

§ 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 not permitted outright (i.e., that is not a permitted principal or accessory use) 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 planning agency for recommendation. The district regulations earlier in this Chapter state which land uses are allowed in which zoning districts as special exceptions, and which land uses are allowed in which zoning districts as conditional uses.
- C. It is important to note that 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, 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) should 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 tenant with the written permission of his or her 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 if the

application is for a special exception, or to the Planning Commission for 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 is to use in deciding whether or not to grant a special exception is given in Article XVIII.
- E. What procedure is the Borough Council to use in deciding on a conditional use application? The procedure that Borough Council is to use in deciding whether or not to grant a conditional use is given 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 relevant 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 is to use in deciding whether or not to grant a special exception use, or that the Borough Council is to 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 B below. Each application made under § 210-52, Procedure for Obtaining Special Exception or Conditional Use, must meet the standards given under the listing of the involved 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 lot.
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 regulating 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. The owner and operator of any adult nightclub shall provide security officers, licensed under the laws of the Commonwealth, if the maximum permitted occupancy exceeds fifty (50) persons.
 - 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 Title, 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. 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), 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. 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.

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 conditional uses 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 facility 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 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.

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 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.

Mixed-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.

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 outright 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 hundred (100) acres.
 - 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 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. If the proposed location of a public utility facility use is in a Residential District 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 city 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 (X) 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;
- 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 – 50 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 device.
- 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 contingencies:

- 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
- E. Parking may be required in accordance with the provisions of this ordinance if in the judgment of the Planning Commission; residents to be served by a shared pool are sufficiently distant from the facility to justify related parking.

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.
- 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.
- 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.

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. Parking requirement by land use type.

- A. Vehicle parking requirements. Vehicle parking requirements are established for land uses as stated below.

Land Use	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
Kennel	1 space per 12 animals
Nursing home	1 space per 5 patient beds
School requiring a special permit	Determined by Borough Council
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 Manager, 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 Manager. 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. Administrative parking permit. Alternatives and other modifications to the standard off-street parking requirements stated in this subsection are permitted with approval of an administrative parking permit. The Borough Manager shall approve an application for an administrative parking permit 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.
 - 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 with the Borough Council’s conditional use approval.

§ 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 with a Planning Commission approval. Greater than 75% of the required number of off-street vehicle parking spaces may be waived with a Borough Council conditional use approval.
- B. Exceeding the maximum vehicle parking requirement for office projects. The maximum vehicle parking requirement for office projects may be exceeded with a conditional use approval by the Borough Council, 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.

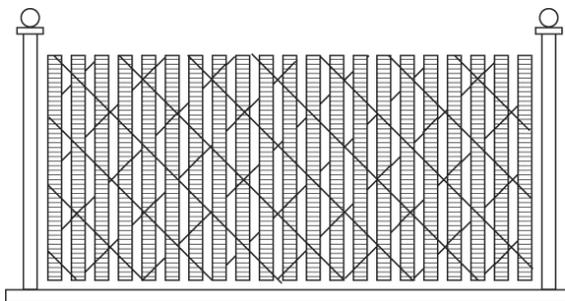
E. L5 - High Berm.

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.

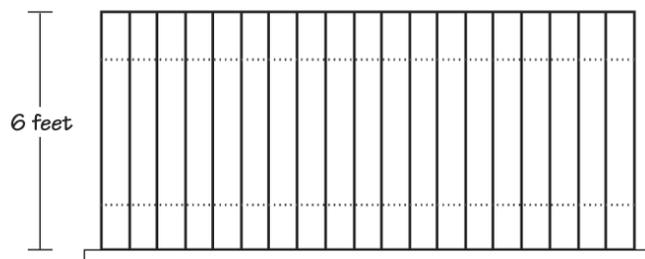
F. F1 - Partially Sight-Obscuring Fence.

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:

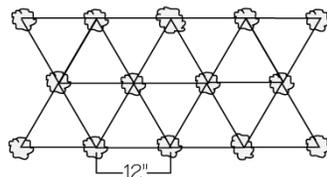
- i. For lots with 3,000 square feet or more of area, the cost to purchase and plant at least 2 inches of tree diameter per 1,000 square feet of site area; or
 - ii. For lots with less than 3,000 square feet of area, the cost to purchase and plant at least 3 inches of tree diameter per lot.
- J. P1 - 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. 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 Portland Tree and Landscaping Manual, the applicant must provide the Bureau of Development Services 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 Bureau of Environmental Services 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 City 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.

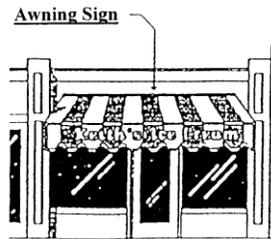
§ 210-74. Applicability.

- 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.

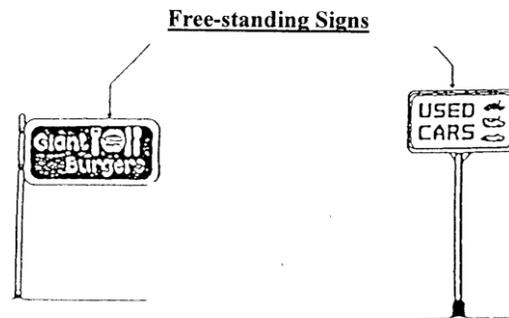
For the purpose of this Chapter the following definitions shall apply:

- 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.



- 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



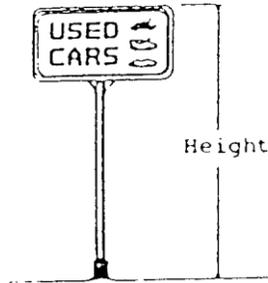
- W. "Roof sign" means a sign supported by, and located on or over, the roof of a building.
- X. "Sign" means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising or identifying purposes. Sign does not 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 Borough Manager 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:

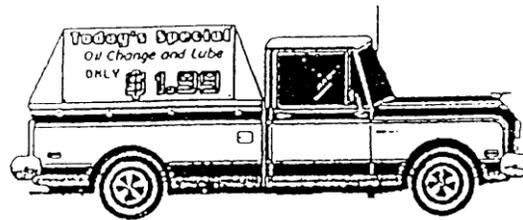
- A. Change of Sign Face. Altering the message or design on the sign face without any change to size or shape of the sign framework or structure.
- B. Traffic Control Devices, Roadway Signs, Required Public Notices. Traffic signs and all other signs erected or maintained by a municipal or governmental 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.

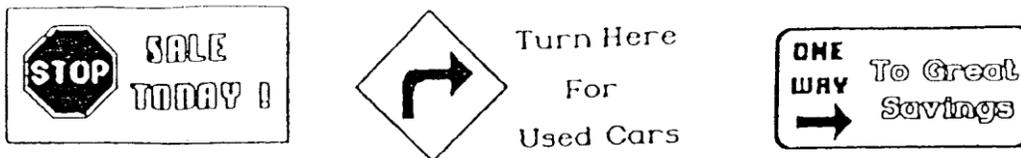
The following signs are prohibited in all zoning districts:

- 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.

§ 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 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 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.

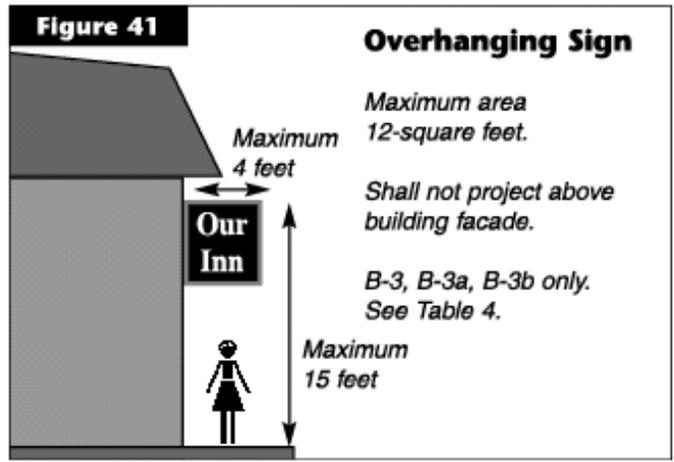
§ 210-85. Overhanging Signs.

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

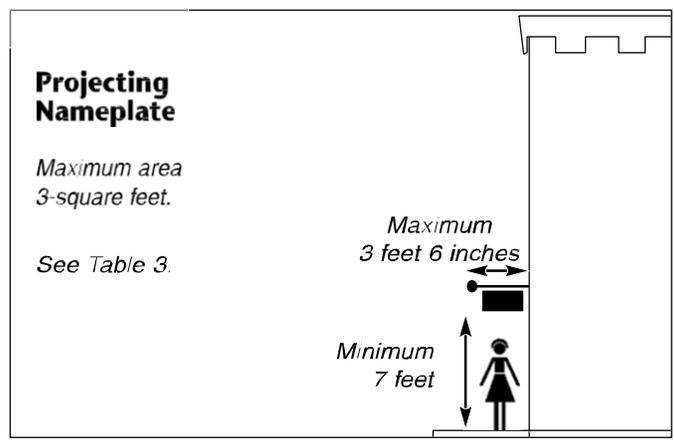
- B. No part of an overhanging sign shall exceed the height of the building facade or extend more than forty-eight (48) inches in width.



- 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>Minimum Height In Feet</i>	<i>Maximum Height In Feet</i>	
<i>Zoning District</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 or 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 structure in which the use depends is harmed or destroyed by more than 50 percent of the improvement value as shown in the County Assessor's data, the non-conforming use can no longer continue, except when the structure is damaged or destroyed as a result of accidental fire or natural causes, in which case permits to reconstruct a structure in order to continue the non-conforming use shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.
- F. 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 one year 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 Borough Manager.

§ 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 and/or each such non-conforming feature of any 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 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 non-conforming signs may continue for a period up to three (3) years from the effective date of this Chapter except for Window Signs which 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.
- B. Any Check Cashing or similar use that was legally existing as of the effective date of this Chapter that does not comply with the provisions listed in Article XII, Section 210-52 (C)(5) of this Chapter shall be considered a non-conforming use. All non-conforming Check Cashing or similar uses may continue for a period of one (1) year from the effective date of this Chapter. After the continuance period, all non-conforming Check Cashing uses shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Article XII, Section 210-52 (C)(5) of this Chapter. Any improvements, repairs, reconstructions or any other alterations made to the non-conforming use during the continuance period shall not waive the requirements for conforming or elimination at the end of the continuance period.
- C. Any Pawn Shop or similar use that was legally existing as of the effective date of this Chapter that does not comply with the provisions listed in Article XII, Section 210-52 (C)(27) of this Chapter shall be considered a non-conforming use. All non-conforming Pawn Shop or similar uses may continue for a period of one (1) year from the effective date of this Chapter. After the continuance period, all non-conforming Pawn Shop uses shall be removed, reconstructed and/or

altered so that they comply with all of the provisions contained within Article XII, Section 210-52 (C)(27) of this Chapter. Any improvements, repairs, reconstructions or any other alterations made to the non-conforming use during the continuance period shall not waive the requirements for conforming or elimination at the end of the continuance period.

- D. Any Tattoo Parlor/Body Piercing Studio or similar use that was legally existing as of the effective date of this Chapter that does not comply with the provisions listed in Article XII, Section 210-52 (C)(40) of this Chapter shall be considered a non-conforming use. All non-conforming Tattoo Parlor/Body Piercing Studio or similar uses may continue for a period of one (1) year from the effective date of this Chapter. After the continuance period, all non-conforming Tattoo Parlor/Body Piercing Studio uses shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Article XII, Section 210-52 (C)(40) of this Chapter. Any improvements, repairs, reconstructions or any other alterations made to the non-conforming use during the continuance period shall not waive the requirements for conforming or elimination at the end of the continuance period.
- E. Any Adult-Oriented Business that was legally existing as of the effective date of this Chapter that does not comply with the provisions listed in Article XII, Section 210-52 (C)(1) of this Chapter shall be considered a non-conforming use. All non-conforming Adult-Oriented Businesses may continue for a period of one (1) year from the effective date of this Chapter. After the continuance period, all non-conforming Adult-Oriented Businesses shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Article XII, Section 210-52 (C)(1) of this Chapter. Any improvements, repairs, reconstructions or any other alterations made to the non-conforming use during the continuance period shall not waive the requirements for conforming or elimination at the end of the 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 petition 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.