronic display sign not exceeding 32 square feet with a dwell time of one hour, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds, may be erected in place of a freestanding sign.
- B. Maximum Height:
1. Freestanding Sign: 15 feet.
 2. Wall Sign: Signs shall not project above the parapet or roof eaves.
- C. Minimum Setback: Signs shall be located at least three feet from a lot line abutting a street. However, all signs shall comply with requirements for vision clearance areas and special street setbacks. Freestanding signs may be erected in special setback areas if established by the Planning Commission.
- D. Illumination.
1. Indirect sign illumination shall be directed away from, and not be reflected upon, adjacent premises and streets or roadways. Illumination shall be subject to the standards in this Article.
 2. The light source for an internally illuminated sign may be comprised of light emitting diodes, so long as the light emitting diodes are used for illumination only, do not create an electronic display or effect, and conform to the brightness limitations set forth later in this Article.
- E. Parking Lot Signs: Two permanent signs to identify each motor vehicle entrance into or exiting from the premises. Each sign shall be limited to eight square feet in area and a height of 30 inches above the sidewalk or 36 inches above the street elevation where there is no sidewalk.

§ 210-83. Signs Permitted for Integrated Business Centers.

Except as provided elsewhere in this Article, only signs permitted in this section are allowed in an integrated business center in the LNC and UNC Zoning Districts:

- A. Integrated business center sign: One freestanding structure per street frontage with driveway entrance access.
1. Maximum Height: 25 feet.
 2. Maximum Square Footage: Total sign area attached to the structure shall not exceed 300 square feet. One sign on the structure may be up to 150 square feet. Other attached signs shall not exceed 75 square feet.
 3. Minimum Setback: Signs shall not project into the public right-of-way. Signs shall comply with requirements for vision clearance areas and special street setbacks. Freestanding signs may be placed in special setbacks if established by the Planning Commission.

4. Subject to the standards above, one electronic display sign in place of a freestanding, sign with a dwell time of eight seconds, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.
- B. Signs for individual businesses in integrated business centers: Wall, awning and window signs are permitted subject to the following requirements:
1. Maximum Square Footage: The total sign area is based upon street frontage (arterial and collector streets only) and frontage on common parking areas. The aggregate sign area shall not exceed one and one-half square feet for each linear foot of building frontage for a maximum of two building frontages. A sign shall not exceed 150 square feet.
 2. Maximum Height: Signs shall not project above the parapet or roof eaves.
 3. Illumination: Wall signs shall be internally illuminated.
 4. Business Identification Sign: Freestanding individual businesses may have one monument sign not to exceed 32 square feet in area or six feet in height. This sign is in lieu of advertising on the freestanding business center sign and is deducted from the total sign area allowed for the business.
- C. One temporary sign not exceeding six square feet and 30 inches above grade visible for 60 days twice per year or one balloon sign up to 35 feet above the roof visible for only 14 days in any six-month period or one banner sign not exceeding 50 square feet visible for 30 days in any 365 day period.
- D. Illumination.
1. Indirect sign illumination shall be directed away from and not be reflected upon adjacent premises and streets or roadways. Illumination shall be subject to the standards in this Article.
 2. The light source for an internally illuminated sign may be comprised of light emitting diodes, so long as the light emitting diodes are used for illumination only, do not create an electronic display or effect, and conform to the brightness limitations set forth later in this Article.
- E. One temporary portable changeable message sign for 60 days twice per year.
- F. Parking Lot Signs: Two permanent signs to identify each motor vehicle entrance into or exit from the premises. Each sign shall be limited to eight square feet in area and a height of 30 inches above the sidewalk or 36 inches above the street elevation where there is no sidewalk.

§ 210-84. Window Signs.

Window signs are allowed without a sign permit when in accordance with the following conditions:

- A. Non-illuminated window signs must:
1. Be uniformly located.
 2. Not cover more than 30% of the glass window frame or window pane.
 3. Lettering should not be larger than eight (8) inches.
 4. Not exceed six (6) square feet in sign area.
- B. Illuminated window signs must:
1. Be placed only in a window, not a door.
 2. Be located in a window with no other signs.
 3. Not exceed four (4) square feet in sign area.
 4. Be at least ten (10) feet from any other illuminated window sign or seven (7) feet when there is a door or architectural break in the façade between the illuminated signs.

- 5. Be illuminated only during business hours.

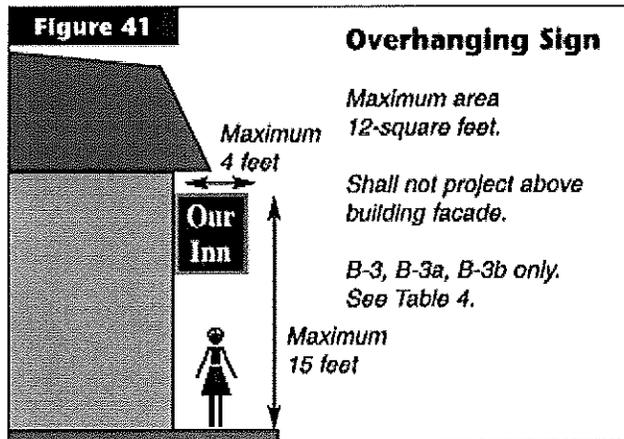
§ 210-85. Overhanging Signs.

One Overhanging Sign per commercial building shall only be permitted in the LNC and UNC Zoning Districts where a lot does not or cannot (due to setback restrictions) have a free-standing sign (Figure Below). Projecting nameplates meeting the area and height requirements noted below may be substituted for the overhanging sign, provided that there is only one (1) such nameplate per ground-floor use, or per below ground use with direct access to a public right-of-way.

- A. Height and area of overhanging signs are restricted according to the following schedule:

OVERHANGING SIGNS			
<i>Zoning District</i>	<i>Minimum Height In Feet</i>	<i>Maximum Height In Feet</i>	<i>Maximum Area</i>
LNC and UNC	10 feet	15 feet	12 square feet

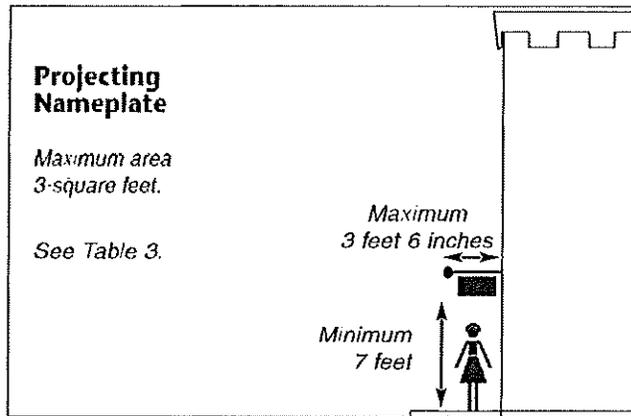
- B. No part of an overhanging sign shall exceed the height of the building facade or extend more than forty-eight (48) inches in width.



- C. Such signs shall not be mounted on the corner of a building or be closer than four (4) feet from the corner of the building.

Projecting Nameplate Signs. In lieu of one Overhanging Sign as identified above, one projecting nameplate sign (Figure Below) shall be allowed for each ground-floor use that fronts a public right-of-way or alley and one projecting nameplate sign shall be allowed for each below-ground-floor use that has direct access to a public right-of-way or alley, subject to the following conditions:

- A. The projecting nameplate shall not extend beyond three feet, six inches (3'6") from the building wall;



- B. The projecting nameplate shall not be internally illuminated;
- C. Projecting nameplates may be permitted in the LNC and UNC Zoning Districts only where a property does not or cannot have a free-standing sign; and
- D. The height and area of projecting nameplates are restricted according to the following schedule:

PROJECTING NAMEPLATES			
<i>Zoning District</i>	<i>Minimum Height In Feet</i>	<i>Maximum Height In Feet</i>	<i>Maximum Area</i>
LNC and UNC	7 feet	15 feet	3 square feet

§ 210-86. Illumination.

All illuminated signs are subject to the following standards:

- A. Indirect illuminated signs shall be so located and designed that the light source, viewed by an observer five feet from above grounds at the boundary of the property, shall be either completely shielded from direct view or no greater than .5 foot candle.
- B. Brightness. All electronic display signs must be constructed, operated, or otherwise function in such a way as to not exceed the provisions of this paragraph:
 1. At the time of installation, electronic display signs may be illuminated to a degree of brightness that is no greater than 7,500 nits between sunrise and sunset and that is no greater than 1,000 nits between sunset and sunrise; provided that an electronic display sign comprised solely of one color shall not exceed the following levels:
 - a. For a display comprised of red only, 3,150 nits between sunrise and sunset, and 450 nits between sunset and sunrise;
 - b. For a display comprised of green only, 6,300 nits between sunrise and sunset, and 900 nits between sunset and sunrise;
 - c. For a display comprised of amber only, 4,690 nits between sunrise and sunset, and 670 nits between sunset and sunrise.
 2. All electronic display signs must be maintained and operated to meet the following brightness standards:

- a. No sign shall be brighter than is necessary for clear and adequate visibility.
 - b. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
 - c. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
3. The person owning or controlling an electronic display sign must adjust the sign to meet the brightness standards in accordance with these standards. The adjustment must be made immediately upon notice of non-compliance from the Borough Manager.
 4. All electronic display signs must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and equipped with a means to immediately turn off the display if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the Borough Manager that it is not complying with the standards in this section.

§ 210-87. Electronic Display Sign Standards.

In addition to all other standards in this Article relating to illumination, electronic display signs shall meet the following standards:

- A. The actual change of display for an electronic display sign shall be completed in two seconds or less. Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next change. Except as authorized above, scrolling, travel, and video display are prohibited.
- B. Notwithstanding any other provision in this chapter, a governmental agency providing transit services may erect one electronic display sign in each of the agency's transit stops, which shall be limited to two square feet in area, screened from adjacent residential properties, and used only for the transmission on public information by the agency.

§ 210-88. Adjustments.

Adjustments to standards contained in this Article may be allowed subject to the following criteria:

- A. The proposed development will not have a significant adverse impact upon adjacent existing or planned uses and development; and
- B. The adjustment will not have a significant adverse effect upon the health or safety of persons working or residing in the vicinity; and
- C. The adjustment is the minimum necessary to achieve the purpose of the adjustment and is the minimum necessary to permit development of the property for the proposed use; and
- D. The intent and purpose of the specific provision to be adjusted is clearly inapplicable under the circumstances; or, the proposed development maintains the intent and purpose of the provision to be adjusted.

ARTICLE XVI – Non-conforming Lots, Uses, and Structures.

§ 210-89. Applicability.

This Article applies to any land, structure, or use that became non-conforming after the effective date of this Chapter or by the prior passage of any Zoning ordinance of the Borough.

§ 210-90. Intent.

This Article is intended to permit legal non-conforming developments, lots, structures, and uses to continue until they are removed but not to encourage their perpetuation. It is further intended that non-conforming developments, lots, structures and uses not be enlarged upon, expanded, extended or be used as grounds for adding other structures or uses prohibited elsewhere in the same Zoning District. Because non-conforming developments, lots, structures and uses do not conform to requirements of the Zoning district where they are located, they are declared by this Article to be incompatible with the permitted developments, lots, structures and uses in the Zoning district.

§ 210-91. Non-conforming Lots.

The party asserting the existence of a lawful non-conforming lot has the burden of establishing that the lot was not substandard according to the requirements in effect at the time of its creation.

- A. Nonconforming Single Lots. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the County Assessor's office prior to the effective date of this Article, may be used for the purposes permitted by this Chapter notwithstanding the minimum lot area required.
- B. Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a non-conforming lot. Compliance with applicable development standards such as height and setbacks is required.

§ 210-92. Non-conforming Uses.

The party asserting the existence of a lawful non-conforming use has the burden of establishing that as of the effective date of this Article, or subsequent revisions or amendments, the use was either consistent with the zoning provisions or was a pre-existing legal non-conforming use.

A legal non-conforming use may be continued; provided, that:

- A. The non-conforming use is not replaced by a conforming use. If replaced by a conforming use, the non-conforming use may not thereafter be resumed.
- B. Abandonment. A non-conforming use may be continued by successive owners or tenants where the use continues without a break. If the use ceases for a period of more than one year, the subsequent use of the land shall be conforming.
- C. Expansion on Land, in Buildings or Structures. The non-conforming use shall not be enlarged, increased, expanded or extended to occupy a greater area of land, building or structure than was occupied on the date the use became non-conforming; except, if the non-conforming use is an accessory use and the principal use is a conforming use, the conforming principal use may expand so long as the non-conforming accessory use is not made more non-conforming.

- D. The use is not moved in whole or in part to any other portion of the lot or parcel or another lot or parcel in a zone where the structure would be non-conforming.
- E. Substantial Destruction. If the use is harmed or destroyed by more than 50 percent of the improvement value as shown in the County Assessor's data, the use must be reconstructed in compliance with the requirements of the Zoning district in which it is located. Uses damaged or destroyed as a result of intentional acts by someone other than the owner may be replaced in the same location and to the same dimensions as the original use.
- F. Permits to reconstruct a non-conforming use after damage by fire, or natural causes where more than 50 percent of the structure's value remains, shall be applied for within three months of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.
- G. Exception for Single-Family Detached Houses. Any existing non-conforming single-family detached housing unit may be expanded as an exception to the basic rules on expansion of non-conforming uses provided that setback and lot coverage standards are met.

§ 210-93. Non-conforming Structures.

The party asserting the existence of a lawful non-conforming structure has the burden of establishing that as of the effective date of this Article, or subsequent revision or amendments, the structure was constructed in conformance with the zoning provisions in place at the time the structure was built, or that the structure was built pursuant to the granting of a variance.

- A. A non-conforming structure may remain and be used; provided, that:
 - 1. The non-conforming portion of the structure shall not be expanded in any direction which increases its degree of non-conformity, except as specifically authorized through a variance.
 - 2. If moved, the structure shall be made to conform to regulations of this Code.
 - 3. Normal Upkeep, Repairs and Maintenance. Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any non-conforming building or structure or part thereof shall be permitted subject to the provisions of this Section provided that no structural alterations shall be made which would prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders. Structural elements may be modified or repaired only if the Building Official determines that such modification or repair is immediately necessary to protect the health and safety of the public or occupants of the non-conforming structure, or adjacent property and the cost does not exceed one-half of the replacement cost of the legal non-conforming structure.
 - 4. Substantial Destruction. If the structure is harmed or destroyed by more than 50 percent of the improvement value as shown in the County Assessor's data, the structure must be reconstructed in compliance with the requirements of the Zoning district in which it is located. Structures damaged or destroyed as a result of intentional acts by someone other than the owner may be replaced in the same location and to the same dimensions as the original structure.
 - 5. Permits to reconstruct a non-conforming structure after damage by fire, or natural causes where more than 50 percent of the structure's value remains, shall be applied for within three months of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.

§ 210-94. Non-conforming Parking, Loading, Signs, Landscaping and Other Improvements.

If improvements required for a given use including but not limited to off-street parking, signs, landscaping, and open space are not in accordance with the requirements of this Chapter, no change that increases the non-conformity with such requirements is permitted. Change that decreases the non-conformity to the requirements of this title is permitted.

§ 210-95. Unclassified Use Permits.

Unless redefined as a conditional use permit, in accordance with this Chapter, unclassified use permits shall be considered non-conforming uses and subject to the requirements of this Article.

§ 210-96. Restoration of Fences.

If fifty percent or more of the length of a fence on one side of a lot is damaged by any cause and requires replacement or repair, the entire fence must be brought into compliance with the current requirements for fences and freestanding walls.

§ 210-97. Abatement.

Whenever the owner of a non-conforming use, structure or lot fails to discontinue or remove a non-conforming use consistent with the provisions of this Article, the Borough shall take such action as may be necessary to abate the non-conformance. Such action shall include the following:

- A. The code enforcement officer shall make a determination regarding the kind of violation, the length of time the use, structure or lot has been in violation of this Article and the date the non-conforming status was established;
- B. Written notification shall be given the property owner and the occupant regarding the violation and the date the Borough intends to take action;
- C. Violations continuing past the date specified are subject to the penalties prescribed in this Code.

§ 210-98. Burden of Proof.

The burden of proof regarding non-conforming structures and uses rests with the property owner to the satisfaction of the Zoning Hearing Board.

§ 210-99. Termination of Non-Conforming Uses.

Each of the non-conforming uses and/or each of the non-complying features of uses specified in this Section is deemed sufficiently objectionable, undesirable and out of character in the district in which such use is located as to depreciate the value of other property in the district and impair the proper use thereof and to blight the proper and orderly development and general welfare of such district and the Borough, to the point that each such non-conforming use or feature of any such non-conforming use shall be terminated on or before the expiration of the period of time after the effective date of this Chapter fixed for such termination, which period is allowed for the specific purpose of permitting the amortization of the remaining cost, if any, of such use. Uses that are brought into conformance do not terminate.

- A. Any window sign that was legally existing as of the effective date of this Chapter that does not comply with the provisions listed in Article XV of this Chapter shall be considered a non-conforming sign. All Window Signs may continue for a period up to one (1) year from the effective date of this Chapter. After the applicable continuance period, all non-conforming signs shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Article XV of this Chapter. Any improvements, repairs, reconstructions or any other alterations made to the non-conforming sign during the applicable continuance period shall not waive the requirements for elimination of the non-conforming signs at the end of the applicable continuance period.

ARTICLE XVII – Administration and Enforcement.

§ 210-100. Intent.

It is the intent of this Article to describe the procedures for administration, enforcement and amendment of this Chapter and the duties and responsibilities of the Zoning Officer.

§ 210-101. Zoning Official; Permits; Inspections.

A. Zoning Official.

1. The Zoning Official shall be appointed by the Borough Council and shall hold no elective office in the Borough. The Zoning Official shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.
2. The Zoning Official shall have all the powers and duties conferred on him by this Chapter and the Pennsylvania Municipalities Planning Code. The Zoning Official shall administer this Chapter in accordance with its literal terms whenever possible and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter. The Zoning Official's duties shall include the following:
 - a. Enforcement. The Zoning Official shall be empowered to institute civil enforcement proceedings in accordance with the provisions of the Enforcement, Violations and Penalties Section as a means of enforcement when acting within the scope of his/her employment.
 - b. Receipt of applications. The Zoning Official shall receive applications for any new use or change of use filed in accordance with this Article prior to the start of construction or establishment or change of the use by any landowner or lessee. Such application shall describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Borough ordinances. Applications for uses by special exception, conditional uses and variances shall be filed in accordance with this Chapter, and shall be forwarded by the Zoning Official to the appropriate decision-making body. In addition, the Zoning Official shall receive and forward all applications for appeals to the Zoning Hearing Board.

B. Permits.

1. Issuance of permits. It shall be unlawful to use or change the use of any structure or lot or erect, structurally alter or enlarge any structure without obtaining a building and a zoning permit or certificate of occupancy.

- a. Building/zoning permit. It shall be unlawful to structurally alter, enlarge, move, remove or construct any structure without obtaining a building and a zoning permit. All applications shall be submitted in accordance with the Section on Application Procedures which is part of this Article. The Zoning Official shall review all applications for compliance with applicable zoning codes and ordinances and the Building Official shall review all applications for compliance with the Uniform Construction Code and other applicable building codes as noted in this Code. Both shall issue a building and/or a zoning permit or a written decision denying the permit which contains references to the ordinance requirements which have not been met within 14 calendar days for building permits and 60 calendar days for zoning permits of receipt of the application.
- b. Permit for temporary structures. Permits for temporary structures may be issued by the Zoning Official only for the time that construction work is in progress and for a period not to exceed six months. The permit may be renewed for an additional six-month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction. Permits for all other temporary structures shall be subject to the standards outlined elsewhere in this Chapter.
- c. Certificate of Use and Occupancy.
 - i. A certificate of use and occupancy shall not be required for any residential dwelling that exists on the date of adoption of this Chapter unless a building permit is issued for the movement, reconstruction or alteration of the dwelling which results in a change in the location of the dwelling, the total lot coverage or the total number of families housed in the dwelling.
 - ii. When a building permit has been issued for the reconstruction, alteration or movement of any other structure or the construction of any new structure, including dwellings, it shall be unlawful to use or occupy that structure without a certificate of use and occupancy. Upon completion of the construction, reconstruction, alteration or movement of the structure, the holder of the building permit shall notify the Zoning Official that the work has been completed and the structure is ready to be used or occupied.
 - iii. Upon inspection and determination that all applicable ordinance regulations and any conditions attached to the issuance of the building and zoning permit have been met, the Zoning Official shall issue a certificate of use and occupancy.
 - iv. For all uses in all Commercial Zoning Districts and for all commercial uses and two-family and multifamily dwelling units in any zoning district, any change in occupancy from one owner or tenant to another or any change from one use to another of any structure or lot shall require the issuance of a certificate of use and occupancy, whether or not a building or zoning permit is required. Prior to occupying the building or structure in which the change of use or occupancy is established, the landowner or lessee shall be required to make an application for a certificate of use and occupancy. The Zoning Official shall determine that all applicable regulations of this chapter for the proposed change of use or change of occupancy have been met prior to issuing the certificate of use and occupancy.

- v. Issuance of all certificates of use and occupancy shall be subject to payment of the required fee established from time to time by resolution of the Borough Council.
- d. Additional requirements for certificates of use and occupancy for Adult Businesses. Any person who operates an adult business, as herein defined, without a valid certificate of use and occupancy issued by the Borough shall be in violation of this Chapter. In addition to the requirements for obtaining a certificate of use and occupancy specified above, all of the following requirements shall be met:
- i. An application for a certificate of use and occupancy to operate an adult business shall be made on a form provided by the Zoning Official. The application shall be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of the gross floor area proposed to be occupied by the adult business. The sketch or diagram need not be prepared by an engineer, architect or surveyor, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Parking facilities shall be specifically identified and shall comply with the applicable requirements of Article XIII of this Chapter. Non-conforming structures which do not have the required parking spaces shall not be issued permits unless the adult business was in existence as a lawful use prior to October 1992.
 - ii. The premises shall be inspected and found to be in compliance with all applicable codes and ordinances by the Fire Marshal and the Code Enforcement Officer. The Code Enforcement Officer and Fire Marshal shall complete their certification that the premises are in compliance or are not in compliance within 20 days of receipt of the application by the Zoning Official.
 - iii. If the applicant for an adult business is an individual, the individual shall sign the application for a certificate of use and occupancy as the applicant. If the applicant is other than an individual, each individual who has a ten percent (10%) or greater interest in the business shall sign the application for a certificate of use and occupancy as the applicant. If a corporation is listed as the owner of an adult business or as the entity who wishes to operate the adult business, each individual having a direct or indirect interest of ten percent (10%) or greater in the corporation shall sign the application for a certificate of use and occupancy as the applicant.
 - iv. The fact that an applicant possesses other types of Borough permits shall not exempt the applicant from the requirement of obtaining a certificate of use and occupancy to operate an adult business in accordance with the requirements of this subsection.
 - v. Issuance of a permit under this subsection shall be subject to a finding that all of the standards in Section 210-52 (C)(1) are met as well as that the following conditions do not exist:
 - 1. An applicant or applicant's spouse is overdue in his/her payment to the Borough of taxes, fees, fines or penalties assessed against or imposed on him/her in relation to any other business in the Borough.

2. An applicant has failed to provide information reasonably necessary for issuance of the certificate of use and occupancy or has falsely answered a question or request for information on the application form.
 3. An applicant is residing with a person who has been denied a certificate of use and occupancy in the Borough to operate an adult business within the preceding 12 months or is residing with a person whose certificate of use and occupancy to operate an adult business has been revoked within the preceding 12 months.
 4. The fee required for a certificate of use and occupancy by this Chapter has not been paid.
 5. An individual applicant or any individual holding a direct or indirect interest of ten percent (10%) or greater of a corporate applicant, if the applicant is a partnership or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including but not limited to prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania, if such conviction shall have occurred within two years of the date of application in the event of a misdemeanor and within five years of the date of application in the event of a felony.
- vi. The certificate of use and occupancy, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult business. The certificate of use and occupancy shall be posted in a conspicuous place at or near the entrance to the adult business so that it may be easily read at any time.
 - vii. The annual fee for an adult business permit shall be \$500, until such fee may be amended from time to time by resolution of the Borough Council.
 - viii. An applicant or holder of a certificate of use and occupancy for an adult business shall permit representatives of the Police Department, Fire Marshal, Code Enforcement Officer, Zoning Official or other Borough departments or agencies to inspect the premises of an adult business for the purpose of ensuring compliance with the law at any time that the adult business is occupied or open for business. Any person who operates an adult business or his agent or employee shall violate this chapter if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
 - ix. The certificate of use and occupancy for an adult business shall not be transferable to another person or any other property or adult business.
 - x. Each certificate of use and occupancy for an adult business shall expire one year from the date of issuance and may be renewed only by making application as provided in this subsection. Application for renewal shall be submitted to the Zoning Official at least 30 days before the expiration date and, when made less than 30 days before the expiration date, the pendency

of the application shall not prevent expiration of the certificate of use and occupancy.

- xi. If the Zoning Official denies renewal of a certificate of use and occupancy for an adult business, the applicant shall not be issued a certificate of use and occupancy for one year from the date of denial, except that after 90 days have elapsed since the date of denial, the applicant may be granted a certificate of use and occupancy if the Zoning Official finds the basis for the denial of the renewal of the certificate of use and occupancy has been corrected or abated.
 - xii. The Zoning Official shall suspend a certificate of use and occupancy for an adult business for a period not to exceed 30 days if he determines that the holder of a certificate of use and occupancy or an employee of the holder of the certificate of use and occupancy or an occupant of the premises has:
 - 1. Violated or is not in compliance with any provision of this chapter.
 - 2. Knowingly allowed possession, use or sale of controlled substances on the premises.
 - 3. Refused to allow an inspection of the adult business premises as authorized by this Article.
 - 4. Knowingly permitted gambling or prostitution by any person on the adult business premises.
 - 5. Knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation or other explicit sexual conduct to occur in or on the premises.
 - xiii. The Zoning Official shall revoke a certificate of use and occupancy for an adult business if a cause of suspension set forth in this Article occurs and the permit has been suspended within the preceding 12 months.
2. Expiration of permits.
- a. If, after approval of conditional use or a use by special exception, an application for a building permit to undertake work described in that application has not been submitted within 12 months of the date of granting of approval by the Borough, approval of the conditional use or use by special exception shall expire automatically without written notice to the applicant, unless the Borough Council or the Zoning Hearing Board, as the case may be, extends the approval upon written request by the applicant prior to its expiration.
 - b. No building permit for the erection, demolition, alteration or removal of buildings or structures shall be valid after six months from the date of issuance thereof, unless the work authorized by such permit shall have been substantially commenced within six months from the date of issuance and proceeded with, with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by virtue of any reasonable cause and not due to his own negligence, the permit may be renewed by the Building Official without additional cost to the applicant.
 - c. If, after commencement of construction, the work is discontinued for a period of three months without reasonable cause outside the applicant's or contractor's control, such permits shall be void and work shall not be commenced until a new permit shall have been issued.

3. Revocation of permits. A building or zoning permit or certificate of use and occupancy for any structure or use shall be revoked and withdrawn by the Building Official or Zoning Officer respectively if the holder of such permit or certificate has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the permit or certificate. Upon revocation of a permit or certificate, the holder may also be subject to the penalties for violation specified in this Chapter.
- C. Inspections. The Zoning Official or Building Official, or their representative duly authorized from time to time by resolution of the Borough Council, may examine or cause to be examined all structures and/or land for which a building or zoning permit or a certificate of use and occupancy has been applied for or issued. Such inspections may be made from time to time during construction, if any, and prior to the issuance of a certificate of use and occupancy.
- D. Registration of nonconforming uses, structures and lots. The Zoning Official shall prepare and keep up to date a register of all nonconforming uses, structures and lots.

§ 210-102. Responsibilities of the Applicant.

It shall be the responsibility of the applicant to apply for and secure all permits and certificates required by this Chapter. The applicant shall be obligated to contact the Zoning Official and secure a certificate of use and occupancy after the completion of development and/or prior to the occupancy of any structure or lot. Failure to secure necessary permits or certificates or failure to apply for the same in a timely fashion shall constitute a violation of this Chapter and shall be subject to the penalties for violation specified in this Chapter.

§ 210-103. Enforcement; Violations and Penalties.

- A. Violations. Failure to comply with any provision of this chapter or to secure a building and/or zoning permit prior to the erection, construction, extension, alteration or addition to a building or failure to secure a certificate of use and occupancy for the use or change of use or occupancy of structures or land shall be a violation of this Chapter.
- B. Enforcement notice. The enforcement notice shall contain the following information:
 1. The name of the owner of record and any other person against whom the Borough intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- C. Enforcement remedies; violations and penalties.
 1. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings.

Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Allegheny County."

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 3. Nothing contained in this subsection shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this subsection.
- D. Causes of action. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or structure or land is used in violation of this Chapter or of any ordinance or other regulation made under authority conferred hereby, the Borough Council or, with the approval of the Borough Council, the Zoning Official or other proper official, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

§ 210-104. Application procedures.

All applications shall be submitted in a form and manner acceptable to the Borough. All applications shall be accompanied by the required fee established from time to time by resolution of the Borough Council and which schedule of fees is available to the public in the office of the Borough Manager. All applications to be referred to the Planning Commission shall be filed at least 30 calendar days prior to the regular meeting of the Planning Commission at which the application is to be considered.

- A. Applications for conditional uses. All applications for conditional use approval shall be submitted and shall be processed in accordance with the requirements of Article XII and this Article.
- B. Applications for uses by special exception. All applications for uses by special exception shall be submitted and shall be processed in accordance with the requirements of Article XII and this Article.
- C. Applications for approval of a land development. All applications which require approval of a land development plan shall be submitted and processed in accordance with the requirements of the Borough Subdivision and Land Development Ordinance.
- D. Application for building and/or zoning permits.
 1. All applications shall be made in writing to the Zoning Official on forms provided by the Borough and shall be accompanied by the required fee. All applications shall include, as a minimum, a plot plan, as defined by this Chapter, in duplicate and drawn to scale on a property survey which is current and sealed by a licensed land surveyor who is registered by the Commonwealth of Pennsylvania, showing all of the following:

- a. Drawn to scale, preferably at a scale of one inch equals 20 feet. (Smaller scale may be accepted in special circumstances if required data can be clearly shown). Photocopy reductions are acceptable if reduced to a scale of not less than one inch equals 100 feet and if legible. When used, a photocopy must contain a graphic scale.
 - b. The entire lot for which application is being made.
 - c. A North point.
 - d. Title and date, including the name of the owner of the concerned lot.
 - e. The dimensions of the lot.
 - f. The names and widths of all streets and alleys upon which the lot is located.
 - g. Where the property is not on a corner, the distance in feet to the nearest intersection and the name of the intersecting street (not including alleys).
 - h. The location and size of all existing and proposed structures on the lot, including any porches, roof or other overhangs, stoops, chimneys and any other obstructions of open space.
 - i. Location and size of all structures (that are on other lots) within 25 feet of the concerned lot.
 - j. Any parking areas and their dimensions.
 - k. The distance between structures and parking areas.
 - l. The distance from the property lines to the structures and parking areas.
 - m. The plan of lots and lot numbers, if any, of the involved and abutting properties; if not in a plan of lots, show block and lot numbers from the Allegheny County Block and Lot System.
 - n. The name of the plan of lots, if any.
 - o. The Plan Book volume and page where recorded; where there is no plan of lots, so state on the plot plan.
 - p. Screening (type and height) and type of surfacing of parking areas and driveways.
 - q. For all applications other than single-family and two-family dwellings, the Pennsylvania Department of Labor and Industry File Number.
2. In addition to the required data listed above, there shall be such other information as may be deemed by the Building Official or Zoning Official as necessary in specific cases, to judge the plan in accord with the objectives indicated; omission of specific items may be accepted by the Building Official or the Zoning Official by written decision when superfluous to the particular evaluation.
- E. Fees. The Borough Council shall establish a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this Chapter. The schedule of fees shall be posted in the office of the Borough Manager and on the Borough's website.

§ 210-105. Procedure for Amendments.

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

- A. Petitions. Petitions for amendments shall be filed with the Planning Commission at least 30 calendar days prior to the meeting at which the petition is to be heard. The petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule fixed by resolution of the Borough Council. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council.
- B. Referral. Any proposed amendment presented to the Borough Council without written findings and recommendations from the Planning Commission and the Allegheny County Planning Department shall be referred to these agencies for review at least 30 days prior to public hearing by the Borough Council. The Borough Council shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of 30 days from the date of referral.
- C. Posting of property. If the proposed amendment involves a Zoning Map change, a minimum of two notices of the public hearing shall be conspicuously posted on the property at least seven days prior to the date of the public hearing.
- D. Public notice and public hearing. Before acting upon a proposed amendment, the Borough Council shall hold a public hearing thereon. Public notice, as defined by this Chapter, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.
- E. Re-advertisement and rehearing. If after any public hearing is held upon a proposed amendment the amendment is substantially changed or revised to include land previously not affected by the amendment, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- F. Publication, advertisement and availability.
 - 1. Proposed amendments shall not be enacted unless the Borough Council gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
 - 2. The Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Borough Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:
 - a. A copy thereof shall be provided to the newspaper at the time the public notice is published.
 - b. An attested copy of the proposed ordinance shall be filed with the County.
- G. Action. Within 90 days of the date when the public hearing on the proposed amendment is officially closed, the Borough Council shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, the Borough Council shall re-advertise in one newspaper of general circulation in the Borough a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments at least 10 days prior to enactment.
- H. Filing amendment with County Planning Commission. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Allegheny County Planning Department.
- I. Mediation option. The Borough Council may offer the mediation option as an aid in completing proceedings authorized by this Section. The Borough and the mediating parties shall meet the stipulations and follow the procedures set forth in Section § 210-111 of this Chapter.

§ 210-106. Landowner Curative Amendments.

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

- A. Procedure. The landowner may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 53 P.S. § 10916.1 of the Pennsylvania Municipalities Planning Code as amended. As with other proposed amendments, the curative amendment shall be referred to the Planning Commission and the Allegheny County Planning Department at least 30 days before the hearing is conducted by the Borough Council. Public notice shall be given in accordance with Sections 53 P.S. § 10916.1 and any other applicable provision of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of the Pennsylvania Municipalities Planning Code, and all references for such hearings to the Zoning Hearing Board shall be references to the Borough Council.
- B. Evaluation of merits of curative amendment. If the Borough Council determines that a validity challenge has merit, the Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Map.
 - 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- C. Declaration of invalidity by the court. If the Borough does not accept a landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

ARTICLE XVIII – Zoning Hearing Board.

§ 210-107. Membership.

The membership of the Zoning Hearing Board shall consist of five (5) residents of the Borough appointed by the Borough Council. Their terms of office shall be three years and shall be so fixed that the term of office of no more than two members shall expire each year. The Board shall promptly notify the Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

§ 210-108. Alternate members.

- A. Appointment of alternate members. The Borough Council may appoint at least one, but no more than three, residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Subsection B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and as Zoning Official. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection B of this Article.
- B. Participation by alternate members. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

§ 210-109. Jurisdiction of the Board.

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

- A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Borough Council.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the ordinance.
- C. Appeals from the determination of the Zoning Official, including but not limited to the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- D. Appeals from a determination by the Borough Engineer or the Zoning Official with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

- E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance pursuant to § 210-108.
- F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to this Code and § 210-109.
- G. Appeals from the Zoning Official's determination under the Pennsylvania Municipalities Planning Code, as amended.
- H. Appeals from the determination of the Zoning Official or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

§ 210-110. Variances.

- A. The Board, upon appeal, shall have the power to authorize variances from the requirements of this Chapter and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Chapter. A variance may be granted if all of 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 this Chapter 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 with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3. That such unnecessary hardship has not been created by the appellant, is not simply for personal enhancement (e.g. - an extra child requires an extra room), or to provide an unreasonable return on investment.
 - 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 necessary to afford relief and will represent the least modification possible of the regulation in issue. The Zoning Hearing Board can approve lesser variances to comply with this standard.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and protect the public health, safety and welfare.

§ 210-111. Uses by Special Exception.

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

§ 210-112. Conduct of Hearings.

A public hearing shall be held on any appeal filed under this Article within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Chapter. In addition to the public notice, at least one week prior to the hearing, the Board shall post at least one copy of the notice on the affected property and shall mail a copy of the notice by regular mail to each property owner located within 300 linear feet of the property requesting the hearing, including those located across a street right-of-way. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code, as amended, regarding conduct of the public hearing and rendering a decision.

§ 210-113. Failure to Render a Decision.

- A. Where the Board fails to render a decision within the required forty-five-day period or fails to hold the required hearing within 60 days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- B. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

§ 210-114. Mediation Option.

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - 1. Funding mediation.
 - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

3. Completing mediation, including time limits for such completion.
 4. Suspending time limits otherwise authorized in this chapter or in the Pennsylvania Municipalities Planning Code, as amended, provided that there is written consent by the mediating parties and by an applicant or Borough decision-making body, if either is not a party to the mediation.
 5. Identifying all parties and affording them the opportunity to participate.
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Chapter.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§ 210-115. Fees and Expenditures.

- A. Fees. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- B. Stenographer's appearance fee and transcripts. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the party requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- C. Expenditures. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

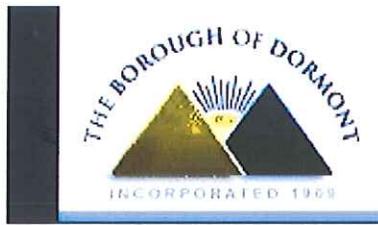
§ 210-116. Time Limitations.

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

- B. The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development or from an adverse decision by the Zoning Official on a challenge to the validity of an ordinance or map filed pursuant to the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 210-117. Stay of Proceedings.

- A. Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Official or of any agency or body and all official action thereunder shall be stayed unless the Zoning Official or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Official or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
- B. All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by the Pennsylvania Municipalities Planning Code, as amended.



MEMORANDUM

Date: January 20, 2015

To: President, Vice-President, Council and Mayor

From: Jeff Naftal, Borough Manager 

Subject: Parking Meter Payment App – Meter Feeder

Background:

After the CMU Parking Study was released to the public in July of 2013, Council considered a pilot program by Streetline, Inc. to provide an application for people to identify vacant parking spaces. This was due to one of the concerns identified in the CMU study that we should make parking for our business customers easier. Ultimately, Council decided not to proceed with the project. This past year, we were approached by a local company, Meter Feeder, about the possibility of using their application, which allows people to pay their meter online, on a six month trial basis.

Discussion:

Meter Feeder is different than Streetline in that it doesn't help people find spaces, but does allow them to pay at any meter, including our old coin meters, with the use of an app on their smart phone. Our business district visitors currently have the capability to pay with a credit or debit card in our parking lots with kiosks, but not in our other lots nor at the meters on the street. Meter Feeder would allow anyone to use a credit or debit card at any meter.

The attached materials provide a more detailed look at the Meter Feeder product including its backend capabilities to allow our meter enforcers to identify whether a vehicle has paid and to allow staff to track revenues and other usage statistics. Meter Feeder is proposing a six month trial with the Borough. During that trial period, they are proposing to waive all of our startup fees. As with our kiosks, there will be a minimum \$1.00 charge for users of the app which will get them 1 hour and 20 minutes of time on the meter. Meter Feeder's revenue from this is 25% of the funds collected through their app. Based on our data from the implementation of the kiosks, we would expect our revenue to increase as people who don't have coins will instead pay for time on the street meters using the app. That increase will be offset by the 25% Meter Feeder takes. Thus

revenues should be flat. If revenues increase greater than 25% than the Borough would see an increase in revenues. If Council chooses to implement this trial, the real benefit is to visitors who have an easier method for paying for time at our street meters and non-kiosk parking lots.

Should Council choose to move forward with this trial program, funding for it would come from the Parking Meter Service Department with revenues showing in the Parking Meters – General line item. If approved, the program could begin as early as March 1, 2015.

Recommendation:

I recommend that Council authorize me to execute any agreements necessary to implement a six month trial program for a parking meter payment system from Meter Feeder with no upfront costs to the Borough.

JN

Attachments

Cc: Michael Bisignani, Police Chief



MeterFeeder

Simple, easy, quick cloud-based parking management

www.meterfeederapp.com

What is MeterFeeder

MeterFeeder is the only white-glove, end-to-end, cloud-based parking management solution. Through our suite of parking tools an authority can provide a mobile parking solution, parking enforcement tools, violation management and a full back-end administrative portal.

The Technology

MeterFeeder uses a completely cloud based solution. There is no need for integration with existing systems or any complicated setup process. MeterFeeder also leverages a sophisticated geolocation system to pinpoint the location of a driver/vehicle; this reduces the need for a driver to input location information. The best part is MeterFeeder's system is incredibly safe and secure; no personal financial information is shared with MeterFeeder or the municipality.

Key Features:

MOBILE PAYMENT OPTIONS (FOR BOTH PARKING AND VIOLATIONS): pay your parking fees and violations anytime from anywhere.

FULL SUITE OF USER, ENFORCER AND ADMINISTRATIVE TOOLS: manage parking violations, revenue and analytics via our cloud-based tools.

DYNAMIC PARKING: adjustable rates based on time, date or length of parking session.

METERFEEDER ON-DEMAND PARKING SPACES: create on-demand paid parking spots or lots utilizing MeterFeeder's geolocation tools.

PARKING VALIDATION: businesses can validate user parking via mobile device.

How does this actually work?

For the Driver:

1. User downloads the app
2. A smart wizard walks the user through setup
 - a. Input vehicle information
 - b. Input payment information
3. User can then simply select payment
 - a. MeterFeeder geo-locates the vehicle
 - b. User selects amount of parking time, MeterFeeder pulls back appropriate rates for that zone
 - c. User hits pay

It's that clean and simple, no need for additional steps. Every parking transaction is a simple 2 click process. Users can feel safe and secure that they will only be billed for the time they designated and can add additional time anytime and anywhere.

Key Features:

1. All information is stored on the device, it's a one-time setup process.
2. Users can have multiple vehicles within the same account.
3. Configurable push notifications to remind a user when time is running low.

For the Municipality

MeterReader, a truly unique enforcement tool, provides a full suite of tools for the enforcement officer.

1. Enforcement officer loads a preconfigured MR onto their mobile device.
2. Officer either enters or scans a license plate
 - a. MR checks to see if plate is valid and provides the officer with additional info such as when then they first parked there and how much time they have remaining.
3. If invalid an officer can issue a violation right from the app.
4. Officer can also check to see if there are any outstanding violations for this vehicle.

For the Administrator

MeterFeeder provides an administrative web-portal that authorities can use to monitor and manage their parking enforcement.

Key Features:

CONFIGURABLE RATES: Rates can be adjusted real-time

REAL-TIME REVENUE TRACKING: see exactly how much revenue you have at any time.

VIOLATION MANAGEMENT: track vehicles with outstanding violations and understand outstanding parking violation revenue.

DYNAMIC PARKING: manage your dynamic parking rates from the portal. Establish tiered prices for spots based on time spent, this can be customizable to any time variable you desire.

MeterFeeder Trial Program Terms

LENGTH OF TRIAL: 6 months

SERVICES:

Service	Description	Fee
MeterFeeder Parking App	Full access to the MeterFeeder mobile payment app <ul style="list-style-type: none"> • Pay for parking • Pay for tickets (requires additional setup) 	Waived
MeterReader Enforcement App	Full access to MeterReader enforcement app for parking authorities/officers <ul style="list-style-type: none"> • Monitor parking status • Track tickets 	Waived
Administrative Portal	Web portal access <ul style="list-style-type: none"> • Track real-time parking revenue • View number of tickets issued 	Waived
Monthly Reporting	Overview of parking statistics: <ul style="list-style-type: none"> • Total parking events • Total revenue • Additional data and insights (available after first 90 days) 	Waived
Initial Setup	<ul style="list-style-type: none"> • Zone setup • Rate setup • Enforcer setup • Admin Setup 	Waived
Monthly Payments	Dormont to receive payment on the first of every month	No Cost
Co-op Marketing	<ul style="list-style-type: none"> • Stickers for meters • Window signage • On-street signage Additional materials available for reduced cost.	Waived (up to a cost of \$1,000)

PAYMENT TERMS:

MeterFeeder shall provide the Borough’s parking customers (“End Users”) with an option to pay for parking transactions using the MeterFeeder mobile application. The MeterFeeder mobile application will accept End User payments with Visa, MasterCard, and American Express. The total amount of End Users payments collected by MeterFeeder shall be defined herein as “Gross Receipts.” MeterFeeder, on at least a monthly basis, will transfer to a bank account of the Borough’s choosing, the Gross Receipts minus a convenience charge of 25%.

Minimum Transaction Fee: \$1.00



info@meterfeederapp.com



MeterFeeder

Quick, easy, on-demand mobile parking solution.

www.meterfeederapp.com

What is MeterFeeder?

MeterFeeder is the easiest way to pay for parking with your mobile phone.

For the Driver

- Pay for parking anywhere anytime by simply using the app on their mobile phone or tablet.
- Receive updates when they are getting low on parking time and feed their meter again from the app.

For the Parking Authority

- Enforcement app allows parking enforcement officers to easily check for paid license plates.
- Partner with local business to provide on-demand parking validation.
- White-glove service requires **0 up-front investment and setup time.**

Target Customers

Parking Authorities:

- MeterFeeder is perfect for municipalities, townships and boroughs who want to avoid the hefty administration fees of other mobile payment systems.
- Parking Authorities who want to offer a better way for people to pay for and manage their parking experience.

Users:

- Anyone who wants a smarter, easier way to pay for parking.
- Small-medium businesses who want to provide validation services for their customers.

Team

Jim Gibbs

**Software Architect and
Front End Developer**

Over 13 years of leadership experience as well as 19 years of professional Software Development and Architecture. A strategic business partner with a focus on driving revenue growth and cost reduction through a deep understanding of the business model and current technologies.

Dan Lopretto

**Network Architect and
Quality Assurance**

14 years of experience building scalable network infrastructure and mobile commerce solutions.

Jeremy Moore

**Business
Development and
Operations**

10 years experience helping to develop products and drive revenue, focusing on SaaS and start-ups.

Rich Nerone

**Business
Development and
Finance**

Owner/Operator of Western Pennsylvania's Largest Valet company, Pittsburgh Valet. Former Allegheny County Councilman with extensive knowledge of municipal government policy and procedure.