

**The Multi-Municipal Zoning
Ordinance for Fallston and New
Brighton Boroughs and Daugherty
and Pulaski Townships**

ADOPTED MAY 8, 2023

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Article I. General Provisions

Section 101. Title

The official title of this Ordinance is “The Multi-Municipal Zoning Ordinance for Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships.”

Section 102. Interpretation

- A. In the interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety, and general welfare of the public.
- B. In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.
- C. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such action shall not affect the validity or constitutionality of the remaining sections, subsections, clauses, or phrases.
- D. Where conflicts exist between this Ordinance and other ordinances or regulations of the Boroughs and Townships, or of a higher level of government, or legal restrictive covenants applied by landowners to their property, the ordinance, regulation, or covenant establishing the higher standard for the protection of the public health, safety, and welfare shall prevail.

Section 103. Purposes and Community Development Objectives

This Ordinance is adopted in accordance with joint municipal goals and objectives of the New Brighton Area 2022 Implementable Comprehensive Plan, included below:

1. Community Development Goals and Objectives:
 - a. Ensure quality, visually attractive development that reinforces a safe and inviting public realm.
 - b. Provide for a balance of land uses to meet the needs of existing and future residents across the full four communities, rather than within each.
 - c. Control sprawl by focusing new development where infrastructure capacity is planned or available.
 - d. Incentivize compatible infill and revitalization within built-out areas.
 - e. Preserve and grow each community’s municipal tax base.
 - f. Enhance environmental quality and sustainability by reducing stormwater runoff, protecting groundwater and streams, creating buffer areas, limiting development of steep slopes and green space, limiting further impervious coverage, and improving air quality.

- g. Enable and promote tourism of the communities, creating and enhancing attractions that reflect the New Brighton Area's unique history and natural amenities.
 - h. Forge and improve safe, practical, and inviting routes for walking and cycling within and beyond the communities.
 - i. Provide a range of affordable housing types and styles.
 - j. Provide incentives to improve and/or adapt vacant or underutilized structures.
 - k. Build flexibility into regulations to accommodate innovative uses and creative solutions that are consistent with the New Brighton Area Implementable Comprehensive Plan.
 - l. Provide for compatible land use along municipal borders.
2. Future Land Use Planning Goals and Objectives:
- a. Existing commercial nodes should be reinforced and primed for further reinvestment within the historic fabric of their existing building and block patterns, with flexibility built in to incentivize adaptive reuse and creative solutions.
 - b. Mixed-use should be encouraged within and beyond current commercial areas, with appropriately scaled institutional, civic, and commercial uses sited where they can meet neighborhood needs.
 - c. Existing residential neighborhoods should be preserved and improved, with care taken to ensure that the four communities collectively provide a wide array of housing types.
 - d. Growth into undeveloped or under-developed areas should proceed in concurrence with infrastructure and in ways that do not compete with existing build-out.
- B. To carry out the following major objectives:
- 1. To promote public health, safety, and general welfare.
 - 2. To encourage and facilitate orderly community growth and development in accordance with the Boroughs' and Townships' New Brighton Area Comprehensive Plan and Official Zoning Map.
 - 3. To divide the Boroughs and Townships into various Zoning Districts that restrict and regulate therein the location, construction, alteration, and use of buildings, structures, and land.
 - 4. To protect the character and maintain the stability of the residential, commercial, industrial, and mixed-use areas.
 - 5. To establish and maintain proper density across the Boroughs and Townships.
 - 6. To provide adequate light, air, amenities, and access to private property.

7. To guide development to provide adequate and economical community facilities and utilities.
8. To prevent the overcrowding or improper or incompatible development or use of land, to prevent blighting conditions and congestion or hazard in travel and transportation.
9. To secure safety of health, life, and property from fire, flood, panic, noise, noxious fumes, explosion, and other dangers.
10. To preserve flood plains, steep hillsides, and recreation lands from conflict with development and from erosion.

Section 104. Compliance

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

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Article II. Definitions

Section 201. Word Usage

- A. For the purposes of this Ordinance, the following rules of usage and interpretation shall apply, unless the context indicates otherwise.
1. Words in the present tense include the future.
 2. Words in the singular include the plural, and the plural the singular.
 3. The word "shall" is intended to be mandatory.
 4. The word "lot" shall include the word "plot" or "parcel."
 5. The word "person" includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual.
 6. A building or structure includes any part thereof.
 7. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
 8. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 9. The words "either" and "or" indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.
 10. The word "Township" means Daugherty Township and/or Pulaski Township.
 11. The word "Borough" means Fallston Borough and/or New Brighton Borough.
 12. The words "Municipal," "Municipality," and "Municipalities" refers to any of the Boroughs and Townships either individually or as a group.
 13. The word "County" refers to the County of Beaver, Pennsylvania.
 14. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
 15. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.
 16. When a word or phrase is not specifically defined in this Article, or referenced in another Ordinance, then the common meaning of the word or phrase, or the definition contained in Webster's Dictionary, most current version, shall apply.

Section 202. General Definitions

When used in this Ordinance, the following words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

ABANDONED VEHICLE – A motor vehicle or trailer which is partially dismantled, unused, unusable or wrecked and which cannot safely or legally be operated on a roadway. See also “Junked Vehicle” in this section.

ACCESS DRIVE – A public or private thoroughfare that affords a means of access to an abutting property, parking area, or street and that has a width in accordance with the applicable municipal Standard Details, but in no case shall be less than twenty (20) feet in width. An access drive shall not be considered a driveway.

ACCESSORY AGRICULTURAL BUILDINGS – An accessory structure that is customarily incidental to the permitted agricultural use or principal building, including not limited to, livestock barns, stables, grain silos, and tool sheds.

ACCESSORY DWELLING UNIT – A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

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

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

ADJACENT PROPERTY – All properties that border a property and all properties that would have bordered a property, if they were not separated by a road, alleyway, river, railway line, power transmission line, pipeline, or a similar feature.

ADULT AND SEXUALLY ORIENTED BUSINESSES – Any commercial establishment including, but not limited to the list below. All types of sexually oriented businesses are provided for by this land use classification within the land use chart.

TYPES OF SEXUALLY AND ADULT ORIENTED BUSINESSES:

ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion-picture machines, projectors, videos, or other image-producing devices are maintained, not located within viewing booths, to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE – A retail-type establishment that sells the following: (1) Books, magazines,

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

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

1. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
2. Films, motion pictures, video cassettes, DVDs, slides, or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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

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

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

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

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

1. That has no sign visible from the exterior of the structure and no other advertising that indicated a nude or seminude person is available for viewing.
2. Where to participate in a class, a student must enroll at least three (3) days in advance of the class.
3. Where no more than one (1) nude or seminude model is on the premises at anyone (1) time.

AGRICULTURAL OPERATIONS – Any use of land or structures for an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Also see “Barn,” “Grain Silo,” and “Stable” in this Section.

AGRITOURISM – The practice of attracting travelers or visitors to an area or areas used primarily for agricultural purposes, including but not limited to, overnight stays (lodging and camping), special events and festivals, recreation activities and events, fresh products and value-added products, tourism-enhanced direct marketing, and/or education. Agritourism may serve as a supplementary, complimentary, or primary enterprise of the area(s). See definitions of “Supplementary Agritourism Enterprise” and “Complimentary Agritourism Enterprise” in this Section.

AISLE – The portion of the parking lot devoted to providing immediate access to the parking stalls. The recommended aisle width is dependent of the parking angle.

ALLEY – A passage of way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

ALTERATIONS – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location to another, or any change in use from that of one (1) Zoning District classification to another. Also, a change in a building, electrical, gas, mechanical, or plumbing system that involves the extension, addition, or change to the arrangement or type of purpose of the original installation that requires a permit.

ALTERATIONS, STRUCTURAL – Any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

AMBIENT NOISE LEVEL – The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location,

constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions such as wind greater than three (3) meters per second or precipitation and then adjusting the noise level to eliminate any noise associated with existing developments or facilities.

AMBULANCE STATION – A structure or other area set aside for storage of ambulance vehicles, medical equipment, personal protective equipment, and other medical supplies. Most stations are made up of garage bays or a parking area, normally under cover.

AMENDMENT – Any addition, deletion, or revision of any part of the text or zoning map officially approved by Borough Council or the Board of Supervisors after a public hearing.

AMPHITHEATER – An oval or round structure having tiers of seats rising gradually outward from a central open space or arena. An amphitheater is provided for as a principal or accessory use.

AMUSEMENT ARCADE – An amusement arcade is provided for as principal or accessory use. If an accessory use, any establishment where two (2) or fewer amusement devices are located. If a principal use, any establishment where three (3) or more amusement devices are located.

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

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

ANIMAL DAY CARE – A facility that cares for domestic animals for less than twelve (12) consecutive hours in the absence of the pet's owner or a facility that provides training for domestic animals with or without the facility owner receiving compensation for such services. Animal day cares do not include medical or surgical treatment or overnight boarding facilities.

ANIMAL GROOMING FACILITY – A retail establishment that provides bathing, trimming, and grooming services for small domestic animals on a commercial basis. An animal grooming facility does not include medical or surgical treatment or overnight boarding facilities.

ANIMAL HOSPITAL AND VETERINARIAN SERVICES – An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use or temporary boarding during treatment. Animal hospitals and veterinarians do not include kennel services.

ANSI – The American National Standards Institute.

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

APARTMENT – See “Dwelling Types” in this Section.

APPLICANT – A landowner or developer who has filed an application for development, permit, or approval pursuant to this Ordinance, including his heirs, successors, and assigns.

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

ARCHITECT – An architect registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

ARCHITECTURAL EASEMENT – An area of a property within a required front yard where a porch or deck can be built so long as it is not intended for occupancy.

ARCHITECTURAL FOOTPRINT – The entire area of ground covered by the permitted structure including, but not limited to, covered porches and breezeways. The architectural footprint is exclusive of patios, decks, and exterior walkways.

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

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

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

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

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

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

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

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

BAR – See under “**Tavern.**”

BARN – A principal or accessory structure used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises. See also “**Accessory Agriculture Buildings.**”

BASEMENT – That portion of a building which partly or completely has a floor below grade.

BEACON – A fire or light set up in a high or prominent position as a warning, signal, or celebration.

BED AND BREAKFAST – An owner-occupied dwelling that contains not more than four (4) guests’ rooms/sleeping rooms in which lodging, long or short-term, is provided for compensation and in which meals for lodgers may also be provided. This use shall not include group homes.

BEST MANAGEMENT PRACTICES – Structural and non-structural environmentally sensitive design approaches to stormwater management as defined with the Pennsylvania Stormwater Best Management Practices Manual.

BEVERAGE DISTRIBUTOR – Any operation which engages in the sale of beverages in beverage containers which are not for consumption on the premises. This land use typically includes the sale of alcoholic beverages in quantities as prescribed by the Pennsylvania Liquor Control Board (LCB). This definition includes any manufacturer who engages in these sales.

BILLBOARDS – See the definition provided under “**Signs**” in this Section.

BOARD OF FIRE UNDERWRITERS – The American National Board of Fire Underwriters responsible for establishing the set of regulations governing the construction and installation of electrical wiring and apparatus in the United States and as issued by the National Electrical Code and administratively sponsored by the National Fire Protection Association.

BOARD OF SUPERVISORS – The Board of Supervisors of Daugherty Township and/or the Board of Supervisors of Pulaski Township, Beaver County, Pennsylvania.

BOARDING HOUSE – A building other than a hotel, motel, short-term rental, or bed and breakfast where lodging is provided for compensation.

BOROUGH COUNCIL – The Borough Council of Fallston Borough and/or New Brighton Borough, Beaver County, Pennsylvania.

BOROUGHES – The Boroughs of New Brighton and Fallston, Beaver County, Pennsylvania.

BREWERY – An establishment for brewing large quantities of beer or other malt liquors for wholesale distribution. This land use does not provide for retail sales

and/or consumption of alcoholic beverages on the premise. See also “Micro-brewery.”

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

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

BUILDABLE AREA ANALYSIS – The process by which sensitive natural resources are inventoried and net buildable area is calculated.

BUILDING – A roofed structure, whether enclosed by walls, to be used for shelter, enclosure, or the protection of persons, goods, materials, or animals.

BUILDING CODE – The Uniform Construction Code of Pennsylvania adopted and as amended by the Boroughs and Townships.

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

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

BUILDING PERMIT – A permit for activities regulated by the Uniform Construction Code and in accordance with the applicable municipal Construction Standards, as amended, including construction, alteration, repair, demolition, or an addition to a structure.

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

BUILDING SETBACK, REAR – The line of that face of the building nearest the rear line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING SETBACK, SIDE – The line of that face of the building nearest the side line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

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

BUILD-TO LINE – The line which defines the placement of the building from the street on which the building fronts, measured from the ultimate street ROW. The build-to line of the building typical forms the street wall line. On a corner lot, the build-to line is located on each side of a lot abutting a street.

BUS OR TRUCK MAINTENANCE FACILITY – A building or set of buildings that are designed for the maintenance of buses and trucks. Buses and/or trucks within this category include vehicles that have a GVWR greater than 8,500 pounds and less than 33,000 pounds. Related land use classifications include: “Automobile Repair and Service, Commercial Motor Vehicle Repair, and Heavy Equipment Repair.” See also “Supply Yards” with regards to equipment sales.

BUSINESS SERVICES – A commercial establishment which provides services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, document reproduction and related services, and computer and data processing services.

CAMPGROUND – A property, under single ownership, upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

CANOPY – A permanent, freestanding roofed structure without walls and not intended for human shelter.

CAR WASH – The carwash land use classification includes the related facilities and operations listed below.

CAR WASH TYPES:

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

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

CARE FACILITY AND SENIOR HOUSING TYPES:

ASSISTED LIVING FACILITY – Any premises in which food, shelter, assisted living services, assistance or supervision, and supplemental health care services are provided for a period exceeding 24 hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration.

INDEPENDENT LIVING FACILITY – Residential dwelling units that restrict the minimum age of residents within the community or residential development. Independent living facilities include, but are not limited to, active adult communities, retirement communities, or 55+ communities composed of non-multi-family dwelling units.

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

1. Residential accommodations meeting the minimum standards for residents set forth by law and ordinances and providing a design to meet the physical, social, and psychological needs of older people;
2. Medical and nursing care covering, under ordinary circumstances, the balance of a resident's life;
3. Prepaid medical consultation opportunities through independent professionals selected by the organization or through some equivalent arrangement; or
4. Financial self-sufficiency, not dependent on outside support to any significant degree, with entrance and monthly fees adjusting to meet changing costs.

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

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

CARPORT – A detached accessory structure that includes private parking area(s) for the storage of one (1) or more vehicles. A carport may be covered by a roof supported by columns or posts and has no more than three (3) walls. An attached carport is an extension of the principal building and subject to the related building codes and zoning regulations of the permitted principal use. See also “Garage, Private” in this Section.

CARTWAY – That portion of a street ROW or alley that is surfaced for vehicular or other traffic use, excluding shoulders and berms; the portion(s) between curbs where curbs are used.

CATERING FACILITY – A location that prepares food for delivery and consumption at a remote site. Catering operations, when authorized, may sometimes be located in conjunction with an events venue. As a land use classification, catering only includes food preparation.

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

CEMETERY – Any site containing at least one (1) burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries. This land use classification includes mausoleums and columbaria but not crematoriums.

CHALLENGE – An appeal brought by a party aggrieved by any regulation of this Ordinance or its map on the grounds that the regulation in question prevents him

reasonable use of property in which he has an interest or downgrades the value of such property.

CHURCH – See “Place of Worship” in this Section.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye, which is assumed to be three and three-fourths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway as specified in this Ordinance and the SALDO, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. Any obstruction that impedes line-of-sight should be removed upon notification from a Borough or Township. Further, a triangular area of unobstructed vision as defined by *PennDOT Publication # 70M: Guidelines for the Design of Local Roads and Streets*.

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

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

COLLEGE/UNIVERSITY – An institute of higher learning that may offer two (2) or four (4) year programs and/or post-graduate programs.

CO-LOCATION – The mounting of one (1) or more Wireless Communication Facility (WCFs), including antennae, on an existing tower-based WCF, or on any structure that already supports at least one (1) non-tower WCF.

COMMERCIAL COMMUNICATIONS TOWER – Any structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one (1) or more antenna. This term shall not include a "Standard Antenna".

COMMERCIAL MOTOR VEHICLE – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- A. (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
- B. Has a gross vehicle weight rating of 26,001 or more pounds.
- C. Is designed to transport 16 or more passengers, including the driver.

- D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, 49 USCA § 5101 et seq. and which requires the motor vehicle to be placarded under the hazardous materials regulations 49 CFR, Chapter 173.

COMMERCIAL MOTOR VEHICLE REPAIR – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle. Commercial motor vehicles are those vehicles that have a GVWR in excess of 33,000 pounds and generally require a commercial driver’s license to operate. Related land use classifications include: “Vehicle Repair Garage,” “Bus or Truck Maintenance Facility,” and “Heavy Equipment Repair.” See also “Supply Yards” with regards to equipment sales.

COMMERCIAL SCHOOL – An educational establishment that provides specialized instruction and on-site training of business, commercial, clerical, industrial, managerial, trade, and/or artistic skills and which does not satisfy the definition of "School" or "College/University" in this Section.

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

COMMONWEALTH – The Commonwealth of Pennsylvania.

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

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

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

COMPLETION OF DRILLING, RE-DRILLING AND RE-WORKING – The date within 60 days of the completion of drilling, re-drilling, or re-working of the well site.

COMPLIMENTARY AGRITOURISM ENTERPRISE – Agritourism shares equal footing with other enterprises in the farm product mix. See also “Agritourism” in this Section.

COMPREHENSIVE PLAN – An analysis of past trends affecting future development of the Boroughs and Townships and a proposal of recommendations, based on analysis of the trends to cope with projected growth and change. This shall refer to the “New Brighton Area Plan.”

CONDITIONAL USE – An authorized use which may be granted only by a Borough Council or Board of Supervisors pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendation by the Joint Planning Commission and public hearing by a Borough Council or Board of Supervisors pursuant to public notice.

CONICAL SURFACE (ZONE) – An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet.

CONSTRUCTION – The erection, renovation, repair, extension, expansion, alteration, or relocation of a building, structure, or site improvements including the placement of mobile homes.

CONSTRUCTION RELATED BUSINESS – Construction related businesses shall include building related industries such as carpentry, electrical, plumbing, HVAC, etc. Construction related business may include retail and/or offices space related to the sales and distribution of the principal use. Supply yards and/or storage yards may be permitted as accessory uses. See also “Supply Yard” and “Storage Yard” in this Section.

CONSTRUCTION CODE – The Construction Codes, as adopted and amended, and as found in respective Code of Ordinances for the Boroughs and Townships. Any reference to “Building Code” shall be interpreted to mean the Construction Code.

CONSTRUCTION STANDARDS – The plans and specifications for building infrastructure and other defined systems and/or facilities in the Boroughs and Townships as outlined in their respective adopted Minimum Construction Standards, as amended.

CONTINUING CARE RETIREMENT COMMUNITY – A unified residential development that provides a continuum of accommodations and care from independent living to long-term bed care, personal support services, as defined herein, and enters into agreements to provide care in exchange for fees.

CONVENIENCE STORE – A retail establishment offering for sale a limited selection of goods such as food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than 10,000 square feet. Convenience stores may sometimes be located in conjunction with a Gas/Fuel Station use but only when the Gas/Fuel Station use is also allowable in the Zoning District.

CONVERSION DWELLINGS – See “Dwelling Types” in this Section.

CORRECTIONAL FACILITY – Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense, including but not limited to halfway houses, homes licensed for juvenile

offenders, or other facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

COUNTY PLANNING AGENCY – The Beaver County Office of Planning and Redevelopment.

COUNTY – The County of Beaver, Pennsylvania.

CRYPTOCURRENCY MINING – The operation of specialized computer equipment for the purpose of mining one (1) or more blockchain-based cryptocurrencies, such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

DAY CARE CENTER, ADULT – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of the elderly and/or functionally impaired adults for a portion of a 24-hour day.

DAY CARE CENTER, CHILD – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of children under the age of sixteen (16) for a portion of a 24-hour day. This land use classification includes nursery schools which provide daytime care and/or instruction for two (2) or more children of preschool age.

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

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

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use Ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be

appealable to the Court of Common Pleas of Beaver County and the judicial district wherein the municipality lies.

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

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

DENSITY – A measure of intensity of residential development, usually the number of dwelling units per acre of land exclusive of public streets, ROWs, and grounds.

DETERMINATION – The final action by an officer, body, or agency charged with the administration of any land use Ordinance or applications thereunder except the Board of Supervisors or Council; the Zoning Hearing Board ; the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the SALDO or PRD provisions.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made an application for land development, a subdivision of land, permit, or approval pursuant to this Ordinance.

DEVELOPMENT – See “Land Development” in this Section.

DEVELOPMENT PLAN – The provisions for development, including a PRD and PNRD, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities. Such provisions shall be prepared by a surveyor, engineer, or architect and drawings associated with such provisions shall be drawn at a scale no greater than one (1) inch equals 100 feet.

DISTILLERY – An establishment for distilling, especially for distilling alcoholic liquors. No products produced by the distillery shall be sold and/or consumed on the premise. See also “Micro-distillery.”

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

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

DOMESTIC PETS – Animals or fowl customarily found in a dwelling and kept for company or pleasure, including but not limited to dogs, cats, hamsters, parakeets, or canaries and the like, but not including any animal, reptiles, fish, and/or fowl

normally found in a zoo. Domestic pets shall not include a sufficient number to constitute a kennel, as defined herein.

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

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

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

DRUG STORE – See “Pharmacy” in this Section.

DUPLEX – See “Dwelling Types” in this Section.

DWELLING – A building that contains dwelling units, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. Each dwelling type designated below is provided for separately in the land use chart under “Dwelling Type.”

DWELLING TYPES:

APARTMENT - a suite of rooms in a building containing at least one (1) other dwelling unit, each unit with its own cooking, food storage, bathing and toilet facilities for the exclusive use of the residents of the unit, and each with access directly or by a common hallway to the outside.

CONVERSION DWELLING – A dwelling unit or units created from a larger existing residential dwelling, whether entirely from the existing structure or by building additions or combinations thereof. Conversion dwellings involve the creation of additional dwelling units in a structure from existing dwellings, not initially intended or designed when the dwelling was initially constructed. Conversion dwellings are primarily intended to serve as rental units and are defined separately from Accessory Dwellings Units or In-Law Suites which are primarily intended to house family members.

DUPLEX – A detached house designed for and occupied exclusively as not more than two (2) units, each living as an independent housekeeping unit and with no internal connectivity between units.

GARDEN APARTMENT – A multi-family residential building no more than three (3) stories in height containing three (3) or more dwelling units which share

a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

HIGH RISE APARTMENT– A multi-family residential building containing at least four (4) residential floors.

MANUFACTURED HOME – A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and placed on a permanent foundation on site.

MODULAR HOME (Industrialized Home) – A modular home is built in a factory to about 80-90% completion and then trucked over to the building site and placed on a permanent foundation. Unlike manufactured homes, modular homes do not ship fully assembled and cannot be moved after installation.

MULTI-FAMILY – A residential building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more separate dwelling units including garden apartments and high-rise apartments but not including single-family, duplex, townhouse, or quadruplex dwellings.

QUADRUPLEX – A residential building, other than a townhome or garden apartment, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

ROW HOUSE – See “Townhouse” in this Section.

SINGLE-FAMILY – A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit with a minimum square footage of 750 square feet.

TOWNHOUSE – A single-family dwelling unit no more than three and one-half (3.5) stories in height constructed in a group of not less than three (3) but not more than eight (8) attached units in which each unit shares no more than one (1) common wall that extends from the foundation to the roof.

DWELLING UNIT – A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

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

appurtenant thereto. An educational institution does not include a school or college/university, as defined within this Section.

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

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

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

EMERGENCY SERVICES FACILITY – An area utilized for the maintenance, fueling, storage, dispatching, or parking of vehicles and/or equipment providing rescue or ambulatory services, except rescue services offered from a fire station, and where the area may or may not include buildings utilized in connection therewith.

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

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

ENGINEER, PROFESSIONAL – A licensed professional engineer registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

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

ESSENTIAL SERVICES – The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television, or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Essential services include water supply pump stations and water tanks. Essential services do not include communication towers or operations and facilities associated with oil and gas development.

EXHIBITIONS AND ART GALLERIES – See “Art Gallery” in this Section.

FAA – Federal Aviation Administration of the United States Department of Transportation.

FAMILY – Any one (1) of the following: An individual; two (2) or more persons related by blood, marriage, or adoption; or not more than four (4) unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the *Fair Housing Act, 42 USC §3601 et seq.*

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

FCC – Federal Communications Commission.

FENCE – A free standing, accessory structure, including entrance and exit gates or openings, designed and constructed for the purpose of enclosing space or separating parcels of land, screening, protection, confinement, and/or privacy.

FINAL APPROVAL – The ultimate approval of a development plan granted by the Borough Council or Township Board of Supervisors which follows tentative approval and filing of an application for final approval.

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

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

FITNESS CENTER – An indoor facility for personal exercise and physical conditioning, which includes uses such as sports courts, exercise equipment, and/or locker rooms that may or may not include a Jacuzzi and/or sauna, and retail shops and accessory uses. This use may also be referred to as a health club.

FLAG – Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, the County of Beaver, the Boroughs of Fallston or New Brighton, and the Townships of Daugherty and Pulaski. A flag is not a sign.

FLAG LOT – A lot that has any portion of its front lot line or front yard abut the rear or side yard of an adjacent lot rather than a public road ROW and where access to the public road ROW would typically be by a narrow, private ROW or driveway. Regulations for flag lots can be found in Article V of this Ordinance.

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

FLEX SPACE – An establishment which can include office, light manufacturing, pilot manufacturing, and research and development, in addition to warehousing and associated administrative space.

FLOODPLAIN – A relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation as defined by the Federal

Emergency Management Agency (FEMA) as part of said agency's Flood Insurance Rate Map.

FLOODPLAIN MANAGEMENT ORDINANCE (FMO) – The Floodplain Management Ordinance, as may be adopted or amended, by a Borough or Township.

FLOODWAY – The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood (one-hundred-year floodplain) without cumulatively increasing the water surface elevation more than one (1) foot, or as amended by the National Flood Insurance Program (NFIP).

FLOODWAY FRINGE – The remainder of the floodplain, after the floodway has been determined. Generally, the slower velocity backwater area of the floodplain.

FLOOR – A habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

FLOOR AREA – The sum of the gross floor areas for each of a building's stories, including the basement, but not including the attic unless the attic meets the International Code Council (ICC) International Property Maintenance Code.

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

FLOOR AREA, NET – The total floor area of a building designed for tenant occupancy, or areas accessible to the customers, clients, or general public, but excluding storage areas, equipment rooms, food preparation areas in a restaurant, and common areas such as halls, corridors, stairwells, elevator shafts, rest rooms, interior vehicular parking and loading areas, and similar common areas, expressed in square feet and measured from the center line of joint partitions and exteriors of outside walls.

FOOD AND GROCERY STORE – Supermarkets; bakeries; dairies; delicatessens; but not including convenience stores.

FOOTCANDLE – A unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter (also known as a light meter).

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

FOSTER CARE – Full-time custodial responsibility for children, or other individuals unable to care for themselves when such individuals have been placed by court order or under the auspices of a recognized social service agency and are maintained under regulations of the Commonwealth.

FRACTURE or FRACKING – The process of injecting water, customized fracking fluid, steam, or gas into a gas well under pressure to improve gas recovery.

FREIGHT TERMINAL – A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or

may not include facilities for maintenance, fueling, storage, or dispatching of the vehicles.

FRESH WATER – Water obtained from a potable water source of the Commonwealth such as a hydrant, stream, lake, water well, spring, or other source that has not been treated or utilized in commercial or industrial operations.

FRONTAGE – The width of a lot along the street that provides the principal access to the lot.

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

GARAGE – An accessory building on a residential lot that may be attached to a dwelling, or a space within a dwelling building, for storing vehicles operated by the residents of the dwelling, and not to be used as an auto repair shop except for such vehicles.

GARAGE, ATTACHED NONRESIDENTIAL – An attached nonresidential garage is an extension of a permitted principal building and subject to the regulations of the underlying district.

GARAGE, ATTACHED RESIDENTIAL – An attached residential garage is an extension of a permitted residential dwelling and subject to Section 323 of this Ordinance.

GARAGE, PRIVATE – A detached accessory structure that is not accessible to the general public. A private garage is designed for the storage of private vehicles and personal property of the occupants of the principal building. All nonresidential detached storage structures are defined as storage buildings. See also “Storage Buildings” and “Carport.”

GARDEN APARTMENT – See “Dwelling Types” in this Section.

GARDEN CENTER – A building or structure used for the sale of flowers, plants, shrubs, trees, and other natural flora and associated products. A garden center does not include a greenhouse, nursery and/or outdoor storage, display and sales of equipment and/or materials associated with the principal use. See also “Greenhouse/Nursery,” “Landscape Service Center,” and “Storage Yard.”

GAS WELL – Any well drilled for the intent of extracting gas or other hydrocarbons from beneath the surface of the earth.

GAS/FUEL STATION – A building(s), premises, or portions thereof, which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. This land use classification shall include electric recharge stations for electric motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products. Gas stations may sometimes also be located with a Vehicle Repair and Service use, but only when the Vehicle Repair and Service use is also allowable in the Zoning District.

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

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

GOLF DRIVING RANGE – A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee. A golf range may be permitted as either a principal or accessory use.

GRADING – The manipulation of the land surface in connection with a development project.

GRADING ORDINANCE – The Grading Ordinance, if adopted and as may be amended, by a Borough or Township.

GRAIN SILO – A principal or accessory structure for storing bulk materials such as grain or fermented feed known as silage. Other typical bulk storage items include coal, green feeds, and woodchips. See also “Accessory Agricultural Buildings” in this Section.

GREENHOUSE/NURSERY – A retail or wholesale business that sells flowers, plants, shrubs, trees, and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot. See also “Sheds” with regards to residential greenhouses.

GROSS – The total area or number prior to any deductions.

GROSS DENSITY – The total number of dwelling units per one (1) acre permitted to be developed on a lot.

GROUND MOUNTED SOLAR SYSTEM – A solar photovoltaic system mounted on a structure, pole, or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUNDWATER – Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for domestic, agricultural, municipal, industrial, and other beneficial uses.

GROUP CARE FACILITY – A facility which provides room and board and specialized services for:

1. More than eight (8) residents who are mentally or physically handicapped;
2. Any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) adjudicated by the court system;
3. Mentally handicapped persons of any age; or
4. Persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons

and their children, community reentry services following incarceration, and other such transitional and/or supervised short-term assignments.

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

GROUP HOME – A dwelling unit where room and board is provided to not more than eight (8) permanent residents who are mentally or physically handicapped persons of any age, who are in need of supervision and specialized services, and no more than two (2) caretakers on any shift, who may or may not reside in the dwelling and who provide health, social, and/or rehabilitative services to the residents. The service shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency. A group home does not include persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, and other such transitional and/or supervised short-term assignments. A group home shall be considered a single-family dwelling and shall be authorized wherever a single-family dwelling is permitted subject to the requirements of the district applicable to single-family dwellings.

GRUBBING OR GRUBBING ACTIVITY – The cleaning of underbrush from a well-treed area.

HABITABLE – A structure consisting of an enclosed living room, sleeping room, kitchen, and dining room, and with access to working plumbing and sanitation facilities. A finished basement is considered habitable.

HALFWAY HOUSE – A residential facility that provides a supervised environment to ease the transition of its residents between institution living and independent living and is conducted under regulations of the Commonwealth and the auspices of a social service agency.

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

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

HEAVY EQUIPMENT REPAIR – A facility for the repair, rebuilding, painting, or reconditioning of heavy equipment not classified as a motor vehicle for use on public roadways. See also “Supply Yard” regarding equipment sales.

HEDGE, DENSE EVERGREEN – Planting that provides year-round visual screening with an opacity of at least fifty percent (50%) of its total area when viewed from any

direction, and capable of being maintained at not less than a prescribed height in a neat manner.

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

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

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

HIGH RISE APARTMENT – See “Dwelling Types” in this Section.

HISTORIC STRUCTURE – Any structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register, individually listed on a local inventory of historic places, at either the County or Municipal level, that has been certified by an approved state program or determined by the Secretary of the Interior

HOBBY FARM – A lot with a minimum area of five (5) acres where agricultural activities are conducted by the residents thereof, but where such activities are not the principal source of employment or income.

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.

- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

Note: No-Impact Home-Based Businesses are different than Home Occupation Businesses. See “Home Occupation Business.”

HOME OCCUPATION BUSINESS – Any use customarily carried on entirely within a dwelling, by the occupant thereof, which use is clearly incidental and subordinate to the use of the dwelling as a residence. Examples include, but are not limited to, professional services such as legal, financial, accounting, or engineering; barber and beauty shops; and music and tutoring instruction. Home Occupation Businesses are different than No-Impact Home-Based Businesses. See also “No-Impact Home-Based Business.”

HOMEOWNERS’ ASSOCIATION (HOA) – An organization formed to manage the common open space and common facilities within a development plan that are not to be publicly owned and maintained. Membership in and financial support of such organization is mandatory for all owners of private property in the plan.

HORIZONTAL SURFACE (ZONE) – An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach.

HORSE BOARDING AND RIDING ACADEMY – Land and/or structures utilized for the maintenance of horses and/or ponies for personal enjoyment and/or profit-making activity.

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

HOTEL – A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests. Hotels have a common reception area on premises which is staffed 24 hours a day where clients check in to obtain access to a room. Hotels may provide such additional supporting services such as restaurants, meeting rooms, and recreation facilities.

JUNKED VEHICLE – See “Abandoned Vehicle” in this Section.

JUNKYARD – Land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, wastepaper, glass, rags, containers, and other discarded materials. Under this Ordinance, two (2) or more scrapped, abandoned, unregistered, inoperable, or junked motor vehicles shall constitute a junkyard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junkyard.

KENNEL – A use of land and structures in combination wherein four (4) or more domestic animals or pets six (6) months or older are bred, trained, and/or boarded for compensation for more than twelve (12) consecutive hours. Animal day cares and animal groomers where pets are not on site for more than twelve (12) consecutive hours shall not be considered a kennel.

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

LAND DEVELOPMENT – Includes any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. Land development shall not include:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this Subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.

LANDFILL – See “Solid Waste Landfill Facility” in this Section.

LANDING – Means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

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

LANDSCAPE SERVICE CENTER, RETAIL – A business primarily engaged in selling indoor or outdoor grown plants and landscaping materials to the general public.

LANDSCAPE SERVICE CENTER, WHOLESALE – A business primarily engaged in processing, selling, and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional, or professional users or to other wholesalers.

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

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

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

LITTER – Means discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.

LIVE-WORK UNITS – A commercial use, such as a shop, studio, office, café, deli, personal service establishment, or other place of business, in combination with a dwelling unit located above such place of business. Only the proprietor of the business may occupy the residential unit. All connections between the uses must be internal to the structure. See also “Mixed-Use.”

LOP – Means to cut tops and slash into smaller pieces to allow material to settle close to the ground.

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

LOT TYPES:

LOT, CORNER – A lot at an intersection of, and fronting on, of two (2) or more streets.

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

LOT, THROUGH OR DOUBLE FRONTAGE – A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

LOT AREA – All the ground surface measured within the perimeter lines of a lot.

LOT COVERAGE – The maximum area within the setback lines in a lot that may be occupied by buildings.

LOT LINE – The boundary line, or part of such line, describing the perimeter of a lot. The front lot line abuts the street to which the lot has access and the rear lot line is the boundary most distant from the front lot line.

LOT LINE TYPES:

LOT LINE FRONT – A line measured along the ROW of any frontage, whether public or private, between the side lot lines.

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

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

LOT OF RECORD – A lot of legal record on file with the Beaver County Recorder of Deeds, pursuant with statutes governing recording.

LOT WIDTH – The distance across a lot measured along the front setback line between the side lot lines.

LUMBER YARD – See “Supply Yard” in this Section.

MANUFACTURED HOME – See “Dwelling Types” in this Section.

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

MANUFACTURED HOME SALES – An establishment which conducts the sale of a structure, transportable in one (1) or more sections, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Manufactured Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

MANUFACTURING FACILITY, HEAVY – The manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, dust, or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy manufacturing characteristically employs such equipment as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment, and waste treatment lagoons. Examples of heavy manufacturing include basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, lime manufacturing, ore and metal smelting and refining, and chemical plants such as petrochemical complexes. Heavy manufacturing facilities do not include any oil and gas facilities or operations.

MANUFACTURING FACILITY, LIGHT – The manufacture, fabrication, assembly, or processing of goods and materials, excluding heavy manufacturing facilities. Processes involved with light manufacturing typically will not produce noises, vibration, air pollution, fire hazards, or noxious emissions capable of disturbing or endangering neighboring lots. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, and food products, but no animal slaughtering, curing, nor rendering of fats.

MANURE MANAGEMENT PLAN – A written site-specific plan which meets the requirements set forth in the DEP Manure Management Manual.

MARINA – A facility for the storage (wet and dry), launching and mooring of boats together with accessory retail and service uses including restaurants and liveboards.

MASSAGE THERAPY ESTABLISHMENT – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat, and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the State of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an identical or accessory service. A massage establishment may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Ordinance. Massage therapy professionals must be licensed by an approving agency, association, or school.

MEDICAL CLINIC – Any establishment where human patients are examined and are treated by or under the care and supervision of doctors, dentists, or other medical practitioners, but where patients are not hospitalized overnight. Medical clinics shall include such uses as reception areas, waiting areas, consultation rooms, and a dispensary, providing that all such uses have access only from the interior of the building or structure.

MEDICAL MARIJUANA – Marijuana for certified medical use as set forth in the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA DISPENSARY – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana per the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA GROWER/PROCESSOR – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any

combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana.

MEDICAL OFFICE – A building or a series of buildings or rooms where one (1) or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation. A medical office shall include such uses as reception areas, offices, examination rooms, and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.

OFFICE, MEDICAL TYPES:

MEDICAL OFFICE, LOW INTENSITY – A facility that contains a total of four (4) or fewer examination rooms (not including laboratories and/or x-ray rooms).

MEDICAL OFFICE, HIGH INTENSITY – A facility that contains more than four (4) exam rooms (not including laboratories or x-ray rooms).

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

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

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

MINERAL DEVELOPMENT – Mineral development is a broad land use classification that includes the operations listed below. Mineral development does not include oil and gas facilities or related operations. Oil and gas development is provided for under separate terms in this Section.

MINERAL DEVELOPMENT TYPES:

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

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

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

MIXED USE – A commercial use in combination with a residential use in a single principal structure. A mixed-use is distinguished from live-work units due to the lack of any internal connections between the uses. See also “Live-Work Units.”

MOBILE HOME – See “Manufactured Home” in this Section.

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

MULTI-FAMILY DWELLING – See “Dwelling Types” in this Section.

MUNICIPAL BUILDING – A building occupied by the principal offices and departments of a Borough or Township.

NATURAL GAS COMPRESSOR STATION – A facility designed and constructed to compress natural gas that originates from a natural gas well or collection of such well operating as a midstream facility for delivery of natural gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one (1) or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment.

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

NATURE PRESERVE – A piece of land protected and managed to preserve its flora and fauna.

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

NON-CONFORMING LOT – A lot recorded prior to adoption of this Ordinance containing less area and/or less frontage or width than required for the zone district in which the lot is located.

NON-CONFORMING BUILDING OR STRUCTURE – A structure lawfully existing prior to adoption of this Ordinance but greater in height or located in whole or in part closer to one or more lot lines than permitted by the setback and/or height regulations governing development in the zone district where the lot is located.

NON-CONFORMING USE – A use of a lot, or a portion of a lot, or of a structure or part of a structure lawfully existing prior to adoption of this Ordinance but not permitted by right or as a conditional use in the zone district where the lot is located.

OCCUPANCY PERMIT – A certificate issued by the zoning officer attesting that the construction for which a zoning permit has been issued has been completed in

accordance with the zoning permit and may be occupied or attesting that a proposed new occupancy or use on a lot, but not requiring a zoning permit, is a permitted use or has been approved as a conditional use.

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

OFF-STREET PARKING LOT – An area wholly outside any public street right-of-way constructed to accommodate the storage of vehicles and connected to a public street or streets by a driveway or access lane.

OIL AND GAS COMPRESSOR STATION – A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant, or underground field, including one (1) or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment.

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

OIL AND GAS WELL/PAD – The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment, and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance, and repair of associated equipment and activities associated with the exploration for and production of oil and gas. An oil and gas well include the pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting, or injecting gas, oil, petroleum, or another liquid related to oil or gas production or storage.

OPERATOR-OCCUPIED SHORT-TERM RENTAL – The short-term rental of a dwelling unit, or of no more three (3) individual bedrooms within such dwelling unit, that is the primary residence of its operator.

OWNER-ADJACENT SHORT-TERM RENTAL – The short-term rental of a dwelling unit that is not the primary residence of the operator but is located within a residential building with a total of four or fewer dwelling units where all dwelling units in the building are owned by the operator, and one of the dwelling units in the building is the primary residence of the operator.

PARK/PLAYGROUND – Land designed for the purposes of recreation and leisure and maintained by a private or public entity as such.

PARKING LOT – Any lot, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a single-family or two-family dwelling.

PARKING LOT, COMMERCIAL – Any lot, parcel, or yard used in whole or in part for the temporary storage or parking of two (2) or more vehicles where such usage is the principal use on the site.

PARKING NEEDS ANALYSIS – An analysis, performed by a qualified engineer and submitted to the municipality in narrative form to determine the minimum vehicle spaces required for a use with widely varying parking demands.

PARKING SPACE – An area within a parking lot intended for the storage of one (1) vehicle and adjacent to an access lane.

PARKING STRUCTURE, COMMERCIAL – A principal structure used exclusively for the temporary storage of motor vehicles.

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

PERMITTED USE – An activity that is expressly allowed by right as the principal use of a lot because the lot is located in a zone district where the activity or use is permitted.

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

PET BOARDING – Taking custody or possession of more than four (4) dogs and/or more than six (6) cats for the keeping, accommodation, care, training, or feeding for fee or reward at a property other than the animal's normal place of residence. The domesticated animal can be left in the care of said establishment for a variable period of time. The establishment must be able to accommodate domesticated pets for extended periods of time, including but not limited to, overnight stays within indoor facilities.

PETS, DOMESTIC – Small animals normally permitted in and controlled on a residential lot, kept for pleasure and not offered for sale except incidentally.

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

PILOT MANUFACTURING – An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs, and other information necessary prior to undertaking full-scale production.

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

PLANNED RESIDENTIAL DEVELOPMENT (PRD) – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot area, size, bulk, type of dwelling unit or use, density or intensity, lot coverage, or required open space to any one (1) District in this Ordinance but complies with the PRD requirements and provisions herein.

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

PORCH – A construction with permanent roof and floor attached to a building and considered part of the building for purposes of setback from lot lines.

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

PRINCIPAL BUILDING – The building or group of buildings containing the principal permitted use on a lot.

PRINCIPAL USE – The primary or predominant use of any lot or structure.

PRIVATE – Owned, operated, or controlled by an individual, group of individuals, association, corporation, or not for profit, and restricted to members who meet certain qualifications and their guests.

PRIVATE IMPROVEMENTS – All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, and other facilities not owned, maintained, or operated by a Borough or Township for which plans and specifications shall apply to the applicable municipal Minimum Construction Standard Details.

PUBLIC HEARING – An official meeting called by Borough Council, the Township Board of Supervisors, the Joint Planning Commission, or the municipal Zoning Hearing Board for the purpose of taking testimony from all parties having an interest in the matter being heard, as a basis for the calling body to make a decision at a later time.

PUBLIC STREET – An improved vehicular right-of-way open to the public as part of the Borough-wide circulation system and accepted for maintenance by the municipalities or PennDOT.

PUBLIC UTILITY – A publicly regulated service distributing water, gas, electricity, or communications, or collecting sanitary sewage, but not including offices or maintenance facilities unless permitted in a particular zone district.

QUADRUPLEX DWELLING – See “Dwelling Types” in this Section.

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

RAILROAD FACILITY – A series of buildings, with or without an open yard, with a permanent road laid with rails, commonly in one (1) or more pairs of continuous lines forming a track or tracks, on which locomotives and cars are kept for maintenance and/or storage.

RAILROAD FREIGHT TRANSLOADING AND DISTRIBUTION TERMINAL – A terminal facility for the purpose of loading, unloading, handling, transloading, transferring, storing, staging, sorting, processing, and distributing railroad freight moving to and from railcars and other modes of transportation.

REAR YARD – See “Yard, Rear” in this Section.

RECREATION – Activity or area intended for the use, play, relaxation, sports, or other leisure activities. Active recreation uses include activities or areas for game courts, athletic playing fields, play apparatus, and similar facilities. Passive recreation uses include open space, trails, and similar low impact activities.

RECREATION, INDOOR – A use consisting of indoor facilities for the pursuit of sports, amusement, recreation, and leisure activities available to the general public for a fee, where the principal use is conducted entirely within a completely enclosed building, including, but not limited to such principal uses as health, racquet, and/or swim clubs, fitness centers, roller or ice rinks, karate schools, gymnasiums, arenas, sports courts or playing fields, bowling alleys, amusement arcades, virtual reality and simulation gaming parlors, billiard parlors, shooting ranges, dance halls, but not including any adult business.

RECREATION, OUTDOOR – An enterprise which is conducted wholly or partly outside an enclosed structure for the pursuit of sports, recreation, and amusement activities, where the principal use is outdoors, but which may include accessory uses that are indoors, including, but not limited to such principal uses as miniature golf courses, golf or batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks, and similar facilities.

RECREATION FACILITY – A building, structure, or area designed and equipped for the conduct of sports and/or leisure activities that attract a large number of users. Activities and improvements associated with a recreation facility include: (1) Indoor or outdoor swimming pools; or (2) Indoor or outdoor ice-skating rinks; or (3) Any other public recreation facilities.

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

RECYCLING BUSINESS – A business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or (3) obtaining or storing ferrous or nonferrous metals.

RE-DRILL – Deepening or sidetrack/horizontal drilling of the existing well bore extending more than 150 feet from said well bore.

REGIONAL PLANNING AGENCY – A planning agency that is comprised of representatives of more than one (1) county. Regional planning agency responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines, and reviewing county comprehensive plans for consistency with one another.

REGISTERED PROFESSIONAL – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.

REHABILITATION FACILITY – See “Group Care Facility” in this Section.

RELATED EQUIPMENT – Any piece of equipment related to, incidental to, or necessary for, the operation of a communications tower or communications antenna. By way of illustration, not limitation, related equipment includes generators and base stations.

RENEWABLE ENERGY SOURCE – Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPOSSESSION BUSINESS – A business that repossess vehicles when owners default on payments or rental vehicles are not returned on time. Repossession businesses may include retail/office space and vehicle service areas within a completely enclosed building. Any exterior storage of vehicles and/or related items on the site may be permitted as an accessory use to the principal structure. See also “Storage Yards” in this Section.

REQUIRED PARKING – The minimum number of off-street parking spaces needed to serve a specific use.

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

RESOURCE RECOVERY FACILITY – A processing facility that provides for the extraction and utilization of materials or energy from municipal waste which is generated off-site, including, but not limited to, a facility that mechanically extracts

materials from municipal waste, a combustion facility that converts organic fraction of municipal waste to usable energy, and any chemical or biological process that converts municipal waste into a fuel product.

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

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

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

RESTRICTIVE COVENANT – A legal agreement between a buyer and a seller in which the buyer agrees to abide by certain stipulations of the sale, such stipulations are usually applicable over a group of neighboring properties to prevent activities that would downgrade the value of the group as a whole.

RETAIL STORE – A retail establishment located entirely within an enclosed building which sells goods, services, or merchandise to the general public for personal, household, or office consumption and which shall not include wholesaling, manufacturing, or processing of the goods offered for sale.

RETIREMENT HOUSING FACILITY – See “Care Facilities and Senior Housing” in this Section.

RE-WORK – Re-entry of an existing well within the existing bore hole or by deepening or sidetrack/horizontal operations (which do not extend more than 150 feet horizontally from the existing well bore) or replacement of well liners or casings.

RIGHT-OF-WAY (ROW) – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses. A ROW grants a lot interest to the grantee and no permanent structure may be erected therein.

ROADSIDE STAND, ACCESSORY – An accessory use that includes a seasonal, temporary, or a semi-temporary structure for the sale of goods or produce.

ROADSIDE STAND, PRINCIPAL – A principal use that includes a permanent structure for the sale of seasonal goods or produce.

ROOMING HOUSE – See “Boarding House” in this Section.

ROW HOUSE – See “Dwelling Types” in this Section.

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

SATELLITE DISH ANTENNA – A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such a device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SCHOOL – Any public, private, or parochial place of instruction which teaches those academic subjects that are fundamental and essential in general education, and which provide instruction at the pre-primary level and/or kindergarten through 12th grade, or a vocational school, and meets the requirements of the Department of Education of the Commonwealth of Pennsylvania. Schools exclude “Educational Institution” and College/University” as defined in this Section.

SELF-STORAGE FACILITY – A building or group of buildings in a controlled access and fenced compound that contains various sizes of individualized, compartmentalized, and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal lot.

SETBACK – The minimum distance that a building must be held back from an adjacent lot line, depending on the zoning district in which the lot is located.

SETBACK LINE – A line parallel to a lot line, defining the building setback required by this Ordinance. See Figure #1 in this Ordinance regarding yard configurations and lot lines.

SETBACK LINE, FRONT – The building setback line that is parallel to the front lot line, located at a distance as required by this Ordinance. See Figure #1 in this Ordinance regarding yard configurations and lot lines.

SETBACK LINE, REAR – The building setback line that is parallel to the rear lot line, located at a distance as required by this Ordinance. See Figure #1 in this Ordinance regarding yard configurations and lot lines.

SETBACK LINE, SIDE – The building setback line that is parallel to the side lot line, located at a distance equal to the side yard required by this Ordinance. See Figure #1 in this Ordinance regarding yard configurations and lot lines.

SHED – A detached, accessory structure which is incidental to a permitted residential structure. Sheds typically sit on a simple concrete slab, piers, or soil and are used to store household goods, tools, and/or equipment. Sheds shall include but are not limited to tool sheds, residential greenhouses, and pool equipment structures. All nonresidential detached storage structures are defined as storage buildings. See also “Storage Buildings.”

SHIPPING (CARGO) CONTAINER – An industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities by commercial trucks, trains, and/or ships. A container modified in a manner that would

preclude future use by a commercial transportation entity shall be considered a shipping container for the purpose of this definition.

SHIPPING (CARGO) CONTAINER HOME – Any dwelling unit, single or multi-family, that use new or used shipping containers as their primary building material. The containers, built for holding cargo on transoceanic crossings, are made of heavy-duty, corrosion-resistant steel.

SHOPPING CENTER – Two (2) or more retail store(s) and other authorized uses in the Zoning District in which it is an authorized use, developed as a single entity on a site, whether developed at one (1) time or in phases or by different owners.

SHORT-TERM RENTAL – Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than 30 consecutive days other than a hotel, motel, or bed and breakfast inn and home-exchanges, where homeowners temporarily occupy one another's property simultaneously during the same short-term period without rent or other exchange of money. Rentals are generally facilitated by an online tool that allows for peer-to-peer lodging options where the lodging facilities are generally owned by private individuals. This use includes rentals commonly called by industry names including but not limited to Airbnb, HomeAway, Flip Key, WorldEscape, Uproost, etc.

SHORT-TERM RENTER – Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental for a duration of less than 30 consecutive days.

SHORT-TERM RENTAL OPERATOR – The person or persons offering a dwelling unit or bedroom for short-term rental, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and the condominium association, if applicable.

SIGHT DISTANCE – The unimpeded view that vehicle operators have along the street they are traveling or the street they are entering or crossing, such distance related to driver reaction time and posted speed limits and assuming the operator's eye level is between two feet six inches (2'6") and eight feet (8') above the pavement.

SIGN – A name, identification, description, display, illustration, or device which is affixed or represented directly or indirectly upon a building, structure, or land and which functions as an Accessory Use by directing attention to a product, place, activity, person, institution, or business. The following terms and definitions are associated with the sign regulations contained in this Ordinance.

A-FRAME – A portable sign comprised of two (2) separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

ADDRESS – The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services. An address sign may include the name and address of the occupant of the premises.

AGRICULTURAL SALES SIGN – A sign displayed on a farm by the owner or other operator thereof, for the purpose of identifying such farm or advertising products thereof.

ANIMATED OR MOVING – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Changeable copy signs as defined herein are not considered animated or moving signs.

ANIMATION – The movement, or the optical illusion of movement, of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

ARCADE – A sign suspended beneath a ceiling of an arcade, a roof, or a marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof, or marquee to identify the location of establishments within a shopping center or similar building.

AWNING, CANOPY – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BANNER – A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbols, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

BILLBOARD – A permanently installed sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.

BUILDING IDENTIFICATION – A small pedestrian-oriented sign attached to a building, which bears only the name, number(s) and/or logo of the building but not the tenant and which is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

CHANGEABLE COPY – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or surface of the sign.

CHANGEABLE COPY, BULLETIN – A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by places of worship and schools to announce events.

CHANGEABLE COPY, REMOTE – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other

means to change the message or sign without altering the face or surface of the sign.

COMMERCIAL MESSAGE – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONSTRUCTION – A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises and only during active construction activities.

DEVELOPMENT – A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

DIGITAL DISPLAY – A display of a sign message that is made up of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically. Digital displays may include but are not limited to television screens, holographic displays, programmable ink, liquid crystal display (LCD), light-emitting diode (“LED”) signs, or plasma displays.

DIRECTIONAL, INCIDENTAL – A sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone," and other similar directives, and provided that such sign does not exceed five (5) square feet. Directional, incidental signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

ELECTRONIC MESSAGE BOARD – A type of digital sign which displays messages, such as time and temperature, in alternating light cycles.

FLASHING – A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

FREESTANDING – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GOVERNMENTAL – A sign, which is owned, installed, and maintained by the municipal government or other governmental agency.

GROUND/MONUMENT – A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign. It shall not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

HOME OCCUPATION IDENTIFICATION – A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

ILLUMINATED SIGN, EXTERNAL – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

ILLUMINATED SIGN, INTERNAL – A sign containing a source of light contained within the sign structure or sign cabinet.

INFLATABLE – A three-dimensional (3-D) object, filled with air or gas, and located in such a manner as to attract attention.

MARQUEE – An integral part of the building consisting of a roof which is supported by the building and may also be supported by columns or piers, and which includes porches, porticos, and porte-cocheres, but does not include canopies or awnings.

MARQUEE SIGN – A wall sign attached to a marquee.

MEMORIAL OR HISTORICAL PLAQUE – A commemorative plaque(s) placed by a recognized agency of the Boroughs or Townships, County, State, or Federal government.

MENU BOARD SIGN – A sign that lists for consumers the various options of products, goods, or services provided by a business.

MESSAGE CENTER – A sign that uses changing lights to form a sign message or messages using alphanumeric symbols and wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. A common example is a gas price display sign.

MURAL – A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

NITS – The measure of the light emanating from an object that is used to quantify digital sign brightness, which is calculated by the total amount of light emitted from a sign divided by the surface area of the sign measured as candelas per square meter.

NOTIFICATION – A sign bearing legal and/or lot notices such as no trespassing, private lot, no turnaround, safety zone, no hunting, or similar messages and signs posted by a governmental agency for the safety of the general public.

OFF-PREMISE – A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. However, billboard signs shall not be considered to be off-premises signs.

ON-PREMISE – A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

PANEL – The primary surface of a sign that carries the identifying/advertising message.**PENNANT** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE/PYLON – A freestanding sign erected on a pole, poles, pylon, or pylons, or other supporting structure where the bottom edge of a sign face is installed above the ground. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

POLITICAL – A temporary sign which indicates the name, cause, or affiliation of a person seeking public or elected office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

PORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public ROW, unless vehicle is used in the normal day-to-day operations of the business.

PROJECTION – A sign, which reproduces a remote image, by optical or any other means, on any surface.

PUBLIC UTILITY – Signs in connection with the identification, operation, or protection of any public utility, on the same lot therewith, provided that the total sign area on any one (1) street frontage does not exceed eight (8) square feet.

REAL ESTATE SIGN – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale. The signs may also bear the words “sold,” “sale pending,” or “rented” across their face.

RESIDENTIAL – Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Chapter.

RESIDENTIAL DEVELOPMENT IDENTIFICATION – A permanent wall or freestanding ground sign containing the name and address of a plan of subdivision or a multi-family building or development. The sign shall contain no commercial message and if a ground sign, shall be located at the principal entrance or entrances of a development.

ROOF SIGN – A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on a wall that supports the roofline.

SAFETY CONTROL – Public safety sign pursuant to federal, state, or local public safety regulations.

SECONDARY SIGN – A sign located on a structure whereas the sign is intended for the advertisement of a product, service, or directions related to goods and/or service sold or provided on the subject property.

SIGN BASE – The support on which a sign face stands. The sign base shall not communicate any messages or include business identification.

SIGN FACE – The area or display surface, including the advertising surface and any framing, trim, or molding, used for the message on a single plane.

SIGN or SIGNBOARD – Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display, or other device designed to be viewed by the public, designed and intended for advertising, and the structure supporting the display.

SITE DEVELOPMENT SIGN – A sign indicating that the premises is in the process of being subdivided and/or developed for the future construction of dwellings or other buildings before any actual construction activity has begun.

STATIC ALPHANUMERIC DISPLAY – A type of a digital sign that is only capable of displaying numbers and letters and that is not designed or programmed to flash, blink, move, or display multiple messages over a preset time interval.

STREAMER – A string or strip of miniature or full-size pennants or flags which may or may not be suspended between two (2) points.

SUSPENDED – A sign which is suspended from a structure above into a vehicular or pedestrian access way, more than one (1) foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

TEMPORARY SIGN, GENERAL – Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frame, displayed for a period not exceeding 30 days. Temporary signs shall be permitted to advertise grand openings, distress sales, change in ownership; or temporary businesses which have been approved by the Zoning Officer, Joint Planning Commission, Board of Supervisors or Council, or Zoning Hearing Board.

TIME-AND-TEMPERATURE SIGN – A sign which indicates changing time and/or temperature.

TRAFFIC CONTROL SIGN – A sign regulating traffic.

WALL SIGN – Any sign painted, attached to, or affixed to a building or structure, attached flat against the wall surface, in such a way that only one (1) face of a sign is visible. The sign may project outward no more than six (6) inches from the wall of the building.

WINDOW SIGN – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is temporarily affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SINGLE-FAMILY DWELLING – See “Dwelling Types” in this Section.

SITE – The original tract of land which exists prior to any subdivision activity, and which is the subject of an application for development, as defined by the SALDO.

SITE AREA – The total area of all lots, ROWs, easements, open space, and other features contained within the boundaries of a site. The total project area is determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels. Also see “Lot Area” in this Section.

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

SLOPE MAP – A plan identifying the location and extent of topographic gradient changes based upon contour intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less. Slopes shall be identified by color or symbols.

SOLAR COLLECTION SYSTEM – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

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

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

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

SOLICITOR – The legal review and/or recommending body as designated by a Borough or Township.

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

SOLID WASTE CONTAINERS – Solid waste containers shall refer to all receptacles intended for the containment of any waste, including but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. This also included any materials intended to be collected for recycling. The containers include but are not limited to dumpsters.

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

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

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

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

SPECIAL EVENT – Any temporary display, sale of goods, use, or event that is located outside of a principal building structure and is accessory to the principal use of the lot that has the potential to create an increase in traffic, congestion, and/or noise than that which is typically caused by the principal use of the lot.

SPECIAL EXCEPTION – See “Use by Special Exception” as defined in this Section.

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

SPONSOR BOARD OF SUPERVISORS – The Township Board of Supervisors initiating an amendment to the Multi-Municipal Zoning Ordinance.

SPONSOR COUNCIL – The Borough Council initiating an amendment to the Multi-Municipal Zoning Ordinance.

STABLE, COMMERCIAL – A public facility dedicated to the keeping of horses and/or ponies for commercial boarding as a principal use on a lot. Private stables are defined as an “accessory agricultural building” and must be paired with a permitted principal use allowed in the district. See “Accessory Agricultural Building” in this Section.

STABLE, PRIVATE – The keeping of horses and/or ponies for the personal use of the residents of a lot, not including any profit-making activities. Private stables are defined as an “accessory agricultural building” and must be paired with a permitted principal use allowed in the district. See “Accessory Agricultural Building” and Commercial Stable” in this Section.

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

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

STEEP SLOPE – Any portion of any lot which has a natural or finished slope in excess of 25% shall be considered a steep slope and shall be subject to these regulations, except that high walls remaining from mineral removal activities shall be exempt from these regulations. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

STORAGE BUILDING – An accessory structure used for storing goods and products incidental to a permitted, nonresidential, principal use.

STORAGE YARD, ACCESSORY – As an accessory use, a storage yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/or equipment within a storage yard are not offered for commercial sale nor are they accessible to the public. See also “Supply Yard.”

STORAGE YARD, PRINCIPAL – As a principal use, a storage yard is an otherwise vacant lot or parcel that is used to store construction equipment, vehicles, and/or construction materials. Materials and/or equipment within a storage yard are not offered for commercial sale nor are they accessible to the public. See also “Supply Yard.”

STORMWATER MANAGEMENT FACILITIES – See the definition provided by the applicable adopted municipal Stormwater Management Ordinance.

STORMWATER MANAGEMENT ORDINANCE – The applicable Stormwater Management Ordinance, as adopted or amended, by the Boroughs or the Townships.

STORY – The vertical dimension between a building floor and the floor of the level next above or next below, when the dimension between floors is at least seven feet (7’), or if no floor is above, then the ceiling above. In determining the number of stories for purposes of height measurement, a basement shall be counted as a story if the ceiling is more than five (5) feet above the average adjoining ground level at the front

setback, and a mezzanine shall be counted as a story if it covers 50% or more of the area of the story underneath such mezzanine. An attic or a cellar shall not be counted as a story.

STREET – All land between ROW lines, whether public or private, and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway road, freeway, parkway, lane, viaduct, or other vehicular way. The term shall not include the word “Driveway.”

TYPE OF STREETS: As defined below and in the SALDO. Each respective municipality has a list of arterial and collector streets within their respective Borough or Township.

ARTERIAL ROAD/STREET – A higher capacity public street that serves large volumes of high speed and long-distance traffic.

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

STREET WALL – The wall of a building adjoining a sidewalk at the edge of the street ROW; or architectural elements, such as walls, piers, pillars, fences, colonnades, porches, and porticoes, in lieu of a building wall when a building is set back from the street wall line.

STREET TREE – Any tree planted within the ROW of a street. Street trees are not the same as trees planted in the front yard of a residential home or lot.

STRUCTURE – Any permanent man-made construction in, on, or over the ground surface and attached to the ground but not including surfaces treated for vehicular or pedestrian passage.

SUBDIVISION – The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) – The applicable SALDO as adopted and amended by the respective municipal governing bodies of the Boroughs or the Townships or the Beaver County SALDO if there is no municipal SALDO.

SUBSTANTIAL CHANGE TO A WIRELESS COMMUNICATION FACILITY – A modification to an existing wireless communications facility that substantially changes the physical dimensions of a tower or base station and meets any of the following criteria: (1) for communications tower outside the public ROW, it increases the height of the facility by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to

exceed twenty (20) feet, whichever is greater; for communications towers in the ROW, it increases the height of the facility by more than ten percent (10%) or ten (10) feet, whichever is greater; (2) for communications towers outside the public ROW, it protrudes from the edge of the WCF by more than twenty (20) feet, or more than the width of the tower structures at the level off the appurtenance, whichever is greater; for those communications tower in the public ROW, it protrudes from the edge of the structure by more than six (6) feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; (4) it entails any excavation of deployment outside the current site of the communications tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SUPPLEMENTARY AGRITOURISM ENTERPRISE – Minor activity that would support the other products on the farm. See also “Agritourism” in this Section.

SUPPLY YARD, ACCESSORY – As an accessory use, a supply yard shall include the portion of a lot or parcel that is not occupied by a building and is used for the display and/or sale of building materials, construction equipment, and/or goods associated with the permitted principal use. Supply yards do not include the storage and sale of vehicles. See also “Storage Yard” and “Vehicle Sales.”

SUPPLY YARD, PRINCIPAL – As a principal use, a supply yard is an otherwise vacant lot or parcel that may or may not be occupied by a building and is used for the display and sales of building materials, construction equipment, feed and grain, and/or goods typically stored outdoors for sale to the public. Supply yards do not include the storage and sale of vehicles. See also “Storage Yard” and “Vehicle Sales and Service.”

SURFACE AREA OF A SIGN – The area of all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed (whether such background is open or enclosed) but excluding any supporting framework and bracing which are solely incident to the display itself, provided that the same do not contain such lettering, wording, designs, or symbols. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all the letters, designs, and symbols. Where a sign consists of a double face, only one (1) side shall be considered for the purpose of calculating the sign area, provided that both faces are identical.

SURVEYOR – A professional surveyor licensed in the State of Pennsylvania. See “Registered Professional.”

SWALE – A depression across the land surface running from higher to lower elevations that collects storm water run-off and directs it to a subsurface drainage system or to a stream.

SWIMMING POOL – A man-made enclosure, designed to impound water for the purpose of creating depth of water suitable for swimming, or other types of water

recreation or therapy, including but not limited to water slides, lap pools, whirlpools, soaking tubs, or hot tubs.

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

TEMPORARY USE OR STRUCTURE – Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for less than six (6) consecutive months, including but not limited to construction or land sales trailers, tents, bleachers, air supported structures, seasonal displays, and similar structures. Structures intended to be used for more than six (6) months shall be considered permanent and shall meet the use and structure requirements for permanent structures.

TENTATIVE APPROVAL – An approval prerequisite to final approval of a development plan granted by the Board of Supervisors or Council in accordance with this Ordinance.

THEATER – A building or part of a building devoted to showing motion pictures or dramatic, dance, musical, or other live performances. This definition does not include “Adult-Oriented Businesses.”

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

THREE-QUARTER HOUSE – A single-family dwelling, which provides a transitional living arrangement to three (3) or more unrelated individuals who occupy a room(s) in the dwelling for a fee, but not licensed by the Commonwealth of Pennsylvania as a Halfway House, and where no in-house services are provided to the occupants.

TINY HOUSE – See “Manufactured Home” in this Section.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – A structure that is used for the purpose of supporting one (1) or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles, and light poles. DAS hub facilities are considered to be tower-based WCFs.

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

TOWNHOUSE – See “Dwelling Types” in this Section.

TOWNSHIPS – The Townships of Pulaski and Daugherty, Beaver County, Pennsylvania.

TRAFFIC IMPACT STUDY – A technical report, submitted by a professional traffic engineer, which projects the trip generation of a land development and the anticipated trip impact on the municipality’s Comprehensive Road Network.

TRAILER, SALES OR CONSTRUCTION – A temporary structure to be used for the duration of the zoning, building, and grading permit to provide temporary offices for personnel associated with the permitted land development.

TRANSFER FACILITY – A facility licensed by the Pennsylvania Department of Environmental Protection (PA DEP) which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing and disposal.

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

TRANSITIONAL SURFACE (ZONE) – An imaginary surface that extends outward and upward from the edge of the primary and approach surfaces to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1).

TREE – Any object of natural growth.

TREE PRESERVATION PLAN – A map or site plan which illustrates the general layout of proposed buildings, structures, driveways, and on-site areas on a lot or tract of land, along with the design of landscaped areas, including detail of the location, species, and trunk circumference of all legacy trees which are to be retained or removed, trees which are to be planted as replacement trees, and trees which are to be retained on-site for mitigation purposes.

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

TWO-FAMILY DWELLING – See “Dwelling” in this Section.

UNIVERSITY/COLLEGE – See “College/University” in this Section.

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

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

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

USE, BY SPECIAL EXCEPTION – An authorized use which may be granted only by a Zoning Hearing Board, pursuant to the express standards and criteria prescribed in

this Ordinance and a hearing conducted by a Zoning Hearing Board pursuant to public notice.

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

VARIANCE – A relief of the terms of this Ordinance, which shall not be contrary to the public interest and where owing to conditions peculiar to the property and not the results of actions of the applicant. Such relief shall be granted pursuant to the provisions of Articles VI and IX of the MPC.

VEHICLE REPAIR GARAGE – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles weighing less than 8,500 pounds Gross Vehicle Weight Rating (GVWR). Businesses solely devoted to vehicle electronics repair and/or installation shall be considered retail stores.

VEHICLE SALES AND SERVICE – A retail establishment which may include one (1) or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; buildings which may contain offices and showrooms; an area within a completely enclosed building where reconditioning, preparation, accessory installation, repairs, and/or the servicing of vehicles is performed.

VEHICLE RENTAL FACILITY – The rental of motor vehicles, watercraft, recreational vehicles, or trailers, including outdoor display areas and service areas within a completely enclosed building and a showroom and offices within the building.

VETERINARY CLINIC – See “Animal Hospitals and Veterinarian Services.”

VINEYARD – A farm where grape vines are planted, grown, raised, or cultivated for the purpose of producing grape wine.

WASTEWATER TREATMENT PLANT – A facility that processes and converts wastewater, which is water no longer needed or suitable for its most recent use, into an effluent that can be either returned to the water cycle with minimal environmental issues or reused.

WAREHOUSE AND STORAGE SERVICES – A structure primarily used for the storage of goods and materials which also includes refrigeration and cold storage services. This use does not include distribution centers.

WATER IMPOUNDMENT, FRESH – A lined depression, excavation pit, or facility situated in or upon the ground whether natural or artificial used to store fresh water.

WATER IMPOUNDMENT, WASTE – A lined depression, excavation pit, or facility situated in or upon the ground, whether natural or artificial, used to store waste water fluid including but not limited to brine, fracturing fluid, produced water, recycled water, impaired water, flowback water, or any other fluid that does not satisfy the definition of "fresh water."

WATER INTAKE WELLS – A site authorized by a permit from the PA DEP for the drilling site for the production of potable water supply.

WATER STORAGE – Any impoundment of water by a public or private authority, agency, or corporation for the purpose of providing water supply or recreation to the general public.

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

WELL – A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

WELL SITE – Shall consist of the area occupied by any of the facilities, structures and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

WELL OPERATOR OR OPERATOR – Any person, partnership, company, corporation, and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas. The person designated as the well operator or operator on the permit application or well registration. If the owner is a separate entity than the operator, then the owner shall also be listed. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters, or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

WELL PAD – The area extending to the limits of disturbance of the grading plan for a drilling site where a well is to be drilled and occupied by any of the facilities, structures, and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. Notwithstanding the foregoing, the well pad site does not include the access road.

WELLHEAD – The precise point of entry into the ground where the drilling of a gas well takes place.

WHOLESALE BUSINESS – A business primarily engaged in selling merchandise to retailers, institutional, commercial, or professional business customers or other wholesalers, rather than to the general public, which includes the warehousing of merchandise, and which may include distribution of such merchandise on the site of the principal business.

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

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

including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

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

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

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

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

WINERY – An area devoted to the growing of grapes or other fruit and the process of fermenting the product into wine. Wineries shall also include the structures or areas provided for the tasting or sale of the wine so long as such areas are on the same site as the products grown.

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

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

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

WIRELESS COMMUNICATIONS RELATED EQUIPMENT – Any piece of equipment related to, incidental to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a tower-based WCF or any other support structure that could support the placement or installation of a WCF, if approved by the Boroughs and/or Townships.

WOODLANDS – A plant community composed predominantly of healthy trees and other woody vegetation, well stocked, and growing more or less closely together.

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

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

YARD, SIDE – A yard extending from the front yard line to the rear yard line parallel to the side lot line (See Figure #1).

YARD SALE – A sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling by the residents of the dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch, or garage sales shall be considered an accessory use and not a home occupation and shall be limited to not more than twelve (12) days or any part of a day in any calendar year. These signs shall be controlled by §509.A.5 of this Ordinance.

ZONING CERTIFICATE – A document signed and issued by the applicable Zoning Officer upon a request to certify the correct Zoning District, the compatibility of existing land uses, the compatibility of proposed land uses, and/or the legal status of a nonconforming use, structure, or lot.

ZONING DISTRICT – An area accurately defined as to boundaries and location on the Zoning Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded.

ZONING HEARING BOARD (ZHB) – The Zoning Hearing Board of each Borough and Township member of the Multi-Municipal Zoning Ordinance for Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships.

ZONING HEARING BOARD SOLICITOR – The solicitor who serves and represents the Zoning Hearing Board of each Borough and Township member of the Multi-Municipal Zoning Ordinance for Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships.

ZONING MAP – The Official Multi-Municipal Zoning Map delineating the Zoning Districts of Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships, Beaver County, Pennsylvania.

ZONING OFFICER – The person(s) designated by the Borough Council members and Board of Supervisors members of the Multi-Municipal Zoning Ordinance

communities of Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships.

ZONING ORDINANCE – The Multi-Municipal Zoning Ordinance for the communities of Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships, Beaver County, Pennsylvania.

ZONING PERMIT – A document signed by the applicable Zoning Officer as a condition precedent to the commencement of a use and which document acknowledges that such use complies with the provisions of this Ordinance or an authorized variance therefrom.

FIGURE 1. YARD TYPE ILLUSTRATION

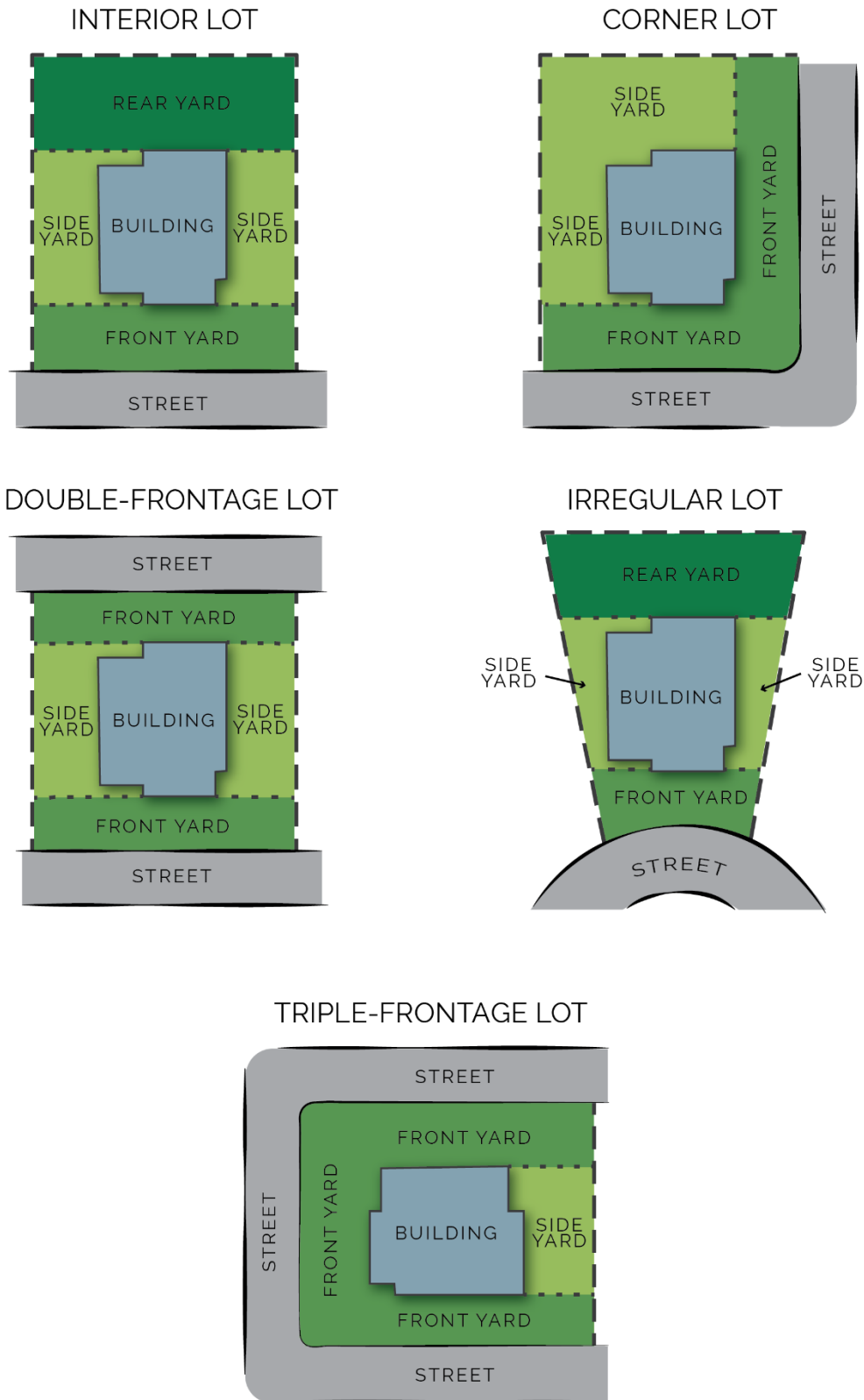
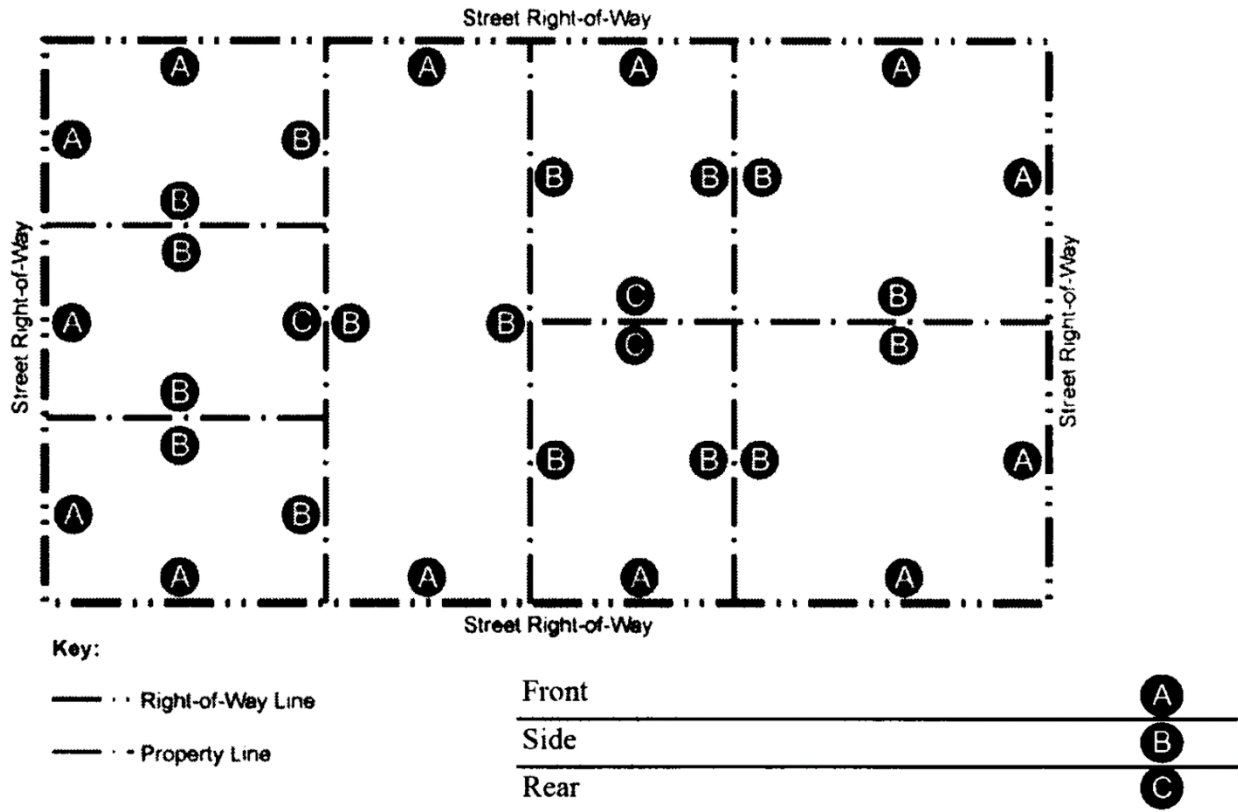


FIGURE 2. ROW LINES



Article III. District Regulations

Section 301. Official Zoning Map

- A. A map entitled “The Official Multi-Municipal Zoning Map for Fallston and New Brighton Boroughs and Daugherty and Pulaski Township,” is hereby adopted as part of this Ordinance. The Official Zoning Map shall be kept on file and made available for examination at the Fallston Municipal Building, the New Brighton Borough Municipal Building, the Daugherty Township Municipal Office, and the Pulaski Township Municipal Office. The Zoning Map can also be found in Appendix A.

Section 302. Zoning Districts

- A. The municipalities are divided into Zoning Districts stated in this Ordinance and as shown by the district boundaries on the Official Multi-Municipal Zoning Map.
 - 1. Zoning Districts
 - R-R**– Rural Conservation Residential
 - R-1**– Low Density Residential
 - R-2**– Medium Density Residential
 - R-3**– High Density Residential
 - MU**– Mixed-Use
 - C-1**– Central Business District
 - C-2**– Neighborhood Commercial
 - C-3**– Highway Commercial
 - SU**– Special Use
 - M**– Industrial
 - P**– Conservation/Preservation
 - PR**– Private Recreation
 - RR**– Riverfront Recreation

Section 303. District Boundaries

- A. District boundaries shown within the lines of roads, streams, and transportation ROWs shall be deemed to follow the centerline. The vacation of roads shall not affect the location of such District boundaries.
- B. When the applicable Zoning Officer cannot definitively determine the location of a District boundary by such centerline, by the scale or dimension stated on the Official Zoning Map, or by the fact that it clearly coincides with a lot line, they shall refuse action, and the applicable municipal Zoning Hearing Board (ZHB) upon appeal shall interpret the location of the District boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

Section 304. Use of Property

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the District in which it is located.
- B. No land, structure, building, or development approval shall be issued unless the proposed development conforms to the regulations prescribed within the applicable Zoning District and this Ordinance.
- C. In all residential Zoning Districts, there shall only be one (1) principal use and structure on a lot.
- D. In all nonresidential Zoning Districts authorized by this Ordinance, two (2) or more nonresidential principal buildings can occupy the same lot and two (2) or more authorized nonresidential uses may occupy the same lot or building. Provided in all cases that all requirements for each of the structures or uses can be met on the lot.
- E. In addition to the principal use provisions, accessory uses shall also be permitted in accordance with the provisions of this Ordinance. In all Zoning Districts, all accessory uses and structures shall be located on the same lot with the principal structure and use to which they are accessory. Accessory use regulations are set forth in Sections 321 to 324 of this Article.

Section 305. Bulk and Area Regulations

- A. Bulk and area regulations for uses are specified in the tables in each Section for the specific Zoning District.

Section 306. Restrictions

- A. No building shall hereafter be erected or altered:
 - 1. To exceed the height limitations of the District where located;
 - 2. To accommodate a greater number of families than permitted by the District regulations where located;
 - 3. To occupy a greater percentage of lot area than permitted by the District regulations where located;
 - 4. To have narrower or smaller rear yards, front yards, or side yards than are specified herein for the District in which such building is located;
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- C. Lots with a slope of three (3) feet horizontal to one (1) foot vertical (3':1'), or greater, for a distance of 50% of its total depth, shall be configured with a minimum of 25% total increase in lot depth dimension than is required by this Ordinance before a zoning/building permit is issued.

- D. Where a new development is proposed on a vacant lot or parcel which is located in between two existing buildings, the new building shall match the setbacks and façade and building lines of the two adjacent structures.
- E. This Ordinance shall not apply to any existing or proposed building or extension thereof or appurtenance used or to be used by essential services, where the present or proposed situation of the building or appurtenance in question is necessary for the convenience or welfare of the public.

Section 307. R-R Rural Conservation Residential Zoning District.

- A. Purpose. The purpose of the Rural Conservation Residential District is to provide for low density development in areas where the existing agricultural economy, open space, and rural character of the area should be preserved.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the R-R District.
- C. Bulk and area regulations: The bulk and area regulations within the R-R Zoning District shall be subject to the standards identified in Table 1, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- D. Off-Street Parking and Loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 1. R-R RURAL CONSERVATION RESIDENTIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations		
R-R Rural Conservation Residential Zoning District		
	Single-Family	All Other Uses
Lot size (minimum)		
without public sanitary sewer and with an unpressurized system ¹	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)
without public sanitary sewer and with a pressurized system ¹	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)
with public sanitary sewer	½ acre (21,780 sq. ft.)	1 acre (43,560 sq. ft.)
Lot Width (minimum)	150 feet	150 feet
Height (maximum)	36 feet	48 feet
Front Setback (minimum)	50 feet	50 feet
Side Setback (minimum)	20 feet	25 feet
Rear Setback (minimum)	30 feet	40 feet
Lot Coverage (maximum)	25%	35%
Minimum Floor Area per dwelling unit	1,000 sq. ft.	1,000 sq. ft.

¹There may be additional setback requirements for pressurized and/or unpressurized septic systems.

Section 308. R-1 Low Density Residential Zoning District

- A. Purpose. The purpose of the Low Density Residential District is to allow lower to medium-density residential development to occur in areas where public water and public sewers may or may not exist and/or are not anticipated within the near future.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the R-1 District.
- C. Bulk and area regulations: The bulk and area regulations within the R-1 Zoning District shall be subject to the standards identified in Table 2, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 2. R-1 LOW DENSITY RESIDENTIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations				
R-1 Low Density Residential Zoning District				
	Single-Family	Two-Family	Townhome	All Other Uses
Lot Size (Minimum)				
without public sanitary sewer and with an unpressurized system ¹	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)
without public sanitary sewer and with a pressurized system ¹	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)
with public sanitary sewer	3,000 sq. ft.	1,500 sq. ft.	1,800 sq. ft.	6,000 sq. ft.
with public sanitary sewer in Daugherty Township only	½ acre (21,870 sq. ft.)	½ acre (21,870 sq. ft.)	½ acre (21,870 sq. ft.)	½ acre (21,870 sq. ft.)
Lot Width (Minimum)	35 ft.	30 ft./unit	20 ft.	40 ft.
Height (Maximum)	36 ft.	36 ft.	36 ft.	72 ft.
Front Setback (Minimum)	15 ft.	10 ft.	10 ft.	20 ft.
Daugherty Township only	40 ft.	30 ft.	20 ft.	30 ft.
Side Setback (Minimum)²	5 ft.	5 ft.	3 ft.	10 ft.
Daugherty Township only	15 ft.	10 ft.	10 ft.	15 ft.
Rear Setback (Minimum)	20 ft.	15 ft.	10 ft.	20 ft.
Daugherty Township only	25 ft.	20 ft.	15 ft.	25 ft.
Lot Coverage (Maximum)	60%	70%	70%	70%

¹ There may be additional setback requirements for pressurized and/or unpressurized septic systems.

² Side setbacks are not required for dwellings that share common walls along the shared wall. For buildings with shared walls, the side setback applies to end units only.

Section 309. R-2 Medium Density Residential Zoning District

- A. Purpose. The purpose of the Medium Density Residential District is to provide areas for a variety of residential dwelling types with a moderate development intensity pattern with a mix of supplemental uses compatible with residential neighborhoods.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the R-2 District.
- C. Bulk and area regulations: The bulk and area regulations within the R-2 Zoning District shall be subject to the standards identified in Table 3, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 3. R-2 MEDIUM DENSITY RESIDENTIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations					
R-2 Medium Density Residential Zoning District					
	Single-Family	Two-Family	Townhome	Multi-Family	All Other Uses
Lot Size (Minimum)					
without public sanitary sewer and with an unpressurized system ¹	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)
without public sanitary sewer and with a pressurized system ¹	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)
with public sanitary sewer	3,000 sq. ft.	2,500 sq. ft.	1,350 sq. ft.	4,000 sq. ft.	5,000 sq. ft.
with public sanitary sewer in Daugherty Township only	½ acre (21,870 sq. ft.)	½ acre (21,870 sq. ft.)	½ acre (21,870 sq. ft.)	½ acre (21,870 sq. ft.)	½ acre (21,870 sq. ft.)
Lot Width (Minimum)					
Daugherty only	30 ft.	25 ft.	18 ft.	40 ft.	40 ft.
	80 ft.	80 ft.	40 ft.	100 ft.	80 ft.
Height (Maximum)					
	3 stories or 36 ft.	3 stories or 36 ft.	3 stories or 36 ft.	4 stories or 48 ft.	6 stories or 72 ft.
Front Setback (Minimum)					
Daugherty only	15 ft.	10 ft.	10 ft.	20 ft.	15 ft.
	30 ft.	30 ft.	20 ft.	40 ft.	30 ft.
Side Setback (Minimum)					
	5 ft. ²	5 ft. ²	3 ft. ²	10 ft. ²	10 ft. ²
Daugherty only	10 ft.	10 ft.	5 ft. ²	10 ft.	10 ft.
Rear Setback (Minimum)					
	15 ft.	10 ft.	10 ft.	10 ft.	20 ft.
Daugherty only	20 ft.	15 ft.	15 ft.	20 ft.	20 ft.
Lot Coverage (Maximum)					
	60%	60%	70%	70%	70%

¹ There may be additional setback requirements for pressurized and/or unpressurized septic systems.

² Not less than 5 feet not abutting a street OR a total of 20% of lot width for both yards, whichever is greater. If abutting a street, the side yard requirement shall be a minimum of 10 feet.

Note: Side setbacks are not required for dwellings that share common walls along the shared wall. For buildings with shared walls, the side setback applies to end units only.

Section 310. R-3 High Density Residential Zoning District

- A. Purpose. The purpose of the High Density Residential District is to accommodate for higher-density, multi-family style housing units and associated development.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the R-3 District.
- C. Bulk and area regulations: The bulk and area regulations within the R-3 Zoning District shall be subject to the standards identified in Table 4, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 4. R-3 HIGH DENSITY RESIDENTIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations R-3 High Density Residential Zoning District					
	Single-Family	Two-Family	Townhome	Multi-Family	All Other Uses
Lot Size (Minimum)	6,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Lot Width (Minimum)	40 ft.	30 ft.	20 ft.	40 ft.	40 ft.
Height (Maximum)	3 stories or 36 ft.	3 stories or 36 ft.	3 stories or 36 ft.	4 stories or 48 ft.	6 stories or 72 ft.
Front Setback (Minimum)	15 ft.	10 ft.	10 ft.	15 ft.	20 ft.
Side Setback (Minimum)	5 ft. ¹	5 ft. ¹	3 ft. ¹	10 ft. ¹	10 ft. ¹
Rear Setback (Minimum)	10 ft.	10 ft.	10 ft.	15 ft.	15 ft.
Lot Coverage (Maximum)	60%	70%	70%	70%	70%

¹Not less than 5 feet not abutting a street OR a total of 20% of lot width for both yards, whichever is greater. If abutting a street, the side yard requirement shall be a minimum of 10 feet.

Note: Side setbacks are not required for dwellings that share common walls along the shared wall. For buildings with shared walls, the side setback applies to end units only.

Section 311. MU Mixed Use Zoning District

- A. Purpose. The purpose of the Mixed Use District is to provide areas for a mix of residential and lower intensity neighborhood commercial uses intended to serve the immediate area with goods and services. This District is intended to provide convenience opportunities that cater to the surrounding neighborhoods and community but is not intended to house facilities which are high impact, and which may be more regional in their draw.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the MU District.
- C. Bulk and area regulations: The bulk and area regulations within the MU Zoning District shall be subject to the standards identified in Table 5, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 5. MU MIXED USE DISTRICT BULK AND AREA REGULATIONS

Bulk and Area Regulations MU Mixed Use Zoning District					
	Single-Family	Two-Family	Townhome	Multi-Family	All Other Permitted
Lot Size (Minimum)					
without public sanitary sewer and with an unpressurized system ¹	½ acre (21,780 sq. ft.)	½ acre (21,780 sq. ft.)	3,000 sq. ft.	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)
without public sanitary sewer and with a pressurized system ¹	10,890 sq. ft.	10,890 sq. ft.	2,000 sq. ft./unit	½ acre (21,780 sq. ft.)	½ acre (21,780 sq. ft.)
with public sanitary sewer	3,000 sq. ft.	3,000 sq. ft.	1,600 sq. ft./ unit	4,000 sq. ft.	5,000 sq. ft.
Lot Width (Minimum)	20 ft.	20 ft.	15 ft.	30 ft.	40 ft.
Height (Maximum)	3 stories or 36 ft.	3 stories or 36 ft.	3 stories or 36 ft.	3 stories or 36 ft.	3 stories or 36 ft.
Front Setback (Minimum)	10 ft.	10 ft.	10 ft.	15 ft.	20 ft.
Side Setback (Minimum)²	5 ft.	5 ft.	3 ft. ²	10 ft.	15 ft.
Rear Setback (Minimum)	10 ft.	10 ft.	5 ft.	15 ft.	20 ft.
Lot Coverage (Maximum)	60%	70%	70%	70%	80%

¹ There may be additional setback requirements for pressurized and/or unpressurized septic systems.

² Side setbacks are not required for dwellings that share common walls along the shared wall. For buildings with shared walls, the side setback applies to end units only.

Section 312. C-1 Central Business District Zoning District

- A. Purpose. The purpose of the Central Business District is to provide for a variety of retail and commercial uses in the downtown area. While concentrations of commercial and service land use exist, the character of adjacent residential use and convenience of pedestrian and vehicular traffic shall be protected.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the C-1 District.
- C. Bulk and area regulations: The bulk and area regulations within the C-1 Zoning District shall be subject to the standards identified in Table 6, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 6. C-1 CENTRAL BUSINESS DISTRICT BULK AND AREA REGULATIONS

Bulk and Area Regulations C-1 Central Business Zoning District	
Lot Size (Minimum)	3,000 sq. ft.
Lot Width (Minimum)	30 ft.
Height (Maximum)	3 stories or 36 ft.
Front Setback (Minimum)	0 ft. ¹
Side Setback (Minimum)	3 ft. ^{2,3}
Rear Setbacks:	8 ft.
Lot Coverage (Maximum)	No maximum

¹ Buildings shall be sited with the front of the structure at the inside boundary of the pedestrian sidewalk.

² Buildings may abut along a common side lot line but if not, a three-foot (3') side yard shall be required.

³ Buildings erected on corner lots shall extend to the inside boundary of the sidewalk.

Section 313. C-2 Neighborhood Commercial Zoning District

- A. Purpose. The purpose of the Neighborhood Commercial District is to provide sufficient space for community-level commercial and service establishments and to promote stable commercial development for smaller-scale business and service uses.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the C-2 District.
- C. Bulk and area regulations: The bulk and area regulations within the C-2 Zoning District shall be subject to the standards identified in Table 7, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 7. C-2 NEIGHBORHOOD COMMERCIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations C-2 Neighborhood Commercial	
Lot Size (Minimum)	
without public sanitary sewer and with an unpressurized system ¹	½ acre (21,780 sq. ft.)
without public sanitary sewer and with a pressurized system ¹	¼ acre (10,890 sq. ft.)
with public sanitary sewer	3,000 sq. ft.
Lot Width (Minimum)	30 ft.
Height (Maximum)	7 stories or 84 ft. ²
Front Setback (Minimum)	10 ft.
Side Setback (Minimum)	5 ft.
Rear Setback (Minimum)	8 ft.
Lot Coverage (Maximum)	No maximum

¹ There may be additional setback requirements for pressurized and/or unpressurized septic systems.

² Whichever is less. See also Section 516 in this Ordinance.

Section 314. C-3 Highway Commercial Zoning District

- A. Purpose. The purpose of the Highway Commercial District is to provide areas with access to higher volume roadways and area that are separated from low density residential uses, for a variety of commercial and service-related uses.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the C-3 District.
- C. Bulk and area regulations: The bulk and area regulations within the C-3 Zoning District shall be subject to the standards identified in Table 8, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 8. C-3 HIGHWAY COMMERCIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations C-3 Highway Commercial Zoning District	
Lot Size (Minimum)	
without public sanitary sewer and with an unpressurized system ¹	1 acre (43,560 sq. ft.)
without public sanitary sewer and with a pressurized system ¹	½ acre (21,780 sq. ft.)
with public sanitary sewer	6,000 sq. ft.
Lot Width (Minimum)	30 ft.
Height (Maximum)	3 stories or 36 ft.
Front Setback (Minimum)	20 ft.
Side Setback (Minimum)	10 ft.
Rear Setback (Minimum)	15 ft.
Lot Coverage (Maximum)	No maximum

¹ There may be additional setback requirements for pressurized and/or unpressurized septic systems.

Section 315. SU Special Use Zoning District

- A. Purpose. The purpose of the Special Use District is to provide areas for a mix of low to moderate intensity land uses that are suitable along the Blockhouse Run Road corridor.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the SU District.
- C. Bulk and area regulations: The bulk and area regulations within the SU Zoning District shall be subject to the standards identified in Table 9, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 9. SU SPECIAL USE BULK AND AREA REGULATIONS

Bulk & Area Regulations SU Zoning District	
	All Uses
Lot Size (minimum)	21,870 sq. ft.
Lot Width (minimum)	40 ft.
Height (maximum)	48 ft.
Front Setback (minimum)	35 ft.
Side Setback (minimum)	15 ft.
Rear Setback (minimum)	20 ft.
Lot Coverage (maximum)	70%

Section 316. M Industrial Zoning District

- A. Purpose. The purpose of the Industrial District is to allow for a variety of commercial and industrial uses and economic opportunities relative to those uses.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the M District.
- C. Bulk and area regulations: The bulk and area regulations within the M Zoning District shall be subject to the standards identified in Table 10, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 10. M INDUSTRIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations M Industrial Zoning District	
	All Uses
Lot Size (Minimum)	
without public sanitary sewer and with an unpressurized system ¹	2 acres (87,120 sq. ft.)
without public sanitary sewer and with a pressurized system ¹	1 acre (43,560 sq. ft.)
with public sanitary sewer	4,000 sq. ft.
Lot Width (Minimum)	40 ft.
Height (Maximum)	6 Stories or 72 ft.
Accessory Structures	2 stories or 24 ft.
Front Setback (Minimum)	20 ft.
Side Setback (Minimum)	10 ft.
Abutting Residential Districts	20 ft.
Abutting Commercial or Industrial Districts	10 ft.
Rear Setback (Minimum)	25 ft.
Adjoining Residential District	30 ft.
Adjoining Industrial, Commercial, or Mixed Use District	20 ft.
Accessory Structures	15 ft.
Lot Coverage (Maximum)	70%

¹ There may be additional setback requirements for pressurized and/or unpressurized septic systems.

Section 317. P Conservation/Preservation District

- A. Purpose. The purpose of the Conservation/Preservation District is to limit development and its impacts on areas with steep topography and environmental constraints.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the P District.
- C. Bulk and area regulations: The bulk and area regulations within the P Zoning District shall be subject to the standards identified in Table 11, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 11. P CONSERVATION/PRESERVATION BULK AND AREA REGULATIONS

Bulk & Area Regulations	
P Preservation/Conservation Zoning District	
	All Uses
Lot Size (minimum)	20,000 sq. ft.
Lot Width (minimum)	80 ft.
Height (maximum)	48 ft.
Front Setback (minimum)	20 ft.
Side Setback (minimum)	10 ft.
Rear Setback (minimum)	25 ft.
Lot Coverage (maximum)	40%

Section 318. PR Private Recreation District

- A. Purpose. The purpose of the Private Recreation District is to provide space for larger, privately-owned recreational facilities that can be used not only by area residents but also by residents and visitors from throughout the region. The PR District offers a mix of indoor and outdoor recreational amenities including golf, fitness, tennis, swimming, paddle ball, and similar court sports.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the PR District.
- C. Bulk and area regulations: The bulk and area regulations within the PR Zoning District shall be subject to the standards identified in Table 12, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 12. PR PRIVATE RECREATION BULK AND AREA REGULATIONS

Bulk & Area Regulations PR Private Recreation Zoning District	
	All Uses
Lot Size (minimum)	20,000 sq. ft.
Lot Width (minimum)	50 ft.
Height (maximum)	60 ft.
Front Setback (minimum)	20 ft.
Side Setback (minimum)	10 ft.
Rear Setback (minimum)	25 ft.
Lot Coverage (maximum)	40%

Section 319. RR Riverfront Recreation District

- A. Purpose. The purpose of this Riverfront Recreation District is to encourage recreational uses along the riverfront properties for the use and enjoyment of area residents.
- B. Authorized Principal and Accessory Uses. See Section 320: Table of Authorized Principal Uses (Table 14) and Section 322: Table of Authorized Accessory Uses and Structures (Table 15), for authorized principal and accessory uses and method of authorization in the RR District.
- C. Bulk and area regulations: The bulk and area regulations within the RR Zoning District shall be subject to the standards identified in Table 13, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article VI of this Ordinance for off-street parking and loading requirements.

TABLE 13. RR RIVERFRONT RECREATION BULK AND AREA REGULATIONS

Bulk & Area Regulations RR Riverfront Recreation Zoning District	
	All Uses
Lot Size (minimum)	6,000 sq. ft.
Lot Width (minimum)	40 ft.
Height (maximum)	48 ft.
Front Setback (minimum)	15 ft.
Side Setback (minimum)	10 ft.
Rear Setback (minimum)	20 ft.
Lot Coverage (maximum)	40%

Section 320. Table of Authorized Principal Uses

- A. Table 14 establishes the authorized principal uses and the Zoning Districts where the principal use is authorized and method of authorization.

P – Use Permitted by Right

S – Use by Special Exception (see General and Express Standards in Article IV)

C – Conditional Use (see General and Express Standards in Article IV)

Blank cells indicate that the use is not permitted in the corresponding District.

TABLE 14. TABLE OF AUTHORIZED PRINCIPAL USES

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Adaptive Reuse		C	C		C	C	C						
Adult-oriented Businesses								C	C	C			
Agricultural Operations	P	P	P					P	P	P			
Agritourism	P	P							C				
Ambulance Station		C	C		C	C	C	C					
Amphitheater						C	P						P
Amusement Arcade					C	P	P	P					
Amusement Park								C	C				
Animal Day Care						C	P	P					
Animal Grooming Facility					C	C	P	P	P				
Animal Hospitals and Veterinarian Services					C	C	C	P	P				
Art Gallery					P	P	P						
Arts and Craft Studio					P	P	P	P					
Asphalt/Concrete Plant									C	C			
Auditorium		C	C		C	C	C						
Bank/Financial Institution					C	P	P	P	P				
Barn	P	P	P					P	P	P			
Bed and Breakfast Inn	C	C	C		C	C	C		P				
Beverage Distributor						C	P	P		P			
Billboards								C					

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Boarding House	C												
Brewery	C							C		P			C
Bus or Truck Maintenance Facility	P												
Business Services					P	P	P	P	P				
Campground	C	C											
Car Wash							C	P					
Care Facilities and Senior Housing:													
Assisted Living Facility			C				C		P				
Independent Living Facility	C			C									
Life Care Community			C				C						
Nursing Home	C			C									
Retirement Housing Facility		C	C				C						
Catering (Kitchen/Food Preparation Only)	P					P	P	P	P				
Catering/Event Venue	C	C				C	C	P					
Cemetery & Mausoleums	C	C	C										
Clubs/Lodges (not including Commercial Recreation Uses)	C	C	C				P	P	P				
College/University	C						C	C	P				
Commercial Motor Vehicle Repair							C	P		C			
Commercial School	P						P						
Community Center	P	P	P	P	C	C	C	C					
Community Food Bank	P	C	C		C	C	C	C					

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Construction Related Business								C		P			
Continuing Care Retirement Community	P	P	P	P			P	P	P	P			
Convenience Store						C	P	P					
Correctional Facility	C								C	C			
Cryptocurrency Mining								C		C			
Day Care, Adult					C	C	P	C					
Day Care, Child					C	C	P	C					
Distillery	C				C	C		C		P			
Distribution Center								C		P			
Drive-Through Facilities						C	C	C					
Dwelling Types:													
Accessory Dwelling Units	C	C	C	C	C								
Conversion Dwellings		C	C		C	C	C						
Duplex	C	C	C	C	P		C		P				
Apartment, Garden			C		C	C	C						
Apartment, High-Rise			C		C	C							
Manufactured Home	C	C	C	C	C								
Manufactured Home Park			C						C				
Modular Home	P	P	P	P	P								
Multifamily Dwellings			C	C									
Quadruplex	C	C	C										
Single Family Dwellings (Detached)	P	P	P		P		C		P				

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Tiny House	C	C	C		C								
Townhomes	C	P	P	C	P		C		C				
Educational Institution						C	C	C		P			
Emergency Operation Center	P	P	P	P	P	P	P	P					
Emergency Services Facility	C	P	P	P	C	P	P	P					
Emergency Shelter					C								
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P
Farmers Market	P	C	C			P	P	P				P	P
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P
Fitness Center					C	C	C	P					
Flea Market								C		C			
Flex Space								P		P			
Food and Grocery Store					C	P	P	P					
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P
Freight and Truck Terminal										P			
Funeral Home/Crematorium			C			C	P	P	P				
Garden Center						C	C	P					
Gas/Fuel Station						C	C	P					
Golf Course	C	C										P	
Golf Driving Range													P
Grain Silos	P	P											
Greenhouse/Nursery	P	P						C	C				

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Ground Mounted Solar System	P	P	P						P				
Group Care Facility	C	P	C							C			
Group Home	C	P	P										
Halfway House		C	C							P			
Heavy Equipment Repair										P			
Hobby Farm	P	P	P						P				
Home-Based Business, (No Impact)	P	P	P	P	P	P	P	P	P				
Home Occupation	C	C	C	C	C	C	C	C	P				
Horse Boarding and Riding Academy	C								C			C	
Hospital						C	C	C					
Hotel						C	C	P	C				
Kennel	C						C	C	C				
Laboratory								C		P			
Landscaping Service Center (Retail)							C	C	P				
Landscaping Service Center (Wholesale)		C						C		P			
Laundromat					C	C	P	P					
Library		C	C			P	P						
Live-work Units			C		C	C	C						
Manufactured Home Sales								P					
Manufacturing Facility, Light									C	P			
Manufacturing Facility, Heavy									C	P			
Marina													P

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Massage Therapy Establishment						P	P	P		C			
Medical Clinic					C	C	P	P					
Medical Marijuana Dispensary						P	P	P					
Medical Marijuana Grower/Processor	C									P			
Medical Offices (low intensity)						P	P	P					
Medical Offices (high intensity)						C	C	P					
Methadone Treatment Facility								C	C				
Micro-brewery	C				C	P	P	C					C
Micro-distillery	C				C	P	P	C					C
Mineral Development									C	C			
Motel						C	C	P	C				
Municipal Building		C	C	P	P	P			P				
Natural Gas Compressor Station	SE				SE								
Natural Gas Processing Plant	SE				SE								
Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	P	P
Night Club								C		C			
Offices, Business Professional	C	C	C	C	P	P	P	P	P				
Oil and Gas Compressor Station										C			
Oil and Gas Processing Plant										C			
Oil and Gas Well/Pad	SE									C			
Park	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot, Commercial					P	P	P	P		P			

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Parking Structure, Commercial						C							
Personal Services					P	P	P	P	P				
Pet Boarding							C	C		C			
Pharmacy					C	P	P	P		P			
Pilot Manufacturing										P			
Place of Worship		C	C			P	P						
Planned Residential Development (PRD)	C	C	C										
Police Station		C	C			P	C	C					
Post Office						P	P	P					
Public Utility Building and Public Utility Transmission Facility	C	C	C			P	P	P		P			
Railroad Facility										P	P		
Railroad Freight Transloading and Distribution Terminal										P	P		
Recreation Facility			C		C	P	P	P	C	P		P	P
Recreation – Indoor			C		C	C	P	P	C	P		P	P
Recreation – Outdoor			C		C	C	P	P	C	P	P	P	P
Recycling Business										P			
Repossession Business										C			
Research and Development								C		P			
Resource Recovery Facility										C			
Restaurant					P	P	P	P	P			P	C
Restaurant, Neighborhood			C		C	P	P	P				P	C

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Restaurant, Outdoor Dining			C		C	P	P	P				P	C
Retail Store (<5,000sf)					P	P	P	P	P			P	
Retail Store (5,000 to 20,0000 sf)					P	P	C	P				P	
Retail Store (>20,000 sf)					P	C	C	P					
Roadside Stand, Principal	C						C	C				P	
Salt Storage Facility									P	P			
Salvage/Junk Yard										P			
School		P	P										
Self-storage Facility								C		C			
Shopping Center					C	C	C	C					
Short-term Rental, Principal					C	C	C			P			
Skilled Nursing Facility							C	C					
Solar Energy Production Facility, Large	C									C			
Solid Waste Combustor or Incinerator										C			
Solid Waste Landfill Facility									C	C			
Solid Waste Transfer Station									C	C			
Stable, Commercial	P	C							C				
Storage Yard										P			
Supply Yard										P			
Tavern or Bar					P	P	P	P					
Theater					C	P	C	P					
Theater, Drive-in								P	P				

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR	
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted														
Three-quarter House	C													
Towing or other Road Services										P				
Transfer Facility, or Resource Recovery Facility	C													
Urban Agriculture	P	P	P	P	P						P			
Vehicle Rental Facility							C	C		C				C
Vehicle Repair Garage							C	C	C	P				
Vehicle Sales & Services							C	P	C	P				
Vineyard	C	C							C					
Warehouse & Storage Services									C	P				
Wastewater Treatment Plant										C				
Water Storage	C	C	C	C	C	C	C	C	C	C	C	C	C	
Wholesale Business								P		P				
Wind Energy Production Facility, Large	C									C				
Winery	C				C	C	C	C	C	C				
Wireless Communications Facilities	See Article VII													
Uses Not Listed									C	C				

Section 321. Accessory Uses and Structures

- A. Applicability. This Section applies to any subordinate use of a building or other structure, or use of land that is:
 - 1. Conducted on the same lot as the principal use to which it is related; and
 - 2. Clearly incidental to, and customarily found in connection with, the principal use or structure.
- B. Establishment of Accessory Uses.
 - 1. Accessory structures, buildings, or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established.
 - 2. In no instance shall an accessory building or use be established on a vacant lot.
- C. All accessory structures and uses are also subject to the general standards listed in Section 323 and the Supplemental Regulations found in Article V of this Ordinance.
- D. Standards related to the specific accessory structures and uses are found in Section 324 of this Ordinance.

Section 322. Table of Authorized Accessory Uses and Structures

- A. Accessory uses shall be permitted in accordance with Table 15:
 - P – Use Permitted by Right
 - S – Use by Special Exception
 - C – Conditional UseBlank cells indicate that the use is not permitted in the corresponding District.
- B. All accessory structures and uses are also subject to the general standards listed in Section 323 and the Supplemental Regulations found in Article V of this Ordinance.
- C. Standards related to the specific accessory structures and uses are found in Section 324 of this Ordinance.

TABLE 15. TABLE OF AUTHORIZED ACCESSORY USES

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Accessory Agriculture Buildings	P												
Accessory Dwelling Unit	C	C	C	C	C								
Amusement Arcade					C	P	P	P					
Billboards	Subject to Article VIII												
Carport	P	P	P	P	P								
Community Food Bank						P	P	P	P				
Day Care, Home-Based	C	C	C	C	C								
Deck	P	P	P	P	P								
Drive-through Facility					C	C	C	C	C				
Fence	P	P	P	P	P	P	P	P	P	P	C	P	C
Garage, Private	P	P	P	P	P								
Gazebo	P	P	P	P	P	P	P	P	P		C	P	C
Golf Driving Range													
Home- Based Business, No Impact	P	P	P	P	P								
Home Occupation Business	C	C	C	C	C	C	C	C	C	C	C	C	C
Loading Space/Berth					P	P	P	P	P	P		P	C
Patio	P	P	P	P	P							P	C
Porch	P	P	P	P	P							P	C
Restaurant, Outdoor Dining					P	P	P	P				P	C
Roadside Stand, Accessory	C						P	P			P		
Shed	P	P	P	P	P							P	C

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right C=Conditional Use SE=Use by Special Exception Blank Cell=Not Permitted													
Signs	Subject to Article VIII												
Solar Energy System, Small	P	P	P	P	P	P	P	P	P	P	C	P	C
Stables, Private	P												
Storage Building					C	P	P	P		P			
Storage Yard, Accessory					C	C	C	C		C			
Supply Yard, Accessory					C	C	C	C		C			
Swimming Pool	P	P	P	P	P							P	C
Temporary Use or Structure					P	P	P	P	P	P	C	P	P
Tennis/Basketball/Sports Courts	P	P	P	P	P	P	P	P	P	P		P	P
Trailer, Sales or Construction					P	P	P	P		P			
Wind Energy System, Small	P	P	P	P	P	P	P	P		P			
Wireless Communications Facilities	Subject to Article VII												
Any other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building	C	C	C	C	C	C	C	C	C	C	C	C	C

Section 323. General Standards for all Accessory Uses and Structures

- A. Permitted Accessory Uses. Accessory uses and structures permitted by this Ordinance are listed in the Table of Authorized Accessory Uses (Table 15). Accessory uses and structures which are not specifically listed in the Table shall not be permitted in the Boroughs or Townships.
- B. If an accessory structure or building is attached to the principal structure, then it shall be considered part of the principal structure and shall be subject to all requirements relating to the principal structure.
- C. Location of Accessory Structures and Uses.
 - 1. Accessory structures and uses, with the exception of authorized signs and fences, shall not be located in the required front yard of any lot in any Zoning District unless a 100 ft. setback is provided from the required front setback line.
 - 2. The location of permitted nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
 - 3. All accessory structures shall be set back a minimum of five (5) feet from any side or rear property line except where specifically authorized elsewhere in this Ordinance or in the specific area and bulk regulations of the Zoning District in which the property is located.
 - 4. Accessory uses shall be conducted on the same lot as the principal use to which it is related; and clearly incidental to, and customarily found in connection with, the principal use or structure.
- D. Architectural Easement. Architectural Easements shall be permitted in all Residential Zoning Districts for the construction of a front porch or deck onto the front of an existing or new dwelling unit subject to the following criteria:
 - 1. The architectural easement may be used for a porch or deck only, whether enclosed or unenclosed. The porch or deck may have a roof structure over top of the structure.
 - 2. No enclosure of the porch or deck may be made at any time to convert the space to habitable space in the structure.
 - 3. In all Zoning Districts, the maximum encroachment within the front yard shall be eight (8) feet.
 - 4. Any existing structure which is located less than ten (10) feet from the current setback line shall be permitted a maximum encroachment of half the distance between the setback line and the existing structure.
 - 5. Any existing or new front porch or deck shall be located at least ten (10) feet from the right-of-way line.

- E. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the Zoning District in which the lot is located when considering all structures on the lot.
- F. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.
- G. Accessory structures shall not exceed the height of the principal structure unless the accessory structure is directly related to an agricultural operation.
- H. Accessory buildings or uses shall not be constructed or established on a lot until the construction of the principal structure is completed or the principal use is established.
- I. Trailers including utility, commercial, mobile homes, living trailers, and motorized recreational vehicles may not be stored in any front or side yard, as defined by this Ordinance.

Section 324. Specific Standards for all Accessory Uses and Structures

- A. Accessory Agricultural Buildings.
 - 1. Accessory agricultural buildings shall be located on a minimum of ten (10) acres.
 - 2. Accessory agricultural buildings shall be located outside of the required setbacks of the underlying Zoning District.
 - 3. Accessory agricultural buildings shall not exceed the height requirements of the underlying Zoning District.
- B. Accessory Dwelling Units.
 - 1. Subject to the conditional use standards found in Article IV of this Ordinance.
- C. Carports.
 - 1. The maximum heights of carports are listed in the Table of Carport Heights (Table 16).

TABLE 16. TABLE OF CARPORT HEIGHTS

Lot size	Height of Structure
Lots ≤ 1 Acre	15 ft.
Lots > 1 Acre ≤ 2 Acres	20 ft.
Lots > 2 Acres	20 ft.

D. Day Care, Home-Based.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

E. Drive-Through Facilities.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

F. Fences and Walls.

1. Subject to the standards found in Article V of this Ordinance.

G. Garage, Private.

1. A private garage may include the maximum storage of one (1) private vehicle not registered to family and/or individuals living within the permitted principal use.
2. No part of a private accessory garage shall be occupied as a residential living area.
3. The maximum heights of detached private garages are listed in the Table of Detached Garage Size and Heights (Table 17).

TABLE 17. TABLE OF DETACHED GARAGE HEIGHTS

Lot size	Height of Structure
Lots ≤ 1 Acre	15 ft.
Lots > 1 Acre ≤ 2 Acres	20 ft.
Lots > 2 Acres	20 ft.

H. Home Based Business, No Impact

1. Subject to the conditional use standards found in Article IV of this Ordinance.

I. Home Occupation Business.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

J. Restaurant, Outdoor Dining.

1. The area to be utilized shall be accessory to an existing permitted restaurant and shall abut the sidewalk or ROW of the permitted restaurant. The dining

area shall not extend beyond the actual width of the building in which the restaurant is located.

2. The portion of the sidewalk or ROW to be used shall be no greater than one-half (0.5) of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than six (6) feet shall be provided between the curb and the sidewalk dining area. The unobstructed area shall be clear of utility poles, traffic meters, water hydrants, street trees, planter boxes, trash receptacles, etc.
3. The sidewalk dining area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately three (3) feet and shall be removed when the restaurant is closed. The barrier shall be of material and design in keeping with the character of the neighborhood and shall not create a hazard to pedestrians.
4. No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, building entry, building exit, or building corner or within ten (10) feet of any bus stop.
5. The hours of operation of outdoor dining services shall be determined by the Township Board of Supervisors or Borough Council at the time of the conditional use approval.
6. The Township Board of Supervisors or Borough Council shall determine whether the proposed sidewalk dining in any way endangers the health, safety, or welfare of the public or is detrimental to surrounding property values.
7. The sidewalk dining area shall be properly maintained, and the entire sidewalk shall be kept free of litter.
8. No additional signage shall be permitted on the sidewalk.

K. Roadside Stands, Accessory.

1. A current peddler's/solicitation license shall be clearly displayed on the premises.
2. Accessory roadside stands shall be authorized by the resident and/or owner of the permitted principal structure.
3. All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a ROW.
4. Roadside stands shall be setback a minimum of ten (10) feet from any property line or ROW.
5. No permanent signs related to the roadside stand shall be erected.

L. Sheds.

1. The minimum side yard and rear yard setback for a shed shall be five (5) feet.

2. If a shed is 100 square feet or less, the minimum side and rear yard setback shall be reduced to three (3) feet.
3. No part of a shed shall be occupied as a residential living area.
4. The maximum size and height of sheds are listed in the Table of Shed Size and Heights (Table 18).

TABLE 18. TABLE OF SHED SIZE AND HEIGHT

Maximum Size and Height of Storage Buildings		
Lot size	Gross Floor Area (Maximum)	Height of Structure
Lots ≤ 0.5 Acres	200 sq. ft.	15 ft.
Lots > 0.5 Acre ≤ 1 Acres	400 sq. ft.	15 ft.
Lots > 1 Acres	650 sq. ft.	15 ft.

M. Shipping (Cargo) Containers as Accessory Uses

1. Shipping containers are permitted to be used to construct accessory structures in all Zoning Districts, except the C-1 Central Business District, assuming that all general standards for accessory structures as set forth by this Article are met.
2. Shipping containers are permitted in the Industrial District, provided that the container(s):
 - a. Are screened with fencing or landscaping approved by the Joint Planning Commission.
 - b. Are being used as a shipping container and that all applicable Department of Transportation licenses for the container(s) are valid.
 - c. Are not permanently installed.
 - d. Meet any setback requirements for the Industrial District as established in this Ordinance.
3. Shipping Containers are permitted on construction sites in any Zoning District where there is an active building permit for a project on the subject property. If the building permit has expired or a certificate of use and occupancy has been issued for the permitted construction, the shipping container shall be removed within ten (10) calendar days. If construction ceases for a period of thirty (30) or more days, or the project is abandoned, the container shall be removed within ten (10) calendar days.

N. Solar Energy System, Small – Roof Mounted.

1. Zoning approval is required for the construction of any solar-energy facility that is an accessory use on any site, building, structure, or lot.

2. Roof mounted solar panels are permitted on the primary structure of the property only.
3. The zoning permit application shall indicate the location of the proposed facility, including the percentage of roof coverage, which shall not exceed 75%.
4. For roof mounted panels installed on a sloped roof that faces a front yard, the system must be installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge or surface of the system.
5. For roof mounted panels installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
6. For roof mounted panels installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached, so long as it still meets the height limitations of the Zoning District.
7. The applicant shall demonstrate, through project planning and proposed mitigation, that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
8. Noise from any solar-energy facility shall not exceed fifteen (15) dBa at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded with the County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 - 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*
9. Construction of any solar-energy facility shall comply with all applicable rules, laws, and regulations of the FAA. Documentation of compliance shall be provided to the Township.
10. To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania UCC and the regulations adopted by the Pennsylvania Department of Labor and Industry (PA L&I).
11. Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
12. Transmission and power lines shall be placed underground or out of sight.
13. No solar-energy facility or facilities may exceed in total 30% of the total lot or site area.
14. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.

15. No facility shall be installed immediately adjacent to a swimming pool or other open body of water.
16. All businesses and residences within the Boroughs and Townships that have solar panels shall display a window sign on the building that states “Solar-Equipped” to alert the local applicable Fire Department. This sign shall be provided by the applicable municipality at the property owner’s expense.

O. Stables, Private.

1. Private stables shall be located on a minimum of two (2) acres.
2. Private stables shall be setback a minimum 50 feet from all property lines.
3. The keeping of non-commercial livestock shall be permitted as an accessory use only where there is an occupied residence.
4. The gross floor area of a private stable shall not exceed 25% of the permitted lot coverage of the underlying Zoning District.
5. Private stables structures shall not exceed the height of the principal structure.
6. Large animals (livestock of the bovine, equine, or camelid families) shall be permitted at a density of one (1) animal for each two (2) acres of lot area used for housing and pasturing of livestock.
7. Medium-size animals (livestock of the sheep family or similar sizes) shall be permitted at a density of one (1) animal for each half (0.5) acre of lot area used for housing and pasturing of livestock.

P. Storage Building.

1. The location of permitted storage buildings is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures of the underlying Zoning District.
2. No part of an accessory storage building shall be occupied as a residential living area.
3. The maximum size and height of storage buildings are listed in the Table of Detached Garage Size and Heights (Table 19).

TABLE 19. STORAGE BUILDING SIZE AND HEIGHT

Maximum Size and Height of Storage Buildings		
Lot size	Gross Floor Area (Maximum)	Height of Structure
Lots ≤ 1 Acre	675 sq. ft.	15 ft.
Lots > 1 Acre ≤ 2 Acres	800 sq. ft.	20 ft.
Lots > 2 Acres	1,000 sq. ft.	20 t.

Q. Storage Yard, Accessory.

9. Subject to the conditional use standards found in Article IV of this Ordinance.

R. Supply Yard, Accessory Use.

1. Subject to the conditional use standards found in Article IV of this Ordinance.

S. Swimming Pool, Private Home.

1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a side and/or rear yard, provided that they are no closer than five (5) feet to any lot line.
2. In-ground pools in all Zoning Districts shall be enclosed by a fence or other ASTM approved mechanism, as required by the applicable Borough or Township Building Code and/or State Codes.
3. Above-ground pools shall have vertical safety barriers, as required by the applicable Borough or Township Building Code and/or State Codes.
4. Hot tubs that have appropriate locking covers are exempt from the fencing requirement.
5. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

T. Trailers, Construction or Sales.

1. Construction sheds or trailers shall be permitted in any Zoning District subject to the following restrictions:
 - a. Such construction trailers and construction sheds shall be located on the lot on which construction is progressing and shall not be located within 25 feet of the boundary line of any abutting residential lot.
 - b. Such construction trailers and construction sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies, and not for any dwelling use whatsoever.

- c. No combustible materials shall be stored in the construction trailer or construction shed.
- d. All construction trailers or construction sheds shall have at least ten (10) feet on all sides for clearance. Two (2) or more construction trailers can be joined for passage from trailer-to-trailer.
- e. Such construction trailers shall not be moved to nor construction sheds erected on a construction site until the date on or after which construction actually commences and shall be removed from such site within 30 days after completion of construction. If construction is interrupted and ceases for more than 60 days, the construction trailer shall be removed until actual construction commences again.

U. Wind Energy System, Small.

- 1. Zoning approval by the applicable Borough or Township is required prior to the construction of any wind-energy facility on any site or lot.
- 2. The zoning permit application shall indicate the location of the proposed facility.
- 3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- 4. Where the installation of the facility constitutes a land development, all provisions of applicable municipal Ordinances shall be met.
- 5. Noise from any WES shall not exceed fifteen (15) dBa at the lot line, unless all affected adjacent property owners shall have executed a no disturbance easement, covenant, or consent which has been recorded with the Recorder of Deeds in Beaver County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*
- 6. Construction of any WES shall comply with all rules, laws, and regulations of the FAA. Documentation of compliance shall be provided to the Township.
- 7. To the extent applicable, all wind-energy systems shall comply with the UCC and the regulations adopted by the PA L&I.
- 8. All electrical components of wind-energy facilities shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
- 9. WESs shall not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety.

10. WESs shall not display advertising, except for reasonable identification of the facility manufacturer.
11. Transmission and power lines shall be placed underground or out of sight.
12. Setbacks.
 - a. From Buildings. One and one-tenth (1.1) times the height of the wind energy system at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
 - b. From Property Lines. One and one-tenth (1.1) times the height of the wind energy system at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
 - c. From Public Roads. One and one-tenth (1.1) times the height of the wind energy system at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
13. Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by one and one-tenth (1.1) times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.
14. Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the Zoning District within which the facility is constructed; and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line or the distance set forth above, whichever is greater.
15. Maximum Height. Where the facility is an independent structure and not mounted to a building, twenty (20) feet maximum height in residential Zoning Districts and 75 feet maximum height in the C-2 Zoning District, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be ten (10) feet higher than the tallest point on the building.
16. Minimum vertical clearance between ground level and the lowest movable component of the WES when at its lowest point shall be fifteen (15) feet.
17. The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five (5) sq. ft.

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Article IV. Express Standards & Criteria for Special Exceptions & Conditional Uses

Section 401. Conditional Uses

- A. Purpose. Conditional use provisions apply to all uses identified as conditional uses in the Tables of Authorized Uses (Principal and Accessory). The conditional use approval process is designed to allow the Board of Supervisors or Council to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as conditional uses in the Tables of Authorized Uses (Principal and Accessory) to be reviewed by the Board of Supervisors or Council so that they may determine compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance as the Board of Supervisors or Council may deem necessary to implement the purposes of this Ordinance.
- B. Not all conditional uses authorized in the Tables of Authorized Principal and Accessory Uses have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a special exception or conditional use in the Table of Authorized Principal and Accessory Uses, the general standards for all conditional uses and special exceptions shall still apply. In addition, the Board of Supervisors or Council may apply conditions identified in this Section, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.
- C. If the conditional use involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the conditional use, the approval shall lapse.
 - 1. The conditional use approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
 - 2. A conditional use approval shall not lapse if the conditional use is associated with a current land development approval.

Section 402. Conditional Use Procedure for Approval

- A. Procedure. Board of Supervisors or Council shall consider the conditional use application and render its decision in accordance with the requirements of the MPC and this Ordinance and subject to the following:
 - 1. If a land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the Townships' and Boroughs' adopted SALDO or the Beaver County SALDO if there is no municipal SALDO, may be processed concurrently or separately at the discretion of the applicant, provided that all application requirements of both ordinances for a conditional use and the land development plan are met.

- B. Application Procedure. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person of the Townships and Boroughs. The application for development shall indicate the Section of this Ordinance under which the conditional use is sought and shall state the grounds upon which it is requested.
- C. Application Content. An application for approval of a conditional use shall include the following:
 - 1. One (1) copy of the application form provided by the Townships and Boroughs and completed by the applicant. If the applicant is someone other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany the application.
 - 2. Five (5) paper copies and one (1) electronic copy of a site plan meeting the requirements for a preliminary plan for land development as set forth in the SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
 - 3. The Board of Supervisors or Council may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Board of Supervisors or Council.
- D. Administrative review and determination of complete application. Within seven (7) working days after a conditional use application is submitted, the Townships and Boroughs shall review the conditional use application for completeness of required submission items. Within said time, the Townships and Boroughs shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- E. The Townships and Boroughs shall submit the complete conditional use application to the Joint Planning Commission for review and recommendations. The Joint Planning Commission shall review the application and make a written recommendation to the Board of Supervisors or Council. If the proposed development is also a land development, the Joint Planning Commission shall also make a recommendation under the provisions of the SALDO.
- F. The Board of Supervisors or Council shall hold a hearing, in accordance with §913.2 of the MPC, 53 P.S. 10913.2, and public notice shall be given as defined in this Ordinance and in accordance with §908(1) of the MPC. The hearing shall be commenced by the Board of Supervisors or Council within 60 days from the date of receipt of the applicant's completed application, unless the applicant has agreed in writing to an extension of time.
- G. Conditions. In considering any conditional use, the Board of Supervisors or Council may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Board of Supervisors or Council deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and

safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance.

- H. Written Decision in Accordance with §908(10) of the MPC. The Board of Supervisors or Council shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors or Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons, therefore. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Board of Supervisors or Council not later than the last day of the hearing, the Board of Supervisors or Council shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- I. Expiration. Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within twelve (12) months of said approval, unless the Board of Supervisors or Council, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be a one (1) year or twelve (12) month extension. The Board of Supervisors or Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this Ordinance.
- J. Effect on Prior Approvals. Conditional use approval, granted prior to the effective date of this Ordinance, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within one (1) year or twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Board of Supervisors or Council, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- K. All provisions of the applicable municipality's SALDO which are not specifically modified by the Board of Supervisors or Council in approving a conditional use, shall apply to any conditional use involving subdivision and land development.
- L. Burden of Proof. In any application for conditional use, the applicant shall have the persuasion burden and presentation duty to show compliance with this Ordinance, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

Section 403. Special Exceptions

- A. Purpose. Special exception use provisions apply to all uses identified as special exception uses in the Tables of Authorized Uses (Principal and Accessory). The special exception use approval process is designed to allow the ZHB to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as special exception uses in the Tables of Authorized Uses (Principal and Accessory) to be reviewed by the ZHB so that they may determine use compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance as the ZHB may deem necessary to implement the purposes of this Ordinance or the MPC.
- B. Not all special exception uses authorized in the Tables of Authorized Uses (Principal and Accessory) have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a special exception or conditional use in the Table of Authorized Uses (Principal and Accessory), the general standards for all conditional uses and special exceptions shall still apply. In addition, the Board of Supervisors or Council may apply conditions identified in this Section, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.
- C. If the special exception involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the special exception, the approval shall lapse.
 - 1. The special exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
 - 2. A special exception approval shall not lapse if, the special exception is associated with a current land development approval.

Section 404. Special Exception Procedure for Approval

- A. Procedure. The ZHB shall consider special exception applications and render its decision in accordance with the requirements of the MPC and this Ordinance and subject to the following:
 - 1. If land development approval is required for the use by special exception, the application for approval of a land development required by the SALDO shall be submitted to the Joint Planning Commission and Board of Supervisors or Borough Council following approval of the use by special exception by the ZHB.
 - 2. Application Procedure. The applicant shall submit an application for approval of a special exception to the Zoning Officer or designated staff person of the Townships and Boroughs. The application form shall indicate the Section of this Ordinance under which the special exception is sought and shall state the grounds upon which it is requested.

3. Application Content. An application for approval of a Special Exception shall include the following:
 - a. One (1) copy of the application form provided by the Townships and Boroughs and completed by the applicant. If the applicant is someone other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany application.
 - b. Five (5) paper copies and one (1) electronic copy of a site plan meeting the requirements for a preliminary plan for land development as set forth in the applicable SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
 - c. The Board of Supervisors or Council may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Board of Supervisors or Council.
4. Administrative Review and Determination of Complete Application. Within seven (7) working days after a special exception application is submitted, the Townships and Boroughs shall review the application for completeness of required submission items. Within said time, the Townships and Boroughs shall notify the applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
5. A hearing pursuant to public notice, as defined herein, shall be commenced by the ZHB within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this Ordinance and §908 of the MPC.
6. Burden of Proof. In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the ZHB that the proposed use is authorized as a use by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.
7. Conditions. In considering any special exception, the ZHB may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the ZHB deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance, and upon finding of violation, shall require that the special exception use be discontinued until the violation is corrected.

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

- A. When considering applications for conditional uses and special exceptions the following general standards for all conditional uses and special exceptions shall be met:
1. In accordance with the Comprehensive Plan the use shall be consistent with the spirit, purposes, and the intent of this Ordinance.
 2. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide sufficient plans, studies, or other data to demonstrate compliance.
 3. Compliance with other laws. The approval may be conditioned upon the applicant demonstrating compliance with other specific applicable local, state, and federal laws, regulations, and permits.
 4. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
 5. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any improvements proposed to be made by the applicant as a condition on approval. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
 6. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.
 7. The proposed use shall not create a significant hazard to the public health, safety, and welfare.
 8. The proposed use shall be suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
 9. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 406. Accessory Dwelling Unit

- A. An accessory dwelling unit shall be permitted as a conditional use to a primary residence and shall meet all applicable setback and area and bulk requirements of the zoning district in which it is located.

- B. Accessory dwelling units shall have a gross floor area of at least 500 square feet and shall comprise no more than 50% of the gross floor area of the principal structure on the lot they are associated with.
- C. The maximum total square footage permitted for an accessory dwelling unit shall not exceed 1,000 square feet.
- D. The occupants residing in the accessory dwelling unit must be family members or relatives of the occupants of the principal structure.
- E. An additional one (1) acre of land is required for an accessory dwelling unit that is connected to a septic system and not a public sewer system.

Section 407. Adaptive Reuse

- A. Permitted Reuses. Structures determined to meet the criteria of adaptive reuses may be reused for the following purposes by conditional use:
 - 1. Single-family dwelling.
 - 2. Multi-family dwelling.
 - 3. Financial institution.
 - 4. Private clubs or social halls, provided that there are no sales of alcohol on the premises.
 - 5. Day care facilities of all types.
 - 6. Civic or cultural building.
 - 7. Community center.
 - 8. Other such uses as determined appropriate upon recommendation of the Joint Planning Commission and approval of the Board of Supervisors or Council.
- B. Standards for Exterior Alterations. It shall be a condition of this adaptive reuse that all exterior alterations shall meet Standards for Historic Preservation if the property contains a historic structure as defined by this Ordinance. Properties not required to meet the standards for historic preservation shall make exterior alterations generally consistent with the original structure's architecture and the neighborhood in which it is located.
- C. Parking shall meet the requirements of Article VI of this Ordinance based on the permitted reuses.

Section 408. Adult-oriented Businesses

- A. Adult businesses shall not be located within 1,000 feet of any lot that is zoned residential.
- B. Adult-oriented businesses shall not be located within 500 feet of the lot boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, place of worship, or an establishment which is licensed to serve and/or sell alcoholic beverages.

- C. No adult business shall be located within 500 feet of any other existing or proposed adult-oriented business.
- D. Persons or owners who intend to operate an adult-oriented business shall obtain from the applicable municipality a license to operate such an enterprise pursuant to relevant Municipal Codes, as amended, and shall pay to the municipality an investigation fee as may be set from time to time by resolution of the applicable Board of Supervisors or Council. In addition, such persons or owners shall supply to the municipality detailed information regarding the ownership and financing of the proposed business as required on the licensing application of the relevant Municipal Code, as amended. Applications for licensing can be obtained at the applicable Municipal Offices and shall be filed with the applicable Zoning Officer.
- E. An adult business shall be initially licensed when it has met the requirements set forth in this Ordinance. The license shall be valid through December 31st of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek an annual renewal of the license. The application for renewal shall be submitted to the Zoning Officer by November 1st of the year proceeding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the municipality to deny or revoke an occupancy permit for an adult business.

Section 409. Agritourism

- A. The minimum lot size for agritourism shall be five (5) acres.
- B. The minimum distance between buildings shall be 30 feet.
- C. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris, and dust shall not be created.
- D. Hours of operation shall be between the hours of 8:00 a.m. and 11:00 p.m. unless as otherwise may be approved by the Board of Supervisors or Council.
- E. Parking requirements shall comply with the provisions of Article VI of this Ordinance.
- F. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The municipalities may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.
- G. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- H. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- I. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly regarding traffic circulation, parking, and appearance.
- J. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

- K. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 410. Ambulance Station

- A. Ingress and egress to and from an ambulance station shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- B. Ambulance stations shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.

Section 411. Amphitheater

- A. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- B. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- C. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- D. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- E. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 412. Amusement Arcade

- A. Noise levels from amusement devices within an amusement arcade shall not exceed 50 dBa, measured along the property boundary of the amusement arcade.
- B. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 413. Amusement Park

- A. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- B. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility. The traffic study shall be reviewed and approved by the applicable Municipal Traffic Engineer.
- C. No direct beams or rays of light from exterior lighting fixtures, signs, or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated open spaces of adjacent residential properties.
- D. Access to the development site shall be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.
- E. Noise levels from amusement devices within an amusement park shall not exceed 50 dBa, measured along the property boundary of the amusement park.
- F. 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.

Section 414. Animal Day Care

- A. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- B. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- C. All services and care provided to the animals shall be conducted indoors.
- D. No direct beams or rays of light from exterior lighting fixtures, signs, or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated open spaces of adjacent residential properties.
- E. Access for the development site shall be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.
- F. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 415. Animal Grooming Facility

- A. The applicant shall provide a Manure Management Plan to show that adequate provisions are being implemented to collect, store, and dispose of the animal waste associated with the proposed facility. The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.

- B. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site's property line.

Section 416. Animal Hospitals and Veterinarian Services

- A. The applicant shall provide a Manure Management Plan to show that adequate provisions are being implemented to collect, store, and dispose of the animal waste associated with the proposed facility. The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.
- B. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site's property line.

Section 417. Asphalt/Concrete Plant

- A. If materials are to be stored, they shall be screened sufficiently from adjacent properties and the public ROW.
- B. All batch plants (permanent or temporary) shall have an effective dust collection system approved by the Townships and Boroughs.
- C. The Board of Supervisors or Council requires the use of wheel washers or another means of cleaning trucks/vehicles before entering public streets.
- D. Batch plants shall have an approved sediment pond before wash-out water is discharged into any waterway.
- E. The Board of Supervisors or Council may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

Section 418. Auditorium

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- B. The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- C. For parking demands greater than 300 automobiles, additional setbacks, screening, and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances.

- D. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- E. The site shall be serviced by public water and sanitary sewer systems.
- F. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by employees, visitors, and guests.
- G. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- H. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 419. Bank/Financial Institution

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood and/or land uses from inappropriate dust and disturbance.
- B. Bufferyards shall be provided and maintained along the front, rear, and side yards.
- C. Paved off-street stacking spaces shall be arranged in an orderly fashion so as to not cause blockage of any means of ingress or egress and to ensure that the traffic flow on public ROWs is not endangered in any way. A separate means of ingress shall be established and clearly marked as shall a separate means of egress from the bank.
- D. A bank/financial institution with a drive-through must also meet the criteria for “Drive Through Facilities” as defined in this Article.

Section 420. Bed and Breakfast Inn

- A. The operator shall be a full-time resident of the dwelling in which the bed and breakfast inn is located.
- B. No more than four (4) guest rooms shall be offered to transient overnight guests.
- C. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- D. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each guest room offered to overnight guests.
- E. Off-street parking shall not be located in any front or side yard.

Section 421. Beverage Distributor

- A. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris, and dust shall not be created.
 - E. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Townships and Boroughs may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.
 - F. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
 - G. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
 - H. The facility shall provide on-site all required off-street parking and loading spaces.
 - I. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
 - J. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 422. Billboards

- A. Location.
 - 1. Billboards shall not be erected within 500 feet of the boundary line of any Residential Zoning District or within 500 feet of any public or private school, place of worship, or cemetery, said 500 feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.
 - 2. On limited access highways, billboards shall not be erected within 500 feet of an interchange.
 - 3. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structures of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard that is parallel to the centerline of the roadway to which the billboard is oriented.
 - 4. The minimum front, side, and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.
 - 5. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or

- nonresidential structure, or limit or reduce the light and ventilation requirements under the Uniform Construction Code of Pennsylvania
6. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 - a. No sign shall be erected over any sidewalk or public ROW.
 - b. Billboards shall not be part of a roof or wall, nor shall they be mounted on the roof, wall, or other part of a building or any other structure.
 7. Size and Height. A billboard shall have a maximum allowable gross surface area of 300 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
 - a. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back-to-back or in a V-shaped configuration having an interior angle of 90 degrees or less.
 - b. The dimensions of the gross surface area of the billboard's sign face shall not exceed twenty (20) feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
 - c. A billboard structure shall have a maximum height of 40 feet above the curb of the roadway from which it is intended to be viewed.
 8. Construction Methods. Billboards shall be constructed in accordance with applicable provisions of the Uniform Construction Code of Pennsylvania and shall meet all of the following additional requirements:
 - a. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or ornamental grasses of a minimum height of three (3) feet. The shrubbery and/or ornamental grasses shall be placed in such manner as to screen the foundation of the structure.
 9. Required landscaping, as defined in Article V of this Ordinance, shall be maintained by the billboard structure owner in an attractive and healthy manner in accordance with the municipalities' accepted best management and conservation practices.
 - a. No bare cuts shall be permitted on a hillside.
 - b. All cuts or fills shall be permanently seeded or planted.
 10. Lighting. A billboard with display lighting shall be constructed so that it does not glare upon an adjoining lot and shall not exceed a maximum of one (1) footcandle upon the adjoining lot.
 - a. Display lighting shall not operate between 12 Midnight and 5 a.m., prevailing local time.

- b. No display lighting shall cause distractions, confusion, nuisance, or hazard to traffic, aircraft, or other lots.
- c. The use of colored lighting shall not be permitted.
- d. Electronic digital displays shall be permitted and shall meet the following requirements:
 - i. Such signs shall utilize LED displays;
 - ii. LED displays shall be one color: red, amber, or green;
 - iii. LED arrays shall be designed such that if a group of LEDs go out, the correct wording will continue to be legible;
 - iv. LED displays shall show static display only, flashing or moving is prohibited;
 - v. LED light intensity shall be controlled automatically to dim or brighten in response to the changing ambient light conditions;
 - vi. Billboards shall be equipped with LED light intensity limit via manual control;
 - vii. LED displays shall have a maximum brightness of 4,000 nits at maximum brightness level; and
 - viii. LED displays shall not exceed 24 square feet in area.

11. Appearance. No billboard structure, sign face, or display lighting shall cause distractions, confusion, nuisance, or hazards to traffic, aircraft, or other lots.

- a. No sign face image shall contain parts that move, scroll, flash, glitter, or emit noise.
- b. A sign face that rotates to display two (2) or three (3) separate sign face images shall be permitted, provided that each image is displayed for at least 30 consecutive seconds every time it is shown.
- c. A maximum of 75 square feet of a sign face may be used to display a changeable copy sign. Lettering and other images on the changeable copy sign shall be displayed for at least 30 consecutive seconds every time it is shown.

12. Maintenance.

- a. A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
- b. Every ten (10) years, the owner of the billboard structure shall have a structural inspection made of the billboard by a registered engineer and shall provide to the applicable municipality a certificate from the engineer certifying that the billboard is structurally sound.
- c. The municipalities reserve the right to perform annual inspections of the billboard to determine compliance with this Ordinance.

- d. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within 30 days upon proper notification by the.
 - e. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All loose paper and other waste materials shall be removed and disposed of properly within fourteen (14) days from when fraying begins.
13. Liability Insurance. In submitting a sign permit application to erect a billboard, the applicant shall provide a certificate of insurance for public liability and lot damage which holds the municipalities harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Board of Supervisors or Council. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving ten (10) days' notice to the applicable municipality.
14. Permits.
- a. Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application, approvals from the County of Beaver, the FAA, and/or PennDOT, when applicable.
 - b. Approval of the conditional use shall be valid for six (6) months from the date of action by the Board of Supervisors or Council granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six (6) month period, approval of the conditional use shall expire automatically, without written notice to the applicant.
15. Application Fees. Said billboard application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Board of Supervisors or Council.
16. Nonconforming Billboards.
- a. Any billboard that does not conform to all the requirements of this Section shall not be enlarged or moved.
 - b. Any billboard that is damaged or destroyed by more than 51% of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

Section 423. Boarding House

- A. Public ingress and egress to the boarding house shall be through one (1) common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.

- B. Entry access to all boarding sleeping rooms shall be through the interior of the building. No exit doors from individual boarding sleeping rooms shall lead directly to the exterior of the building.
- C. All required parking shall be located in the rear yard of the lot and screened from surrounding parcels.

Section 424. Brewery

- A. Operations shall cease between the hours of 2:00 a.m. and 9:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. The use shall not be located closer than 600 feet to another similar use.
- C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The municipalities may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 425. Campground

- A. The minimum lot area of a campground, whether public or private, shall be ten (10) acres.
- B. All campgrounds shall have direct vehicular access to an arterial or collector street.
- C. All campsites shall be located at least 200 feet from any adjoining residence and at least 100 feet from any other lot line or public ROW as defined by this Ordinance.
- D. All campsites shall have a suitable source of potable water and sanitary sewer disposal as determined by the applicable Municipal Engineer.
- E. No campground shall contain more than 100 individual campsites.
- F. Side and rear bufferyards shall each be a minimum of 25 feet in width and shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses, and groundcovers. Grass, sod, lawn, or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- G. The owner(s) and operator(s) of the campground shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation, and surface water and groundwater contamination.
- H. The campground hours for visitors shall be limited to between 8 a.m. and 10 p.m. No deliveries or operations shall be permitted prior to 7 a.m. or after 9 p.m. Outdoor entertainment or related activities shall be limited to between 8 a.m. and 9 p.m.
- I. All outdoor storage areas, loading areas, and dumpsters or waste collection areas shall be screened. Screens shall be a minimum of eight (8) feet in height and shall be constructed as fences or walls with a minimum height of eight (8) feet and a minimum opacity of 80%.
- J. Visitor parking shall be provided at one (1) space for every three (3) camping sites.

- K. The Board of Supervisors or Council may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact on the functioning of the Zoning District or adjacent parcels.

Section 426. Car Wash

- A. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- B. The definition of a car wash does not include a one-bay washing facility in a service station where washing facilities are purely incidental to the operation.
- C. A car wash shall provide a minimum of five stacking spaces per washing bay.
- D. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to ensure that the traffic flow on a public ROW is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public ROW by directing traffic away from the facility by posting a "Temporarily Closed" sign or other means of notification. Traffic studies and associated improvements may be required by the municipalities as a condition of approval.
- E. The car wash shall have direct access to an arterial or collector road as defined by this Ordinance or shall have a point of ingress/egress from a public or private street within the lot of a shopping center. The road shall have sufficient capacity to handle traffic generated by the facility.
- F. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of Article V of this Ordinance.
- G. All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to adjoining lots.
- H. A car wash that adjoins an existing nonresidential lot shall provide a bufferyard consistent with the requirements of §501 of this Ordinance. The bufferyard shall be planted within a combination of deciduous and evergreen trees, shrubs, ornamental grasses, or ground covers as defined by §501 of this Ordinance. Grass, sod, or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

Section 427. Care Facilities and Senior Housing

- A. Care facilities and senior housing must be located on a minimum of ten (10) acres.
- B. All care facilities or senior housing must comply with the density of development limits of the underlying Zoning District in which it is located.
- C. The facility shall be duly licensed by the Commonwealth of Pennsylvania and shall operate in accordance with the regulations of the licensing agency.

- D. The facility shall provide on-site all required off-street parking and loading spaces.
- E. The site shall be served by public water and public sanitary sewer systems.
- F. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. A traffic study shall be required in accordance with the SALDO.
- G. Ingress, egress, and internal traffic circulation shall be designed to ensure adequate and safe access by emergency vehicles.
- H. The parking and circulation plan shall be referred to the applicable local fire department and the municipal engineer for comments regarding traffic safety and emergency access.
- I. Ambulance, delivery, and service areas shall be obscured from the view of adjacent residential properties by fencing, screening, or planting as approved by the Townships and Boroughs.
- J. The developer must record a covenant that runs in perpetuity that prohibits the property from being used for any other purposes than senior housing. Proof of said recording must be provided to the applicable municipality prior to issuance of any permits for the development.

Section 428. Catering/Event Venue

- A. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- B. The site shall have direct vehicular access from an arterial or collector street.
- C. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- D. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- E. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- F. No outdoor loading or service areas, including dumpsters, shall be located within the side or rear yard setback areas.
- G. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly with regard to traffic circulation, parking, and appearance.

- H. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- I. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 429. Cemetery and Mausoleums

- A. The minimum lot area shall be 25 acres and the maximum lot area shall be 100 acres.
- B. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- C. An additional ten (10) feet of yard setback with landscape buffering a minimum of (6) six feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by this Ordinance to protect the surrounding neighborhood from inappropriate light and other disturbances.
- D. At no time shall a corpse be exposed or visible from a public street or adjacent lot.
- E. An inventory of type and quantity of all toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids utilized, stored and/or transferred shall be filed with the Townships and Boroughs on an annual basis.
- F. The owner(s) and operator(s) of a cemetery shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- G. No more than one (1) sign shall be permitted. Said sign shall be either a ground or wall sign.
- H. Expansion and/or establishment of cemeteries must be in conjunction with and adjacent to existing cemeteries or religious facilities.
- I. Adequately funded programs and provisions which meet the approval of the applicable Municipal Solicitor shall be provided to guarantee perpetual care of all cemetery grounds. This provision shall apply to existing cemeteries for which expansions are proposed.
- J. All garages, equipment shelters, offices, and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences approved by the Board of Supervisors or Council on the basis of design, aesthetic quality, and general adequacy.
- K. All equipment shall be properly stored when not in use.

Section 430. Clubs/Lodges (not including Commercial Recreation Uses)

- A. The Club shall be of a service nature and not conducted as a profit-making business.
- B. Private Clubs shall be open to members and their guests only.
- C. Any outdoor recreation areas shall be located a minimum of 30 feet from the closest property line. A planting screen of varying heights (no less than four feet in height),

plus consisting of a fifty-percent-fifty-percent mix of evergreens and deciduous trees, or opaque fencing, shall be installed within said buffer yard to achieve an overall maximum transparency of 15%.

- D. The perimeter of the lot accommodating such use shall be planted or fenced in accordance with the provisions of this Ordinance to discourage public access.

Section 431. College/University

- A. The minimum lot size shall be five (5) acres.
- B. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood and/or land uses from inappropriate dust and disturbance.
- C. Bufferyards shall be provided and maintained along the front, rear, and side yards in accordance with §501 of this Ordinance.
- D. A college or university shall have frontage on and direct vehicular access to an arterial or collector street. A college/university shall have a maximum of one (1) vehicular access point to an arterial or collector street per 1,000 feet of street frontage.
- E. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- F. Outdoor storage shall be limited to specifically delineated areas that are approved as part of the conditional use approval.
- G. For parking demands greater than 300 automobiles, additional setbacks, screening, and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances.
- H. Loading areas shall not be visible from the primary entrance to the development or from neighboring residential properties.
- I. A traffic impact study is required and shall be reviewed and approved by the municipal engineer.
- J. The site shall be serviced by public water and public sewer systems.
- K. The owner and operator of the college/university shall be responsible for the conduct and safety of the students, employees, visitors, faculty, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by students, employees, visitors, faculty, and guests.

Section 432. Commercial Motor Vehicle Repair

- A. All use and equipment related to the facility operations and the repair/maintenance of the permitted vehicles shall be conducted entirely within a building.
- B. Outside storage or parking of any disabled, wrecked, unlicensed, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any 30-day period.
- C. Vehicles awaiting repair outside and wrecked or junk vehicles shall be screened and a view of them from adjacent properties and streets shall be obscured with a solid vegetative landscape buffer or opaque fencing of at least six (6) feet in height.
- D. When vehicles are to be stored on the site awaiting repair, there shall be a designated storage area that shall not include required parking for the site, and which shall not cause traffic hazards or blocking of traffic flow to occur.
- E. No building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a Residential Zoning District.
- F. All motorized vehicles not in operating condition shall be kept in fully enclosed buildings except as noted above.
- G. The Board of Supervisors or Council may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the Zoning District, municipal infrastructure, or adjacent land uses.

Section 433. Community Center

- A. Adequate provision for interior circulation on the lot and access to the lot must be demonstrated.
- B. Exterior lighting must be installed with no impact of glare on adjacent lots.
- C. The perimeter of any outdoor recreation areas shall be screened with natural plantings or fencing a minimum of four feet in height and with a maximum of 15% transparency.
- D. No noise, music, or other outdoor activity shall be conducted between the hours of 9:00 p.m. and 8:00 a.m.

Section 434. Community Food Bank

- A. Adequate provision for interior circulation on the lot and access to the lot must be demonstrated.
- B. Exterior lighting must be installed with no impact of glare on adjacent lots.
- C. All supplies, equipment, and food products shall be stored within a completely enclosed building.
- D. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

- E. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 435. Construction-Related Business

- A. All supplies and equipment shall be stored within a completely enclosed building.
- B. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a supply yard as an accessory use.
- C. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a storage yard as an accessory use.
- D. The use shall be accessed directly from an arterial or collector street.

Section 436. Convenience Store

- A. Ingress, egress, and traffic circulation on the site shall be designed to minimize hazards and congestion.
- B. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- C. All lighting shall be shielded and reflected away from streets and adjoining properties.
- D. All sales and/or storage or display of all merchandise, including seasonal items, such as bagged wood chips, peat moss, rock salt, flowers, etc., shall be conducted within a completely enclosed building.

Section 437. Correctional Facility

- A. All applicable county, state, and federal permits shall be applied for prior to issuance of Municipal permits. Documentation of application shall be made a part of the conditional use application.
- B. Lighting shall be required throughout the property for safety purposes. Such lighting shall be oriented away from adjacent properties and shall not exceed two (2) footcandles of illumination at the property boundary line.
- C. All structures shall be a minimum of 150 feet from all property lines.
- D. Access shall be from the collector street only.
- E. An evacuation plan shall be submitted for review and approval by the Board of Supervisors or Council and/or Emergency Management Coordinator.

Section 438. Cryptocurrency Mining

- A. Cryptocurrency mining facilities shall be reviewed as a conditional except if adjacent to a Residential Zoning District (excluding roads and other ROWs) or within 500 feet of residential property boundary or a Residential Zoning District when they shall be reviewed as a special exception.

- B. These facilities shall be required to develop or purchase sufficient new renewable energy to offset 100% of the electricity consumed by the cryptocurrency mining operation. To meet this condition, the cryptocurrency mining operation must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise.
- C. Verification must be provided that all electronic waste generated at the cryptocurrency mining operation will be handled by a DEQ-licensed electronic waste recycling firm.

Section 439. Day Care, Adult

- A. The facility shall be registered with and/or licensed by the Commonwealth. Proof of this valid license shall be provided to the applicable municipality prior to the municipality's issuance of a zoning occupancy permit for the use.
- B. An adequate area shall be provided for safe drop-off and pick-up. Areas for drop-off and pick-up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.
- C. These provisions do not apply to home-based day cares which are classified as an accessory use.

Section 440. Day Care, Child

- A. The facility shall be licensed as such by the Commonwealth of Pennsylvania. Proof of this valid license shall be provided to the applicable municipality prior to the municipality's issuance of a zoning occupancy permit for the use.
- B. Ingress and egress to the site shall be designed to ensure the safe drop off and pick up of children. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.
- C. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and shall be secured by a fence at least four (4) feet in height, with a self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.
- D. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the Zoning District in which the day care is proposed shall apply.
- E. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the municipality may be required along the lot's perimeter for the protection of those using the day care.

Section 441. Distillery

- A. Operations shall cease between the hours of 2:00 a.m. and 9:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. The use shall not be located closer than 600 feet to another similar use.

- C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The applicable municipality may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.
- D. Indoor and outdoor display areas associated with retail activity shall not exceed a total of 3,000 square feet in gross floor area. Display areas within parking lots and outdoor storage areas shall be included within the calculated gross floor area.
- E. The minimum number of required parking spaces shall not be utilized for display areas and/or outdoor storage areas.
- F. To promote adequate vehicular safety and circulation, an entrance drive surfaced with bituminous brick, concrete, or stabilized aggregate shall be constructed between the nearest public road ROW and the retail area. The entrance drive shall be a minimum of twenty (20) feet wide. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
- G. No more than one (1) identification sign associated with advertising the distillery shall be permitted. The identification sign shall be a ground or wall sign and shall have a maximum graphic area of 40 square feet.
- H. The minimum distance between buildings shall be 30 feet.
- I. The maximum length of any building shall be no more than 200 feet.
- J. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the lot(s), with the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.
- K. A traffic impact study, in accordance with ITE standards, may be required to be submitted where the proposed development could generate 100 trips in addition to the adjacent roadways' peak-hour volumes or the traffic movements produced by the development could have the potential to create adverse conditions on public road ROW. A description of future LOS and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to LOS shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the municipality if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

Section 442. Distribution Center

- A. An additional 10 feet of yard setback with landscape buffering a minimum of six feet in height for parking and loading areas shall be provided to protect the surrounding neighborhood from inappropriate light and other disturbances.
- B. The facility shall have one point of vehicular access to an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (to both pedestrians and vehicles) on adjacent arterial and/or collector street(s).

- C. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- D. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- E. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- F. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- G. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids is permitted on the subject property.

Section 443. Drive-Through Facilities

- A. Each window, bay, or area designed for drive-through service shall provide five (5) reservoir vehicle stacking spaces per window, bay, or area; such space shall not encroach into any other required aisles or spaces.
- B. Drive-through lanes shall be located to the rear of buildings unless the Board of Supervisors or Council determines that drive-through lanes located on the side of the building will have less impact on adjacent uses and vehicular and pedestrian circulation and safety.
- C. The drive-through shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above.
- D. A drive-through shall be located so that it does not conflict with pedestrian or vehicular movement.
- E. Drive-through lanes shall be distinctly marked by traffic islands at a minimum of five (5) feet in width. A separate circulation drive shall be provided for passage around and escape from the outermost drive-through service lane. The Board of Supervisors or Council may consider alternative designs when it is demonstrated that the drive-through is screened from view and that traffic and pedestrian circulation is improved.
- F. A drive-through shall have no more than two (2) service lanes and a passage around and escape from the outermost drive-through service lane, except that a financial institution may have a maximum of three (3) service lanes.
- G. A traffic study shall be required and shall be reviewed and approved by the applicable Municipal Traffic Engineer.

Section 444. Dwelling Types

- A. Conversion Dwelling Unit.
 - 1. Each living unit shall contain a minimum of 500 sq. ft. of habitable living area.

2. Each living unit shall contain one (1) bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
3. Each unit shall have separate living, sleeping, kitchen, and sanitary facilities.
4. Fire and safety provisions shall be certified to be adequate with respect to the Uniform Construction Code of Pennsylvania.
5. Each unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.
6. Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.

B. Duplex.

1. The minimum lot size shall be 3,000 square feet per unit.
2. The maximum site density shall be ten (10) units per acre.
3. All duplex dwellings shall be connected to public water and sewer systems.

C. Garden Apartment.

1. Minimum site area required is $\frac{3}{4}$ of an acre or 32,670 square feet.
2. Maximum height is four (4) stories or 50 feet.
3. Parking areas shall have plant screening of varying heights (no less than four (4) feet in height), plus consisting of a 50%-50% mix of evergreens and deciduous trees, or opaque fencing, installed to achieve an overall maximum transparency of 15%.
4. Parking spaces shall be located no more than 300 feet from the apartment's primary entrance.
5. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
6. The means of a building's ingress and egress shall meet requirements as outlined in the Uniform Construction Code of Pennsylvania.
7. A 26-foot-wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
8. All dumpsters and/or waste collection areas shall be located at least 50 feet from nearest residential unit and shall be enclosed by solid masonry screen walls on a minimum of three (3) sides.
9. The primary vehicular entrance to a garden apartment development shall, at a minimum, have direct access to a collector road.
10. Maximum height of lighting for outdoor parking areas and roadways shall be 25 feet.

11. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
 12. Bufferyards between a garden apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the bufferyard width required by §501 this Ordinance. Landscaping, within this additional width, shall be provided according to spacing, quantity, and type of plants specified by the Joint Planning Commission.
 13. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.
 14. If the parking area for a garden apartment development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:
 - a. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light, and other disturbances on adjacent residential lots:
 - i. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas.
 - ii. A mound, a minimum of three and one-half (3.5) feet in height at its peak shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. Time mound shall be landscaped in it's entirely with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.
- D. High-Rise Apartment. A high-rise apartment shall be a permitted conditional use subject to the following express minimum standards and criteria:
1. Parking spaces shall be located no more than 300 feet from the high-rise apartment's primary entrance.
 2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
 3. The means of a building's ingress and egress shall meet requirements as outlined in the Uniform Construction Code of Pennsylvania.
 4. A 26-foot-wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

5. All dumpsters and/or waste collection areas shall be located on the interior of the high-rise apartment structure.
6. The primary vehicular entrance to a high-rise apartment development shall, at a minimum, have direct access to a collector road.
7. Maximum height of lighting for outdoor parking areas and roadways shall be 25 feet.
8. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
9. Bufferyards between apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the bufferyard width required by §501 this Ordinance. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Joint Planning Commission.
10. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.
11. If the parking area for a high-rise apartment development is adjacent to a single-family residential lot and demands greater than ten automobiles, the following shall apply:
 - a. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light, and other disturbances on adjacent residential lots.
 - b. One and one-half (1.5) times the required number of plants for screening and buffering off street parking and loading areas.
 - c. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest not including turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

E. Manufactured Home Park.

1. The minimum site area shall be 10 acres.
2. The maximum site density shall be four (4) units per acre.

F. Multi-family Dwelling.

1. The site must possess direct access to an arterial or collector street.

2. Groupings of multifamily structures shall be situated no closer than 30 feet to one another or the separation required by the Uniform Construction Code of Pennsylvania, whichever is greater.
- G. Quadruplex. A quadruplex shall be a permitted conditional use subject to the following express minimum standards and criteria:
1. The minimum lot size shall be 4,000 square feet per unit.
 2. The maximum site density shall be ten (10) units per acre.
 3. All quadruplex dwellings shall be connected to public water and sewer systems.
 4. The site must possess direct access to an arterial or collector street.
- H. Single Family Dwellings (Detached). A single-family dwelling shall be a permitted conditional use subject to the following express minimum standards and criteria:
1. The minimum lot area of each lot on which a single-family dwelling is constructed in the C-2 District shall be 6,000 square feet.
 2. All open space associated with the development of single-family dwellings within residential subdivisions or plans shall be accessible to the public. Open space areas on parcels that are not part of larger subdivision plans where only one (1) single-family dwelling is to be built do not need to be accessible to the public.
- B. Tiny House. A tiny house shall be a permitted conditional use subject to the following express minimum standards and criteria.
1. A tiny house as a principal use on a lot shall only be located in a manufactured home park.
 2. A tiny house as an accessory use shall meet the standards and requirements for an "Accessory Dwelling Unit" as outlined in this Section.
- C. Townhomes.
1. Parking spaces shall be located no more than 300 feet from the townhome's primary entrance.
 2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
 3. The primary vehicular entrance to the townhomes shall, at a minimum, have access to a collector road.
 4. Maximum height of lighting for outdoor parking areas and roadways shall be 25 feet.
 5. As a part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.

Section 445. Educational Institution

- A. The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- B. For parking demands greater than 300 automobiles, additional setbacks, screening, and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances.
- C. Lighting shall be oriented away from adjacent properties and shall not exceed 1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- D. The site shall be serviced by public water and sewer systems.
- E. The owner and operator of the facility shall be responsible for the conduct and safety of the students, employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by students, employees, visitors, and guests.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 446. Emergency Services Facility

- A. The location, orientation, and site circulation shall be provided in accordance with the municipality in which the facility is located.
- B. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- C. The operator of the facility shall provide the municipality in which the facility is located with a floor plan, drawn to scale, clearly delineating all rooms or sleeping areas, all points of ingress and egress to the facility, and the interior circulation plan indicating the flow of traffic on the site and primary point or points or vehicular access.

Section 447. Emergency Shelter

- A. Emergency shelters shall comply with all applicable federal, state, and local food preparation, housing, building, and fire code requirements
- B. Emergency shelters shall be located within one quarter (1/4) mile of a bus stop on a Beaver County Transit Authority route.
- C. No emergency shelter shall be located within three hundred and fifty feet (350') of any other similar shelter program.
- D. The facility shall have on-site security during all hours when the shelter is open. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Management staff must make best efforts to ensure that loitering does not occur on the property during off hours and must ensure that clients are not creating a nuisance in the neighborhood.
- E. A security guard/officer must be present during the intake period. The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location.
- F. Facilities shall provide exterior lighting on pedestrian pathways and parking areas on the property. Lighting shall reflect away from any residential use property and public streets.
- G. Facilities shall provide secure areas for personal property.
- H. Emergency shelters shall not exceed 20 beds.
- I. A minimum of one hundred (100) square feet of sleeping area shall be provided for each occupant. Facilities shall not be occupied by more persons than permitted by this requirement.
- J. The maximum term of stay at any emergency shelter shall be six (6) months in a consecutive twelve (12) month period.
- K. Emergency shelters shall provide off-street parking in accordance with Article VI of this Ordinance.
- L. All outdoor activity, smoking areas, and intake areas shall be screened from public view and from the view of adjacent properties.
- M. A management plan is required for all emergency shelters.
 - 1. The management plan shall address:
 - a. management experience
 - b. services provided
 - c. neighborhood communication plan
 - d. transportation
 - e. client supervision
 - f. client services

- g. a client identification process
 - h. timing and placement of outdoor activities and smoking areas
 - i. standards governing expulsion
 - j. hours of operation and standard lights out
 - k. loitering control
 - l. policies regarding safety and security, and food services
- 2. The management shall be submitted for review and approval prior to the operation of the emergency shelter.
 - 3. The plan shall include a floor plan that demonstrates compliance with the physical standards of this section.
 - 4. The operator of any emergency shelter shall annually submit the management plan to the applicable municipality with updated information for review and approval. The applicable Township Board of Supervisors or Borough Council may establish a fee by resolution to cover the administration cost of review of the required management plan.
- N. Public ingress and egress to the emergency shelter shall be through one (1) common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.
- O. Entry access to all sleeping rooms shall be through the interior of the building. No exit doors from individual sleeping rooms shall lead directly to the exterior of the building.
- P. The operator of the shelter shall provide the municipality in which the facility is located with a floor plan, drawn to scale, clearly delineating all rooms or sleeping areas, all points of ingress and egress to the shelter, and the interior circulation plan indicating the flow of traffic on the site and primary point or points of vehicular access.
- Q. To ensure public health and safety, the site shall be serviced by and connected to a public sewer and public water system.

Section 448. Farmers Market

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- C. Vehicular and pedestrian access to the proposed use shall be designed and provided to maximize pedestrian and vehicle safety.

- D. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 449. Fire Station

- A. Ingress and egress to and from a fire station shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- B. Fire stations shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- C. Lighting shall be oriented away from adjacent properties so as to minimize light pollution onto adjacent properties.

Section 450. Fitness Center

- A. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- B. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- C. No outdoor loading or service areas, including dumpsters, shall be located within the side or rear yard setback areas.
- D. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- E. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- F. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- G. 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.

Section 451. Flea Market

- A. The minimum lot area shall be ten (10) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, organic waste, petroleum products, or hazardous waste shall be stored, buried, or disposed of on the premises.
- D. No flammable, explosive, or hazardous materials shall be sold on the premises.
- E. No exterior storage shall be permitted on site.

- F. No exterior public address system shall be permitted.
- G. Any material or object associated with a flea market shall not be stored outdoors for more than 48 hours in a seven (7) day period.
- H. The premises shall be enclosed by a wall or fence on the interior edge of the required bufferyard. If fencing is erected, supplemental vegetative screening not less than six (6) feet in height and located between the fence and lot line. The vegetative screening shall create a visual buffer that is 100% opaque.
- I. Persons or owners who intend to operate a flea market shall obtain a license to operate from the applicable municipality. Applications for licensing can be obtained at the appropriate Municipal Offices and shall be filed with the applicable Zoning Officer. A traffic impact study shall be submitted as part of the application. A description of future LOS and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to LOS shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the municipality if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- J. To minimize traffic impacts on municipal roads, a flea market shall be located along and primarily accessible from an arterial road as defined by this Ordinance. All flea markets shall have clearly labeled access points with no less than one (1) dedicated entrance and one (1) dedicated exit from the arterial road. The spacing of all entrances and exits shall be separated by no less than 150 linear feet.
- K. All business shall be conducted from individual booths. The placement of booths shall be arranged in a manner so that aisles of a minimum width of 25 feet between rows of booths are maintained in order to facilitate access for firefighting.
- L. All flea markets shall contain an indoor facility for booth spaces. Outdoor booth spaces are permitted but shall not comprise more than 25% of the total booth spaces. Outdoor booth spaces are not permitted in any parking area that impacts the minimum number of required parking spaces.
- M. If an existing business is not located on the site or the existing business is not open during the hours of operation of the flea market, sanitary facilities shall be provided for public use during the flea market hours of operation.
- N. Auctions shall not be conducted as part of any flea market.
- O. 75% of all parking spaces that support flea market activity shall be paved to minimize risk of pedestrian injury.
- P. To minimize stormwater run-off from pervious surfaces, the landowner and/developer of a flea market owners/operators shall provide a statement in writing that an attempt to utilize an existing parking lot for flea market attendees within an Industrial Zoning District. The statement shall, at a minimum, contain signatures from the landowner and/or developer as well as landowners and/or developers of adjacent properties. Any agreement for said shared parking shall be

submitted to the applicable municipality as part of the licensing application. It is the responsibility of the flea market owner/operator to provide pedestrian pathways for safe connections from all parking lots to the flea market sales area.

- Q. All on-site parking lots shall comply with the standards of Article VI of this Ordinance. Parking spaces on neighboring lots available through shared parking agreements shall be included when verifying that the total number of parking spaces meets the minimum requirements of Table 12. Parking for flea markets in areas other than parking lots, including the shoulder of the arterial roadway, shall be prohibited.

Section 452. Food and Grocery Store

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
- B. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- C. A food and grocery store shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Ordinance.
- D. A food and grocery store shall not exceed 20,000 square feet in gross floor area.

Section 453. Freight and Truck Terminal

- A. The facility shall have one point of vehicular access to an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (to both pedestrians and vehicles) on the adjacent arterial and/or collector street(s).
- B. Hours of operation and activities must be appropriately scheduled to protect adjoining properties from detrimental noise, dust, odor, vibration, light, or other disturbance or interruption.
- C. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids is permitted on the subject property.
- D. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- E. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- F. Vehicular access to the site shall be located within 2,500 feet of access to an arterial street.
- G. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- H. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

- I. No activity in the form of shipping, receiving, or trash collection is permitted within 500 feet of a residential lot between the hours of 10:00 p.m. and 6:00 a.m.
- J. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is prohibited.
- K. No loud speakers shall be permitted outside any enclosed structures.
- L. No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.
- M. No warehouse or storage building, or part thereof, may be used for a dwelling purpose at any time.
- N. No activities involving the storage, utilization, or manufacture of materials or products which could decompose by detonation shall be permitted except as authorized by the applicable municipality. Such materials shall include, but need not be limited to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate; and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the applicable municipal fire department.

Section 454. Funeral Home/Crematorium

- A. The site shall have frontage on and direct vehicular access to an arterial or collector street.
 - D. All off-street parking areas which adjoin Residential Zoning Districts shall be screened by a six (6) ft. dense, compact evergreen hedge.
- B. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

Section 455. Garden Center

- A. All principal and accessory structures shall be placed a minimum of 75 feet from all property lines.
- B. The retail sales area shall not exceed 2,500 square feet. Any growing areas or accessory greenhouses shall not be considered part of the sales area.
- C. All supplies and equipment shall be stored within a completely enclosed building.
- D. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require approval as a supply yard.

Section 456. Gas/Fuel Station

- A. No gas/fuel station shall be located within 1,000 feet of another gas/fuel station.
- B. Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.
- C. Gasoline pumps shall be located at least 30 feet from the edge of the ROW of a public street.
- D. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- E. Air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than ten (10) feet from any property line.
- F. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet from the pumps.
- G. All canopy lighting must be fully recessed within the canopy.

Section 457. Golf Course

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. Any off-street parking and loading areas shall be screened with the appropriate bufferyard as required by §501 of this Ordinance.
- C. The outer safety zone of all golf holes, as recommended by the United States Golf Association, shall be a minimum of 50 feet from all adjacent residential lots.
- D. Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance, or interruption.
- E. The owner(s) and operator(s) of a golf course shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.
- F. The site shall be served by public water and public sewer systems.
- G. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids is permitted with the exception of lawn chemicals and gasoline, diesel fuel, and oil for the operations and maintenance of motorized vehicles and equipment.

Section 458. Greenhouse/Nursery

- A. Impervious surface coverage shall not exceed twenty percent (20%).
- B. All principal and accessory structures shall be placed a minimum of 75 feet from all property lines.

- C. The retail sales area shall not exceed 1,200 square feet. The growing area shall not be considered the sales area.
- D. All supplies and equipment shall be stored within a completely enclosed building.
- E. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require approval as a supply yard.

Section 459. Group Care Facility

- A. The minimum site size required shall be two (2) acres.
- B. The number of residents permitted shall not exceed one (1) per every 5,000 sq. ft. of lot area.
- C. Bufferyards as required by this Ordinance shall be installed along the perimeter property lines.
- D. All outdoor lighting shall be shielded and reflected away from adjacent properties.
- E. Hours of operation and activities must be appropriately scheduled to protect adjacent properties from unreasonable disturbance or interruption.
- F. The location of buildings and facilities, traffic circulation and parking areas on the site shall be designed to provide adequate access for emergency vehicles.
- G. The site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- H. All applicable county, state, and federal permits shall be applied for prior to issuance of Municipal permits. Documentation of the county, state, and/or federal approval shall be submitted as part of the conditional use application.

Section 460. Group Home

- A. Copies of all State and Federal licenses and operating permits shall be supplied to the applicable municipality on an annual basis.
- B. The minimum lot area required shall be 20,000 square feet.
- C. The site shall be serviced by public water and public sanitary sewer systems.
- D. Parking areas shall be screened from adjacent lots with a 50%-50% mix of deciduous and evergreen planting material to provide a year-round bufferyard.

Section 461. Halfway House

- A. The services shall be provided in a family environment.
- B. The facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics, or other such activities.
- C. The total number of residents in any single facility shall be limited to no more than twelve (12) persons, including clients, staff, and family members. Clients shall be limited to no more than eight (8) ambulatory persons.

- D. Supervision shall be provided by responsible and appropriately qualified adults on duty, on the premises on a 24 hour-a-day basis. A minimum of one (1) such adult shall be in residence at the facility and on duty for five (5) or less clients. A minimum of two (2) such adults shall be in residence at the facility and on duty for six (6) to eight (8) clients.
- E. Lot, yard, and all other dimensional requirements of the zoning district in which the facility is shall be met. Each lot shall include a minimum of 1,200 square feet of exterior open space that is maintained and suitable for passive and/or active recreational use.
- F. A facility shall be located not less than 1,000 feet from any other facility.
- G. All structures shall be equipped with acceptable fire escapes which shall provide egress and ingress for all residents on each level. As part of the Conditional Use Application process, the applicable local Fire Department, or the designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, structure layout, and adequacy of smoke and fire alarm devices. No Certificate of Occupancy shall be issued prior to an unqualified approval of such authority.
- H. Sanitary facilities, consisting of a sink, water closet, and tub or shower shall be provided at the ratio of one (1) each for every four (4) inhabitants of the facility.
- I. A minimum of 72 square feet of contiguous sleeping and personal area shall be provided for each client. Said area, for purposes of this requirement, shall be computed exclusive of areas used for sanitary facilities, hallways, aisles, stairwells, and other circulation areas, storage areas, dining areas, kitchen and food preparation areas, game rooms and related recreation spaces, instruction areas, and other common use spaces. A dining area shall be provided that is of sufficient size to accommodate all clients, staff, and residents at a single seating.
- J. A license or certification shall be obtained from the Commonwealth of Pennsylvania, Department of Labor and Industry, Department of Human Services and any other state or county agency having jurisdiction, prior to the issuance of a Certificate of Occupancy. In the event that an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the applicable Borough Council or Board of Supervisors or Council that the proposal for establishing such a facility satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.
- K. The sponsor shall file annually with the applicable Municipal Secretary, information certifying that the facility continues to adequately meet the conditions of the original approval. Changes of sponsorship or of any conditions of original approval shall constitute a new use and the full conditional use procedures of obtaining a new use shall be exercised.
- L. All State and municipal code requirements shall be met, consistent with the use of the site.

Section 462. Home Occupation

- A. The home occupation use shall be located within the dwelling unit of the person providing the professional or personal services and shall be clearly incidental to the structure's use as a residence.
- B. No more than ten percent (10%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.
- C. Articles not produced on the premises shall not be sold on the premises.
- D. There shall be no display of merchandise available for sale on the premises. However, merchandise may be stored on the premise for delivery off the premises.
- E. Exterior displays or signs other than those permitted in Article VIII of this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- F. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- G. The use shall not significantly intensify existing vehicular or pedestrian traffic that is normal for the residences in the neighborhood.
- H. The use shall not require internal or external alterations or construction features which are not customary to a dwelling, or which change the fire rating of a structure.
- I. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- J. The use shall not cause an increase in the use of water, sewage, garbage, public safety, or any other municipal services beyond that which is normal for the residences in the neighborhood.
- K. The use shall not cause a negative impact on lot values in the immediate neighborhood.
- L. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.
- M. One (1) work vehicle is permitted on the premises.
- N. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
 - 1. Beauty shops or barber shops containing more than two (2) chairs.
 - 2. Clinics, hospitals, or nursing homes.
 - 3. Kennels, veterinary offices, and clinics.
 - 4. Mortuaries.
 - 5. Private clubs.

6. Private instruction to more than three (3) students at a time.
 7. Restaurants or tearooms.
 8. Stables.
 9. Tourist or boarding homes.
 10. Vehicle or equipment rental, repair, or sales.
 11. Vehicle repair garages, as defined by this Ordinance.
- O. Day care homes other than those defined in Article II of this Ordinance shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:
1. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
 2. A safe area shall be provided for the drop-off and pick up of children who do not obstruct the free flow of traffic on any public street.
 3. Off-street parking shall be provided in accordance with the requirements of Article VI of this Ordinance.

Section 463. Horse Boarding and Riding Academy

- A. Such use shall have a minimum site area of twenty (20) acres.
- B. No building that houses animals shall be closer than 200 feet to any lot line.
- C. All training areas and bridal paths shall be adequately fenced to protect adjoining lots from drainage or intrusion.

Section 464. Hospital

- A. The minimum site area required for a hospital shall be two (2) acres.
- B. The site shall be served by public water and public sanitary sewer systems.
- C. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- D. All hospitals shall be licensed by the Commonwealth of Pennsylvania. Proof of all proper permits and approvals must be submitted to the applicable municipality.
- E. Water pressure and volume shall be adequate for fire protection.
- F. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- G. The plan illustrating parking and circulation shall be forwarded to the applicable local Fire Department for comments regarding traffic safety and emergency access.
- H. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

- I. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- J. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- K. The landowner and/or developer shall complete a traffic impact analysis to demonstrate that the municipality's roadway network will maintain an acceptable level of service and roadway capacity based upon the proposed development's peak traffic volumes. The traffic impact analysis shall be completed in accordance with the requirements defined in the SALDO, as amended.
- L. Minimum lot area and yard setbacks shall be as required in Article III of this Ordinance for the Zoning District wherein the lot is located.
- M. Safe vehicular access and areas for discharging and picking up patients shall be provided.
- N. A hospital's height shall not exceed 75 feet and shall not pose a hazard to the operations of the Pittsburgh International Airport.

Section 465. Hotel

- A. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- B. A twenty (20) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- C. Service of meals and/or beverages (whether alcoholic or nonalcoholic) must be secondary to the principal use of room or suite rental.
- D. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.
- E. The site shall be served by and connected to a public water and public sewer systems.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- H. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall

be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

- I. The owner(s)/operator(s) of a hotel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

Section 466. Kennel

- A. The minimum lot area for a kennel shall be five (5) acres.
- B. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of 100 feet from any lot boundary line.
- C. The perimeter of the exterior exercise area must be fenced with weatherproof material, a minimum of six (6) feet in height and shall be accessible only through a self-latching gate.
- D. At no time shall any animals be permitted to run loose on the property other than as described above in an exterior exercise area that is property fenced and equipped.
- E. Noise levels from any animals shall be kept to a minimum and animals shall not be left outdoors between the hours of 10:00pm and 6:00am.
- F. Any structure used to house animals shall be equipped with the applicable Building Code approved, nontoxic, noise-dampening material or acoustic tile.
- G. No kennel may be established within 1/2 of a mile of an existing kennel.
- H. The operator or owner of any kennel must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.

Section 467. Laboratory

- A. The laboratory area shall not exceed a maximum of 15,000 square feet of gross floor area.
- B. The gross floor area of the laboratory shall not exceed 40% of the gross floor area of the building containing such laboratory.
- C. Laboratories that store Environmental Protection Agency (EPA) regulated substances with reportable quantities over 100 lbs. are prohibited.
- D. Laboratories that store EPA regulated substances with reportable quantities equal to or less than 100 lbs., which are also liquids or gases at ambient conditions, in quantities greater than the respective reportable quantity are prohibited.
- E. Laboratories with the following then current North American Industry Classification System ("NAICS") categories are prohibited: (1) All Other Animal Production (Code 112990); (2) Biological Testing Laboratories or Services (under Code 541380); (3) Veterinary Testing Laboratories (Code 541940); and (4) Laboratory Equipment Manufacturing (Code 339113).

- F. Laboratories shall be designated by the owner with applicable NAICS categories.
- G. The Board of Supervisors or Council shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the location and orientation of the laboratory's probable traffic generation, parking needs, generation of noise, dust, odor, vibration, pollution, light or other disturbance, or interruption.
- H. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- I. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- J. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- K. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- L. A traffic impact study is required and shall be reviewed and approved by the applicable Traffic Engineer.
- M. The site shall be served by public water and public sewer systems.
- N. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.

Section 468. Landscaping Service Center (Retail)

- A. All supplies and equipment shall be stored within a completely enclosed building.
- B. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a supply yard as an accessory use.
- C. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a storage yard as an accessory use.
- D. The use shall be accessed directly from an arterial or collector street.

Section 469. Landscaping Service Center (Wholesale)

- A. A business established for the purposes of wholesale landscaping shall have one (1) point of ingress and egress to a public road ROW. The point of ingress and egress shall

be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicular.

- B. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited.
- C. The storage of combustible materials shall be limited to 25 feet in height with available fire defense measures as approved by the applicable Municipal Volunteer Fire Department. The storage of noncombustible materials shall be limited to 30 feet in height, in order to minimize:
 - 1. The risk of fire.
 - 2. Visibility from adjacent lots.
 - 3. Noxious odors to adjacent lots and/or ROWs.
- D. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
- E. The owner(s) and operator(s) of a wholesale landscaping service center shall incorporate best managements practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation, and surface water and groundwater contamination.
- F. The minimum distance between buildings shall be 30 feet.
- G. The maximum length of any building shall be no more than 200 feet.
- H. Screen Walls.
 - 1. An eight (8) foot high screen wall shall be constructed around the perimeter of a storage area if equipment and/or materials are not contained within an enclosed building/area. The screen wall shall be measured from the average grade of the adjacent ground, unless otherwise defined by the applicable municipality.
 - 2. The screen wall shall have a minimum opacity of 80% and shall be composed of one (1) of the following.
 - a. Finished masonry or wood.
 - b. Black or green vinyl-coated chain link fencing with eight (8) foot high evergreen plantings located on the exterior side of the fence, whereas no fence components may be visible from an adjacent lot or ROW.
 - c. The landowner and/or developer shall provide evergreen plantings with a minimum height of eight (8) feet in quantity and spacing as approved by the applicable municipality.
- I. No excessive noise, dust, odor, vibration, or light shall be generated to disturb the surrounding neighborhood.

- J. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted, with the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.
- K. The ground surface of off-street parking shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
- L. The hours of operation for material pick-ups, delivery, outdoor processing, and outdoor manufacturing operations shall be limited to 7 a.m. to 8 p.m.
- M. No more than one (1) identification sign shall be permitted. The identification sign shall be a ground or a wall sign and shall have a maximum graphic area of 40 square feet.

Section 470. Laundromat

- A. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- B. 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.
- C. Off-street parking areas shall be screened with the appropriate bufferyard as required by §501 of this Ordinance.
- D. Dumpsters shall be located in the rear yard setback and shall be screened with a masonry wall.
- E. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly with regard to traffic circulation, parking, and appearance.

Section 471. Library

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- B. The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- C. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m.

and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

- D. The site shall be serviced by public water and public sewer systems.
- E. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by employees, visitors, and guests.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 472. Live-work Units

- A. Permitted ground floor uses shall include:
 - 1. Day care facilities of all types.
 - 2. Retail stores.
 - 3. Restaurants (no drive-through facilities shall be permitted).
 - 4. Other such uses as determined appropriate upon recommendation by the Joint Planning Commission and approval by the Board of Supervisors or Council.
- B. Parking shall meet the requirements of Article VI based on the combined requirements for the residential unit(s) and the ground floor use(s).
- C. All live-work units shall be constructed in accordance with the applicable municipal adopted Building and Construction Codes and shall be occupied as live-work capacity upon construction.

Section 473. Manufacturing Facility, Heavy or Light

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- C. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Board of Supervisors or Council to determine the appropriateness of the proposed activity in the location proposed.
- D. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.
- E. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
- F. The Board of Supervisors or Council may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such

matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.

- G. 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.

Section 474. Massage Therapy Establishment

- A. State or national certification from one of the following entities shall be required for all employees, excluding administrative staff: National Certification Board for Therapeutic Massage and Bodywork; American Massage Therapy Association; Association of Bodywork and Massage Practitioners; National Certification Commission for Acupuncture and Oriental Medicine; International Massage Association; or a Board of Supervisors or Council approved equivalent. In addition, all employees, excluding administrative staff, must have at least 500 hours of professional training.
- B. Hours of operation shall be restricted to 8:00 a.m. to 8:00 p.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate the hours of operation for the facility in order to prevent adverse impacts on adjoining properties.
- C. The facility shall operate in compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania.
- D. A massage establishment shall be initially licensed, where it has met the applicable requirements set forth in the applicable municipality's various regulations and ordinances, through December 31st of the year in which the license is issued. For each year thereafter that the massage establishment intends to continue as a massage establishment, it must seek from the applicable Municipal Manager or Secretary a renewal of this license. The application for renewal must be received by the Manager or Secretary no later than November 1st of the year preceding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the municipality to deny or revoke an occupancy permit to a massage establishment.
- E. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties in terms of noise, traffic, hours of operation, and lighting pollution.
- F. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- G. The site shall be serviced by public water and public sewer systems.

- H. The owner and operator of the establishment shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.

Section 475. Medical Clinic

- A. If more than one (1) structure, the minimum distance between structures shall be 50 feet.
- B. All parking, loading, and access areas shall be screened from adjacent residential properties per the requirements of this Ordinance.
- C. All required parking shall be in the rear of the structures, where feasible.
- D. All property not covered by structures or paving shall be landscaped and maintained.
- E. All structures within 100 feet of the perimeter property lines shall be screened from adjacent residential properties as required by this Ordinance.
- F. The site shall be serviced by public water and public sewer systems.
- G. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- H. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- I. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 476. Medical Offices, High Intensity

- A. A traffic impact study shall be required and shall be reviewed and approved by the applicable Municipal Traffic Engineer. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the findings of the study.
- B. The site shall be serviced by public water and public sewer systems.
- C. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by employees, visitors, and guests.
- D. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- E. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- F. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 477. Methadone Treatment Facility

- A. For any building (or portion thereof) which is proposed to contain a methadone treatment facility, the lot upon which such building (or portion thereof) sits shall not be located closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment.
- B. Notwithstanding Subsection A above, a methadone treatment facility may be established and operated closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the City Council approves a use for said facility at such location. At least fourteen (14) days prior to any such vote by the City Council, one (1) or more public hearings regarding the proposed methadone treatment facility location shall be held within the City pursuant to public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearing(s) at least 30 days prior to said public hearing(s) occurring.
- C. All buildings proposed to contain a methadone treatment facility shall fully comply with the requirements of the Uniform Construction Code of Pennsylvania.
- D. In addition to the otherwise required number of parking spaces specified by Article VI of this Ordinance for the usage of the building proposed for a methadone treatment facility, additional parking shall be required specifically for the methadone treatment facility at a rate of one (1) additional parking space for each 200 sq. ft. of area devoted to the methadone treatment facility.
- E. Each building or portion thereof proposed for use as a methadone treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the methadone treatment facility. Such separate and distinct entrance shall face a major street thoroughfare. Access to the methadone treatment facility shall not be permitted via a shared building entrance or from a shared interior corridor within the building in which it is located.

Section 478. Micro-Brewery

- A. The standards for “Tavern or Bar” in this Article shall apply.

Section 479. Micro-Distillery

- A. The standards for “Tavern or Bar” in this Article shall apply.

Section 480. Mineral Development

- A. The applicant for a mining or processing conditional use permit shall submit the following information to the Zoning Officer:
 - 1. Evidence of compliance with all state and federal laws applicable to the process for which the conditional use permit is sought.
 - 2. A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials areas for the deposit of coal waste, and facilities for processing, loading, and transportation of minerals.
- B. The location of all structures, land uses, and overlay zoning features which may be affected by the proposed operation and measures which will be taken to protect all structures, land uses, and overlay zoning features from adverse impacts from mining.
- C. Measures which will be taken to ensure that any loss, diminution, or pollution of water supplies in areas affected by mining will be corrected or replaced.
- D. Measures which will be taken to ensure that the performance standards contained in all Sections of this Ordinance shall be met.
- E. Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles, and measures which will be taken to maintain all roads within the municipalities which are used to transport minerals shall be provided.
- F. Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as conditional uses in the concerned District.
 - 1. If the proposed reclamation is for development, the proposed development should be compatible with the Comprehensive Plan and in conformance with the purposes and regulations of the District in which it is located.
- G. Adequate screening and buffering shall be provided as required by this Ordinance.
- H. No expansion in area of a mining operation shall be permitted until mining activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.
- I. In no case shall a conditional use permit extend to an area of land or mode of operation which is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed mining or processing activity.
- J. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties.

Section 481. Motel

- A. The standards for “Hotel” in this Article shall apply.

Section 482. Municipal Building

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- B. The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- C. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- D. The site shall be serviced by public water and public sewer systems.
- E. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by employees, visitors, and guests.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 483. Natural Gas Compressor Station

- A. Natural gas compressor stations shall only be permitted to occur on property that is a minimum of five (5) acres or larger. The applicant shall strive to consider locations for its temporary and permanent operations where prudent and possible so as to minimize interference with area residents' enjoyment of their property and future development activities within the municipalities. The applicant must present an expert witness testimony to demonstrate the location of the facility will not unreasonably adversely affect any of the following:
 - 1. Lawful existing or authorized uses of adjacent properties.
 - 2. Neighboring flood-prone or landslide-prone areas.
 - 3. Agriculture or farmland.
- B. A conditional use application for a natural gas compressor station shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface rights of the property or a court order recognizing

the operator's authority to occupy the surface. If the operator owns the property, proof must be provided.

- C. Conditional use approval is nontransferable without consent from the Board of Supervisors or Council, and shall automatically terminate, unless extended, if substantial construction is not commenced and sustained within one (1) year from the date of issuance of the conditional use. The conditional use approval may be extended by the Board of Supervisors or Council upon written request by the operator. The operator shall provide proof that the requested conditional use permit for such location has not changed.
- D. As part of the conditional use application, the applicable municipality and all applicable Emergency Responders shall be provided the name of the person supervising the compressor station and a phone number where such person can be reached 24 hours a day. Also, a list of contact information for all subcontractors associated with the operations of the station must be provided. The list shall include verification that all supervisors/operators and subcontractors at the site are aware and understand this Section.
- E. All natural gas compressor stations shall be completely enclosed by a building.
 - 1. The building shall be constructed in a manner that the architectural character complements the existing character of the area. The building shall employ architectural features, including but not limited to sloped roofs, stone and brick accents, steeples, cupolas, etc.
 - 2. The building shall employ soundproof-type walls, and all equipment associated with the compressor station shall be enclosed within the building. All acoustical structures shall be constructed of metal, masonry, or other structurally sound material as approved by the applicable municipal Engineer.
- F. Access directly to state roads shall require PennDOT HOP approval. Prior to initiating any work at the compressor station, the applicable municipality shall be provided a copy of the HOP. Access roads shall also comply with the following:
 - 1. Access roads must be 50 feet from adjacent property lines unless written consent is given by the adjacent property owner.
 - 2. The first 50 feet must be paved. Then, 150 feet must be limestone in a manner that reasonably minimizes water, sediments, and/or debris carried onto any public roads.
 - 3. If the access road is less than 200 feet, the entire road must be limestone.
- G. The access driveway off the public road to the compressor station shall be gated at the entrance to prevent illegal access into the site. The site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the station name and number, name of the operator, and the telephone number for a person responsible who may be contacted in case of emergency.
- H. The operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the station. The operator shall identify the location of, but not

limited to, gathering lines, compressors, and other mid- and downstream facilities located within the applicable municipality and extending 800 feet beyond the municipal boundary. The operator shall provide the applicable municipality with all state and federal permits that have been acquired, and bonding agreements, and proof of ability to operate such pipelines.

- I. As part of the conditional use process, the applicable municipality reserves the right to increase any required setback based on physical characteristics of the site, including but not limited to topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.
- J. Compressor stations shall utilize electric motors rather than internal combustion engines. The Board of Supervisors or Council may approve the use of internal combustion engines as part of the conditional use approval if deemed to be absolutely necessary, due to the prolonged lack of availability of electrical service. However, any exhaust from any internal combustion engine or compressor used in connection with the station, used by any production equipment, or used in development shall not be discharged into the open air unless it is equipped with an exhaust muffler or an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to the manufacturer's specifications.
 - 1. Noise. The applicable municipality may require acoustical blankets, sound walls, mufflers, or other alternative methods to ensure compliance depending on the location of a proposed station to adjacent residential properties. As part of the conditional use application, and prior to construction, the operator shall establish the residual or background noise level baseline. The baseline shall be established over a 72-hour period with at least one 24-hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township or Borough and owner/operator will be responsible for determining the residual background noise level baseline. The operator shall be responsible for all costs associated with the noise consultant/engineer.
 - a. The noise generated during operating activities when measured at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure, shall not exceed the average ambient noise level as determined by the 72-hour evaluation:
 - i. During station or plant activities by more than ten (10) dBa during the hours of 7:00 a.m. to 9:00 p.m.
 - ii. During station or plant activities by more than five (5) dBa during the hours of 9:00 p.m. to 7:00 a.m.
 - 2. Sound Test.

- a. If a complaint is received by any person using a protected structure for a lawful purpose, within a reasonable vicinity of a compressor station, regarding noise generated by compressor station operations, the applicable municipality will conduct a sound test to verify that a viable complaint exists. Upon confirmation by the applicable municipality that a possible noise violation exists, the operator shall, within 24 hours of the receipt of the complaint from the Township or Borough, continuously monitor for a 48-hour period at a point which is the closer to the complainant's building of:
 - i. The complainant's protected structure property line nearest to the well site or equipment generating the noise; or
 - ii. 100 feet from the protected structure, whichever is closer.
- b. If the operator engages in any noise testing as required by this Section, it will provide preliminary data to the applicable municipality no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the operator will meet with municipal representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set further herein were exceeded. The applicable municipality reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.
- K. Drip pans must be placed in any location, under equipment, that has the potential to leak.
- L. All condensate tanks shall be equipped with vapor recovery and/or vapor destruction units.
- M. All structures, including but not limited to pumping units, storage tanks, buildings, and structures, shall be painted a neutral color, and shall be compatible with the surrounding uses. Neutral colors shall include sand, gray, green, and unobtrusive shades of brown, or other neutral colors, as approved by the Township or Borough.
- N. Compressor stations shall be inspected by the applicable local Fire Department prior to operation. During the active operation at the compressor station, Municipal staff or consultants designated by the applicable Municipal Manager or Secretary shall have access to the site to determine continuing compliance with the conditional use approval.
- O. The applicant will reimburse the municipality for all reasonable and direct professional consultant fees incurred related to site inspection, approval process, or for specialized work called for in the permit.
- P. The applicable municipality reserves the right to impose any other additional conditions necessary to protect the public health, safety, and general welfare of its residents in order to address any unique characteristics of a particular compressor station site which are not otherwise within the jurisdiction of federal and state regulations in accordance with the MPC.

- Q. Indemnification and express negligence provisions. The operator shall fully defend, protect, indemnify, and hold harmless the applicable municipality, its departments, officials, officers, agents, employees, and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of the applicable municipality, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.
- R. The facility and/or its operation shall comply with all applicable permits and requirements of the DEP, the EPA, and any other governmental authority having jurisdiction over its operations and with all Federal, State, and Local laws, ordinances, and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the compressor stations will not violate the citizens of the New Brighton Area's right to clean air and pure water as set forth in Art. 1, Sec. 27, of the Pennsylvania Constitution (the Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety, or welfare of the citizens of the New Brighton Area or any other potentially affected landowner. The application submittal shall include reports from qualified environmental individuals attesting that the proposed location will not negatively impact area residents' environmental rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.
- S. The operator shall be required to provide notice of any spills and/or releases to the Township or Borough.

Section 484. Natural Gas Processing Plant

- A. Natural gas processing plants shall only be permitted to occur on property that is a minimum of five (5) acres or larger. The applicant shall strive to consider locations for its temporary and permanent operations where prudent and possible so as to minimize interference with the municipalities' residents' enjoyment of their property and future development activities. The applicant must present an expert witness testimony to demonstrate the location of the facility will not unreasonably adversely affect any of the following:
 - 1. Lawful existing or authorized uses of adjacent properties.
 - 2. Neighboring flood-prone or landslide-prone areas.
 - 3. Agriculture or farmland.
- B. A conditional use application for a processing plant shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface rights of the property or a court order recognizing the operator's authority to occupy the surface. If the operator owns the property, proof must be provided.

- C. Conditional use approval is nontransferable without consent from the Board of Supervisors or Council, and shall automatically terminate, unless extended, if substantial construction is not commenced and sustained within one (1) year from the date of issuance of the conditional use. The conditional use approval may be extended by the Board of Supervisors or Council upon written request by the operator. The operator shall provide proof that the requested conditional use permit for such location has not changed.
- D. As part of the conditional use application, the applicable municipality and all applicable Emergency Responders shall be provided the name of the person supervising the compressor station and a phone number where such person can be reached 24 hours a day. Also, a list of contact information for all subcontractors associated with the operations of the station must be provided. The list shall include verification that all supervisors/operators and subcontractors at the site are aware and understand this Section.
- E. Access directly to state roads shall require PennDOT HOP approval. Prior to initiating any work at the processing plant, the applicable municipality shall be provided a copy of the HOP. Access roads shall also comply with the following:
 - 1. Access roads must be 50 feet from adjacent property lines unless written consent is given by the adjacent property owner.
 - 2. The first 50 feet must be paved. Then, 150 feet must be limestone in a manner that reasonably minimizes water, sediments, and/or debris carried onto any public roads.
 - 3. If the access road is less than 200 feet, the entire road must be limestone.
- F. The access driveway off the public road to the processing plant shall be gated at the entrance to prevent illegal access into the site. The site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the plant name and number, name of the operator, and the telephone number for a person responsible who may be contacted in case of emergency.
- G. The operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the plant. The operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid- and downstream facilities located within the applicable municipality and extending 800 feet beyond the municipal boundary. The operator shall provide the applicable municipality with all State and Federal permits that have been acquired, and bonding agreements, and proof of ability to operate such pipelines.
- H. As part of the conditional use process, the applicable municipality reserves the right to increase any required setback based on physical characteristics of the site, including but not limited to topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.
- I. Processing plants shall utilize electric motors rather than internal combustion engines. The Board of Supervisors or Council may approve the use of internal combustion engines as part of the conditional use approval if deemed to be absolutely

necessary, due to the prolonged lack of availability of electrical service. However, any exhaust from any internal combustion engine or compressor used in connection with the station, used by any production equipment, or used in development shall not be discharged into the open air unless it is equipped with an exhaust muffler or an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to the manufacturer's specifications.

- J. Noise. The municipalities may require acoustical blankets, sound walls, mufflers, or other alternative methods to ensure compliance depending on the location of a proposed plant to adjacent residential properties. As part of the conditional use application, and prior to construction, the operator shall establish the residual or background noise level baseline. The baseline shall be established over a 72-hour period with at least one 24-hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the applicable municipality and owner/operator will be responsible for determining the residual background noise level baseline. The operator shall be responsible for all costs associated with the noise consultant/engineer.
 - 1. The noise generated during operating activities when measured at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure, shall not exceed the average ambient noise level as determined by the 72-hour evaluation:
 - a. During station or plant activities by more than ten (10) dBa during the hours of 7:00 a.m. to 9:00 p.m.
 - b. During station or plant activities by more than five (5) dBa during the hours of 9:00 p.m. to 7:00 a.m.
 - 2. Sound Test.
 - a. If a complaint is received by any person using a protected structure for a lawful purpose, within a reasonable vicinity of a compressor station, regarding noise generated by plant operations, the applicable municipality will conduct a sound test to verify that a viable complaint exists. Upon confirmation by the municipality that a possible noise violation exists, the operator shall, within 24 hours of the receipt of the complaint from the municipality, continuously monitor for a 48-hour period at a point which is the closer to the complainant's building of:
 - i. The complainant's protected structure property line nearest to the well site or equipment generating the noise; or
 - ii. 100 feet from the protected structure, whichever is closer.
 - b. If the operator engages in any noise testing as required by this Section, it will provide preliminary data to the applicable municipality no later

than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the operator will meet with municipal representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set further herein were exceeded. The applicable municipality reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.

- K. Drip pans must be placed in any location, under equipment, that has the potential to leak.
- L. All condensate tanks shall be equipped with vapor recovery and/or vapor destruction units.
- M. All structures, including but not limited to pumping units, storage tanks, buildings, and structures, shall be painted a neutral color, and shall be compatible with the surrounding uses. Neutral colors shall include sand, gray, green, and unobtrusive shades of brown, or other neutral colors, as approved by the applicable municipality.
- N. Processing plants shall be inspected by the applicable local Fire Department prior to operation. During the active operation at the plant, municipal staff or consultants designated by the applicable municipality shall have access to the site to determine continuing compliance with the conditional use approval.
- O. The applicant will reimburse the applicable municipality for all reasonable and direct professional consultant fees incurred by the applicable municipality related to site inspection, approval process, or for specialized work called for in the permit.
- P. The applicable municipality reserves the right to impose any other additional conditions necessary to protect the public health, safety, and general welfare of its residents in order to address any unique characteristics of a particular processing plant site which are not otherwise within the jurisdiction of federal and state regulations in accordance with the MPC.
- Q. Indemnification and express negligence provisions. The operator shall fully defend, protect, indemnify, and hold harmless the applicable municipality, its departments, officials, officers, agents, employees, and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of the municipality , including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.
- R. The facility and/or its operation shall comply with all applicable permits and requirements of the DEP, the EPA, and any other governmental authority having jurisdiction over its operations and with all federal, state, and local laws, ordinances, and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the processing plant will not violate the citizens of the municipalities right to clean air and pure water as

set forth in Art. 1, Sec. 27, of the Pennsylvania Constitution (the Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety, or welfare of the citizens of the municipalities or any other potentially affected landowner. The application submittal shall include reports from qualified environmental individuals attesting that the proposed location will not negatively impact the area residents' environmental rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.

Section 485. Night Club

- A. The night operations shall cease between the hours of 2:00 a.m. and 7:00 a.m., prevailing time (unless more restrictive non-operating hours are established by the Board of Supervisors or Council in its conditional use decision), and the establishment shall not be open to the public during those hours.
- B. All night club activities shall be conducted within an enclosed building, and all doors and windows shall remain closed during the hours that the night club is open for operation.
- C. The facility entrances and exits (excluding emergency exits) which face adjacent residential dwellings and/or residential zoned properties shall have a vestibule with a second door to minimize noise impacts to adjacent residential dwellings and properties.
- D. No night club shall be permitted within 500 feet of an adult-oriented business and/or another night club, as measured from lot line to lot line.
- E. The night club operations shall not cause or create a nuisance, including, but not limited to, excessive noise levels.
- F. The owner and operator of the night club shall be responsible for the conduct and safety of its patrons.
- G. No more than one (1) identification sign shall be permitted. The sign shall be a ground sign or wall sign. The graphic area of the sign shall not exceed 40 square feet.

Section 486. Offices, Business Professional

- A. If more than one (1) structure, the minimum distance between structures shall be 50 feet.
- B. All parking, loading, and access areas shall be screened from adjacent residential properties per the requirements of this Ordinance.
- C. All required parking shall be in the rear of the structures, where feasible.
- D. All property not covered by structures or paving shall be landscaped and maintained.
- E. All structures within 100 feet of the perimeter property lines shall be screened from adjacent residential properties as required by this Ordinance.
- F. The site shall be serviced by public water and public sewer systems.

- G. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- H. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- I. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 487. Oil and Gas Compressor Station

- A. No oil or gas compressor station or an addition to an existing oil or gas well site shall be constructed or located within the municipalities unless a zoning permit under this Ordinance has been issued by the applicable municipality to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of an oil or gas compressor station.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established by resolution in the applicable municipal Fee Schedule.
- C. In addition to the other requirements of this Ordinance, the applicant shall provide to the applicable municipality at the time of application the following information:
 - 1. A narrative describing an overview of the project including the number of acres to be disturbed for development and the location, number, and description of equipment and structures to the extent known.
 - 2. A narrative describing an overview of the project as it relates to the oil or gas compressor station.
 - 3. The address of the compressor station as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
 - 4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas compressor station shall be provided to the applicable municipality and all applicable Emergency Responders as determined by the municipality. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the applicable municipality and all applicable Emergency Responders as determined by the municipality.
 - 5. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the site. The plan will identify, but not be limited to gathering lines and other midstream and downstream facilities located within the applicable municipality and extending 800 feet beyond the applicable municipal boundary.
 - 6. A site plan of the oil or gas compressor station including any major equipment and structures and all permanent improvements to the site.

7. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the municipal streets utilized by the applicant shall remain free of dirt, mud, and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
 8. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all applicable Emergency Responders as determined by the applicable municipality. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple sites are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last twelve (12) months shall be accepted. Site orientation for each oil and gas site shall still be required for the appropriate Emergency Responders, as determined by the municipality.
- D. The applicant/operator shall comply with any generally applicable bonding and permitting requirements for municipal roads that are to be used by vehicles for site construction and site operations.
- E. Access.
1. Oil and gas facilities shall be accessed directly from an arterial or collector street as defined by this Ordinance.
 2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
 3. Access directly to State roads shall require a PennDOT Highway Occupancy Permit (HOP) Approval. Prior to initiating any work at a drill site, the applicable municipality shall be provided a copy of the HOP.
 4. Access directly to Township/Borough/County roads shall require a Driveway Permit/HOP prior to initiating any work at a well site.
- F. Height.
1. Permanent structures associated with oil or gas compressor stations shall comply with the height regulations for the Zoning District in which the oil or gas compressor station is located.
- G. Setbacks/Location.
1. Oil or gas compressor stations shall comply with all general setback and buffer requirements of the Zoning District in which the natural gas compressor station or natural gas processing plant is located.
 2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, the operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with the municipalities' residents'

enjoyment of their property and future development activities as authorized by the applicable municipal Ordinances.

3. In construction of compressor station sites, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.

H. Screening and Fencing.

1. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Additional lockable gates used to access compressor station site by foot may be allowed, as necessary.
2. First Responders shall be given means to access oil or gas well sites in case of an emergency. Applicant must provide the County 911 Communications Center necessary information to access the compressor station site in the event of an emergency.
3. Warning signs shall be placed on the fencing surrounding the compressor station site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.

I. Lighting.

1. Lighting at an oil or gas compressor station shall, when practicable, be limited to security lighting.
2. All temporary and permanent outdoor lighting shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffused or reflected light, enters adjoining properties.

J. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas development:

1. Prior to development, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency, or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency, or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBa. The sound level meter used in conducting any evaluation shall meet the ANSI standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBa, to the applicable Zoning Officer within three (3) business days of such a request.

3. The noise generated during operating hours shall not exceed the average ambient noise level as determined by the 72-hour evaluation or default level, whichever is higher.
 4. All permanent facilities associated with oil and gas well sites, including, but not limited to oil or gas compressor stations, shall meet the general noise requirements of this Ordinance. Where a conflict exists the more stringent requirements shall apply.
 5. Oil or gas compressor stations or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency, or other public facilities.
 - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
 6. If a complaint is received by a municipality regarding noise generated during construction or operation of the compressor station the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency, or other public facilities, whichever is closer. The applicant shall report the findings to the applicable municipality and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
- K. As a condition of approval, applicant shall provide all permits and plans from the DEP and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the applicable municipality.
- L. Temporary housing for well site workers on the site is not permitted.

Section 488. Oil and Gas Processing Plant

- A. No oil or gas processing plant or an addition to an existing oil or gas site shall be constructed or located within the municipalities unless a zoning permit under this Ordinance has been issued by the applicable municipality to the owner or operator approving the construction or preparation of the site for oil or gas development.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established by resolution in the applicable municipal Fee Schedule.
- C. In addition to the other requirements of this Ordinance, the applicant shall provide to the applicable municipality at the time of application the following information:

1. A narrative describing an overview of the project including the number of acres to be disturbed for development and the location, number, and description of equipment and structures to the extent known.
2. A narrative describing an overview of the project as it relates to the oil or gas processing plant.
3. The address of the oil or gas processing plant as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
4. The contact information of the individual or individuals responsible for the operation and activities of the natural gas processing plant shall be provided to the applicable municipality and all applicable Emergency Responders as determined by the municipality. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the applicable municipality and all applicable Emergency Responders as determined by the applicable municipality.
5. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the site. The plan will identify, but not be limited to gathering lines, natural gas compressor stations, and other midstream and downstream facilities located within the applicable municipality and extending 800 feet beyond the applicable municipal boundary.
6. A site plan of the oil or gas processing plant including any major equipment and structures and all permanent improvements to the site.
7. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that municipal streets utilized by the applicant shall remain free of dirt, mud, and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
8. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all applicable Emergency Responders as determined by the applicable municipality. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple sites are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last twelve (12) months shall be accepted. Site orientation for each oil and gas site shall still be required for the appropriate Emergency Responders, as determined by the applicable municipality.

- D. The operator shall comply with any generally applicable bonding and permitting requirements for municipal roads that are to be used by vehicles for site construction, drilling activities, and site operations.
- E. Access.
 - 1. Oil and gas facilities shall be accessed directly from an arterial or collector street as defined by this Ordinance.
 - 2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
 - 3. Access directly to State roads shall require PennDOT HOP Approval. Prior to initiating any work at a drill site, the applicable municipality shall be provided a copy of the HOP.
 - 4. Access directly to Township/Borough/County roads shall require a Driveway Permit/HOP prior to initiating any work at a well site.
- F. Height.
 - 1. Permanent structures associated with the oil or gas processing plant shall comply with the height regulations for the Zoning District in which the natural gas processing plant is located.
- G. Setbacks/Location.
 - 1. Oil or gas processing plants shall comply with all general setback and buffer requirements of the Zoning District in which the natural gas processing plant is located.
 - 2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, the operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with New Brighton Area residents' enjoyment of their property and future development activities as authorized by the applicable municipal Ordinances.
 - 3. In construction of the natural gas processing plant, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.
- H. Screening and Fencing.
 - 1. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Additional lockable gates used to access the oil or gas processing plant by foot may be allowed, as necessary.
 - 2. First Responders shall be given means to access the oil or gas processing plant in case of an emergency. Applicant must provide the County 911 Communications Center necessary information to access the well pad in the event of an emergency.

3. Warning signs shall be placed on the fencing surrounding the oil or gas processing plant providing notice of the potential dangers and the contact information in case of an emergency.
- I. Lighting.
 1. Lighting at an oil or gas processing plant shall, when practicable, be limited to security lighting.
 2. All temporary and permanent outdoor lighting shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffused or reflected light, enters adjoining properties.
 - J. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:
 1. Prior to development, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency, or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency, or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the Zoning Officer within three (3) business days of such a request.
 3. The noise generated during operating hours shall not exceed the average ambient noise level as determined by the 72-hour evaluation or default level, whichever is higher.
 4. All permanent facilities associated with oil and gas well sites, including, but not limited to, oil and gas processing plants, shall meet the general noise requirements of this Ordinance. Where a conflict exists, the more stringent requirements shall apply.
 5. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency, or other public facilities.
 - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.

6. If a complaint is received by a municipality regarding noise generated during construction or operation of the processing plant the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency, or other public facilities, whichever is closer. The applicant shall report the findings to the applicable municipality and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
- K. As a condition of approval, applicant shall provide all permits and plans from the DEP and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the applicable municipality.
- L. Temporary housing for well site workers on the site is not permitted.

Section 489. Oil and Gas Well/Pad

- A. Conditional Use Application. A person or entity desiring approval of a conditional use application pursuant to this Section shall submit a written application in a form to be prescribed by the applicable municipality. Before submitting the application, the applicant is strongly encouraged to meet with the applicable Mayor or Municipal Manager, Secretary or his designee to determine the requirements of and the procedural steps for the application. The intent of this process is for the applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. The application shall not be considered to be complete and properly filed unless and until all items required by this Section, including the application fee, have been received. Such application shall include the following information and plans:
 1. Payment of an application fee in an amount to be determined from time to time by the Board of Supervisors or Council as adopted by a Fee Resolution. Said fee shall also include a requirement to deposit escrow funds to be drawn from by the applicable municipality for reimbursement of administrative and engineering and other professional fees associated with review and inspections to ensure compliance with the Ordinance. The municipality may adjust the escrow amount from time to time as may reasonably be required.
 2. Five (5) paper copies and one (1) electronic copy of the completed application form supplied by the applicable municipality along with supporting documentation as identified in this Section.
 3. Written permission from the property owner(s) who has legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property.

4. The GPS location and 911 address of the well site.
5. Copies of any and all permits and applications submitted to all applicable local, county, state, and federal agencies. Permits and plans shall include but not be limited to the DEP well applications and permit, Erosion and Sediment Control General Permit-2, or current permit requirement, and all other required erosion and sedimentation, air, water, and waste management permits.
6. A site plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, temporary housing, ponds and pits, and ancillary equipment on the well site shall be identified. All protected structures within 1,500 feet of the property lines of the well site shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all Township emergency service organizations.
7. Traffic Study:
 - a. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials, and other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
 - b. An inventory, analysis, and evaluation of existing road conditions on Borough or Township roads along the proposed transportation route identified by the application, including photography, video, and core boring as determined to be necessary by the applicable Municipal Engineer.
8. To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a water withdrawal plan for the development identifying the source of water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routes, and all permits issued by the Commonwealth of Pennsylvania or any other governmental body. If the development is to be supplied by way of waterlines, the locations of all proposed waterlines are to be identified. The site for the treatment and disposal of the water shall also be identified. The use of non-potable water sources is highly encouraged. The use of injection wells for

disposal of fracking fluid is strongly discouraged. The applicant is required to use best management practices.

9. To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall identify the means and availability of the site for disposal of cuttings, fracturing fluids, oil, toxic materials, hazardous materials, and other waste products.
10. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the development. The plan will identify but not be limited to gathering lines, compressors and other mid and downstream facilities located within the applicable municipality and extending 800 feet beyond the municipal boundary.
11. The applicant shall provide a sufficient number of copies to the applicable municipality of the PPC plan as defined in the DEP document, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," or the most recent applicable guidance document, to be distributed to the Mayor or Municipal Manager, Secretary, the Emergency Management Coordinator, the Fire Chief and any other emergency service providers for the municipality.
12. Noise Management Plan:
 - a. An acoustics study shall be prepared and submitted with the application. The study shall be prepared by an acoustics expert(s) acceptable to the applicable municipality. The study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates of the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use and if there are any significant increases in those noise levels. The report shall also contain specific proposals that are intended to reduce noise levels emanating off the site.
 - b. The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site of the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on acoustics, in regard to the standards of this Section.
13. Environmental Impact Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith

submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The Environmental Impact Analysis shall describe, identify, and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations, or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Joint Planning Commission and the Board of Supervisors or Borough Council. The Environmental Impact Study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of 25%; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

14. Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an Air Quality Study. The Study shall be prepared by experts acceptable to the Borough or Township and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
15. Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a Hydrological Study. The Study shall be prepared by a hydrogeologist acceptable to the applicable municipality. The Study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The Study shall identify groundwater discharge and recharge areas

that may be affected by the proposed use, map the groundwater table, and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the Board of Supervisors or Council. If the study shows an alteration to the groundwater, the application shall be denied.

16. Pre-Development and Post-Development Soil Testing. Prior to beginning any oil and gas development activities, the operator shall be responsible for testing soil conditions within 300 feet each well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.
 - a. Pre-drilling testing results shall be submitted as part of the conditional use application.
 - b. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.
 - c. The results shall be submitted to the applicable municipality and DEP within ten (10) days of their receipt.
 - d. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent State-certified testing laboratory agreed upon by the applicable municipality.
17. The applicant shall provide any and all waivers from owners of protected structures.
18. Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for the following activities:
 - a. Well site preparation;
 - b. Drilling activity;
 - c. Completion (perforating);
 - d. Stimulation (hydraulic fracturing);
 - e. Production work;
 - f. Plugging; and
 - g. Site restoration.

19. Insurance. Applicant shall furnish to the applicable municipality a Certificate of Liability Insurance naming the municipality as an additional insured with respect to operations conducted within the municipality, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than \$25,000,000 per occurrence. The applicant shall fully defend, protect, indemnify, and hold harmless the municipality, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the municipality, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage, and umbrella coverage.
- B. Conditional use approval is non-transferrable without consent from the Board of Supervisors or Council and shall automatically terminate, unless extended, if drilling is not commenced within one year from the date of issuance of the approval. The conditional use approval may be extended by the Board of Supervisors or Council upon written request by the operator, after notice and hearing. The operator shall provide proof that the requested conditional use permit for such location has not changed, and that the operator meets all applicable criteria contained in this Section.
- C. General Standards.
 1. Best management practices shall be followed.
 2. The uses regulated by this Section are determined to be land developments and subject to the applicable provisions of the SALDO, as it may be amended.
 3. Any hazardous or toxic material shall be securely contained, stored, and removed in accordance with applicable state or Federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection Association (“NFPA”) Code 104 - Standard System for the identification of the Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.
 4. Fracture fluid storage ponds, open pits, and reserve pits are highly discouraged. Closed-loop systems and other related best management practices, including but not limited to the use of netting over fracture fluid ponds, shall be used during the drilling or completion of any well.
 5. Fresh water storage ponds are permitted. The use of non-potable water is strongly encouraged.
 6. All operations shall be in accordance with applicable Federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601.101 et seq.), as

- amended, and pursuant to all other applicable rules, regulations, and procedures adopted pursuant thereto.
7. The operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil, and toxic or hazardous materials.
 8. Multiple well pad sites on any one (1) oil and gas development shall be prohibited, unless the operator proves to the satisfaction of the Borough or Township that the underlying geology makes using a single well pad impractical.
 9. Changes in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards drilling operations, requires a new conditional use approval pursuant to the terms and conditions of this Section of the Ordinance.
 10. At least 30 days prior to any development activity at the development or facility, the operator shall provide the following information to each property owner within 4,000 feet of the planned surface location of the development or facility.
 - a. A copy of the site plan submitted as part of the conditional use application;
 - b. A general description of the planned operations at the development or facility and associated equipment to be used;
 - c. The contact information for the operator; and
 - d. The availability of the operator to hold a meeting locally with such residents to present the operator's plans for the development or facility and to allow for questions and answers. The meeting(s) shall be held prior to the commencement of development activity.
 11. A duly authorized representative of the applicable municipality, trained by the operator or agents of the operator, shall have the authority in relation to the enforcement of this Section to enter upon the property of a development or facility for the purpose of inspecting the equipment and all other aspects of the site necessary to assure compliance with this Section.
 12. The operator of any development or facility shall notify the Emergency Management Coordinator, Mayor or Municipal Manager or Secretary, and Municipal Engineer no less than 90 days prior to the startup and abandonment or shutdown of any well site.

D. Setbacks/Location.

1. Oil and gas well/pads shall comply with all screening and bufferyard requirements of the Zoning District in which the pad/well is located.
2. In construction of the oil and gas well/pad, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.
3. Wellheads shall be located not less than 500 feet any protected structure.
4. Oil and gas well/pads and all drilling and production operations, including but not limited to derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, ponds, pits, and ancillary equipment, shall be located not less than 500 feet from the nearest property line.

E. Traffic Impact

1. The proposed routes must be designed to minimize the impact on streets within the municipalities. The applicable municipality reserves the right to designate alternate routes in the event that the applicant's proposed routes are deemed inadequate, unsafe, or overly disruptive to normal vehicular traffic. Vehicles are to operate on State roads and may only use municipal roads when the use of State roads is not feasible. The operator shall coordinate truck routes with the school bus schedule so as to minimize interference with transportation of students to and from school.
2. Prior to the commencement of any activity at the development or facility, the operator shall enter into a municipal roadway maintenance and repair agreement with the applicable municipality, in a form acceptable to the municipality, regarding maintenance, repair, and bonding of municipal roads that are to be used by vehicles for development activities. The applicant shall take all necessary corrective action and measures as directed by the municipality pursuant to the agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities.
3. The operator shall take the necessary safeguards to ensure that the municipal roads utilized remain free of dirt, mud, and debris resulting from development activities and/or shall ensure such roads are promptly swept and cleaned if dirt, mud, and debris occur.
4. The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and or/adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

5. There will be no staging of trucks or equipment on local roads.
6. A traffic control plan in conformance with PennDOT standards shall be provided.

F. Visual.

1. The oil and gas development or facility shall be located, designed, and constructed to minimize the removal of trees and shrubs, to protect natural resources, and to minimize the amount of surface disturbance.
2. The operator shall not clear brush or trees by way of burning and shall chip, grind, or remove all tree stumps from properties it clears for development purposes.
3. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area.

G. Lighting.

1. Lighting at an oil and gas well/pad shall, when practicable, be limited to security lighting.
2. All temporary outdoor lighting shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffused or reflected light, enters adjoining properties.
3. No site lighting used for or associated with well site construction, drilling operations or post-drilling production shall be positioned in a manner such that it shines directly on public roads, protected structures, or any property within 3,000 feet of the well site. Site lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.

H. Air and Water Quality.

1. Air-contaminant emissions shall be in compliance with all municipal, county, state, and federal regulations, including, without limitation, the provisions of this Ordinance, as amended, and all applicable regulations for smoke, ash, dust, fumes, gases, odors, and vapors.
2. The operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place to prevent visible plumes of dust from crossing the property line or adversely impacting neighboring properties.
3. 60 days prior to drilling, the operator shall notify residents with water wells within 4,000 feet of the gas well of its intentions to drill. The operator shall provide proof of notice to the applicable municipality.

4. All condensate tanks, compressor stations, processing plants, and other production facilities shall be equipped with vapor recovery and/or vapor destruction units.
- I. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:
 1. Prior to development, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency, or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBa. The sound level meter used in conducting any evaluation shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBa, to the applicable Zoning Officer within three (3) business days of such a request.
 3. The noise generated during operating hours activities shall not exceed the average ambient noise level as determined by the 72-hour evaluation or default level, whichever is higher:
 - a. During drilling activities, by more than ten (10) dBa during the hours of 7:00 a.m. to 9:00 p.m.
 - b. During drilling activities, by more than seven (7) dBa during the hours of 9:00 p.m. and 7:00 a.m. or by more than ten (10) dBa during hydraulic fracturing operations. The operator shall inform the Borough or Township of which level (average ambient noise level or default level) is being used.
 4. All permanent facilities associated with the oil and gas well/pad shall meet the general noise requirements of this Ordinance. Where a conflict exists, the more stringent requirements shall apply.
 5. Oil and gas wells/pads or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency, or other public facilities.

- a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
6. If a complaint is received by municipality regarding noise generated during construction or operation of the compressor station the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency, or other public facilities, whichever is closer. The applicant shall report the findings to the applicable municipality and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

J. Hazards.

1. Upon request of the Emergency Management Coordinator, the operator shall, prior to drilling its first gas well in the municipality, make available with at least 30 days' notice, at the applicant's sole cost and expense, an appropriate group training program for Emergency Responders and Municipal Code Enforcement Personnel. Such training shall be made available at least annually during any year that drilling activities take place at the oil and gas development or facility. Training should cover each phase of the development from site work to well completion. The applicable municipality shall require a minimum of four (4) hours of annual training, with additional hours added at the recommendation of the Fire Chief annually. If additional wells are drilled at the site, the operator and Emergency Management Coordinator will determine if additional training is required.
2. The applicant shall maintain at the property and on file with the applicable municipality a current list and the MSDS for all chemicals used in the drilling operations (including but not limited to types of additives, acids, polymers, salts, surfactants and solvents) and in any fracturing operations. If the PPC requires availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the municipality shall require the operator to reimburse the cost of procurement of such special equipment or supplies.

K. Access.

1. Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first 50 feet and improved with limestone or other material for the next 100 feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt, or other debris is carried onto public or private ROW from the well site, the operator shall immediately clean the roads and implement a

remedial plan as directed by the applicable municipality to keep the streets continuously clean.

- a. The first 50 feet from the existing edge of pavement extending into the site shall consist of the following material:
 - i. Compacted subgrade.
 - ii. PennDOT Class 4 geotextile fabric.
 - iii. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
 - iv. Two (2) inches of PennDOT 2A aggregate.
 - v. Six (6) inches of superpave 25 mm binder course.
 - b. The remainder of the driveway to the well pad shall be constructed with the following material:
 - i. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
 - ii. Two (2) inches of PennDOT 2A aggregate.
2. Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:
 - a. Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
 - b. Ensure adequate capacity for existing and projected traffic volume.
 - c. Provide efficient movement of traffic, including appropriate turning radii and transition grade.
 - d. Minimize hazards to highway users and adjacent property and human activity.
 3. All applicable permits or approvals must be obtained, including, without limitation:
 - a. Access or driveway permits to State or County roads.
 - b. Overweight or oversize loads.

L. Geophysical Exploration.

1. For any areas of the municipalities where the applicant intends to conduct seismic testing, a licensed geologist must provide a report regarding the ability of the land to subside due to the proposed operations. This report must detail the amount of risk of seismic activity because of existing subsurface conditions and with the introduction of drilling and fracking.
2. The applicant shall post a bond or other security in a form to be approved by the applicable municipality in the amount of \$1,000,000 to cover the cost of any damages as a result of seismic testing.

M. Storage of Equipment.

1. No equipment, including drilling, re-drilling, re-working, or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
2. Lumber, pipes, tubing, and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.
3. It shall be illegal to park or store any vehicle or item of machinery on any street, ROW, or in any driveway, alley or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.

N. Fencing, Screening, and Buffering.

1. Security fencing consisting of a permanent galvanized chain-link fence, a minimum of eight (8) feet in height, topped with either razor or barbed wire shall be installed prior to the commencement of any activity at every well site to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the well site.
2. Security fencing shall be equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Gates shall be kept locked except when being used for access to the site. Additional lockable gates used to access the well site, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
3. The municipal first responders shall be given means to access the well site in case of an emergency via lock box or an equivalent approved by the applicable municipality. The applicant must provide Beaver County Emergency Services

with necessary information to access the development or facility in case of an emergency.

4. Warning signs shall be placed on the fencing surrounding the development or facility, providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the well site.
5. In construction of the oil and gas development or facility, the natural surroundings shall be considered, and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.
- O. Structure Height. Permanent structures of the oil and gas developments and facilities (both principal and accessory) shall comply with the height regulations of the applicable Zoning District.

Section 490. Office, Business and Professional

- G. A traffic impact study shall be required and shall be reviewed and approved by the applicable Municipal Traffic Engineer. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the findings of the study.
- H. The site shall be serviced by public water and public sewer systems.
- I. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by employees, visitors, and guests.
- J. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- K. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- L. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 491. Parking Structure, Commercial

- A. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- B. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

- C. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- D. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 492. Pet Boarding

- A. Minimum lot size required is one (1) acre in the C-2 Zoning District and two (2) acres in the C-3 Zoning District.
- B. Minimum lot size required is five (5) acres in the M Zoning District.
- C. No residential use may be established on land designated for use as a pet boarding facility.
- D. The operator or owner of the pet boarding facility must hold all current and applicable state and local licenses and permits (including but not limited to those relating to maximum capacity, minimum space per animal, enclosure or cage specifications, and noise and odor control requirements).
- E. Any exterior fenced in area wherein animals exercise or are otherwise exposed must be located a minimum of 50 feet from any adjoining lot line.
- F. The perimeter of any outdoor runs or exercise areas must be fenced with weatherproof material, a minimum of six (6) feet in height, and accessible only through a self-latching gate or a manual latch with a locking pin.
- G. The portion of the building or structure used to house animals (including such portions that are below grade level) shall be equipped with code-approved non-toxic, noise dampening material, or acoustic tile to minimize noise impact on adjacent uses or structures.
- H. All shelter or kennel areas for animals shall be located completely indoors.
- I. Outdoor runs and similar facilities, where permitted, shall be constructed for easy cleaning, shall be adequately secured by a fence as required herein, and shall be screened as outlined in §501 of this Ordinance.

Section 493. Pharmacy

- A. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- B. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- C. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 494. Place of Worship

- A. All buildings and structures shall be set back at least 100 feet from all lot lines and rights-of-way.
- B. The primary visitor drop-off and pick-up areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. All outdoor lighting shall be shielded and reflected away from adjacent properties.
- F. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen.
- G. If the parking area for a place of worship or place of assembly is adjacent to a single-family residential lot, any parking areas that demand greater than 10 automobiles, the following shall apply:
 - 1. An additional five (5) foot setback with one of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development:
 - a. One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
 - b. A mound, a minimum of 3 1/2 feet in height at its peak, shall be constructed where the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The mound shall be landscaped with plants that provide four seasons of interest, not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent properties.

Section 495. Planned Residential Development (PRD)

- A. PRDs shall be controlled by the regulations and procedures in Article IX of this Ordinance.

Section 496. Police Station

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- B. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.

- C. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- D. The site shall be serviced by public water and public sewer systems.
- E. Vehicular and pedestrian access to the proposed station shall be designed and provided to maximize pedestrian and vehicle safety.
- F. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 497. Public Utility Building and Public Utility Transmission Facility

- A. A public utility building and public utility transmission facility shall be a permitted conditional use subject to the following express minimum standards and criteria:
- B. Ingress to and egress from the facility shall be permitted by roads to serve only the public utility building or transmission facility, unless approved by the Board of Supervisors or Council.
- C. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of the facility.
- D. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

Section 498. Recreation Facility

- A. All recreation facilities shall be located along an arterial or collector road as defined by this Ordinance.
- B. All off-street parking areas located adjacent to residences shall reduce exterior lights to half power after 11 p.m. and shall be screened as required by §501 of this Ordinance.
- C. All off-street parking shall be located on the lot.
- D. All facilities shall have a minimum of two (2) points of ingress and egress.
- E. All dumpsters, not incorporated into the principal building, shall be located in the rear yard setback and shall be screened with masonry. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of 80%.

- F. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.
- G. The use shall comply with the performance standards of Article V.

Section 499. Recreation – Indoor

- A. All indoor recreation facilities shall be located along an arterial or collector road as defined by this Ordinance.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11 p.m. and shall be screened as required by §501 of this Ordinance.
- C. Grass, sod, or turf shall not be considered an acceptable plant for use within the landscaped bufferyards.
- D. All off-street parking shall be located on the lot.
- E. All lots used for commercial indoor recreation facilities shall have a minimum of two (2) points of ingress and egress.
- F. All dumpsters, not incorporated into the principal building, shall be located in the rear yard setback and shall be screened with masonry. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of 80%.
- G. All indoor recreation facilities shall have a maximum gross floor area of 40,000 square feet.

Section 4100. Recreation – Outdoor

- A. A minimum site size of one (1) acre shall be required.
- B. All principal structures shall be located at least 40 feet from any property line.
- C. Parking shall be provided in accordance with the parking requirements as outlined in Article VI of this Ordinance.
- D. Screening by as defined by Section 501, shall be provided along all lot lines adjoining residential use or Residential Zoning Districts.
- E. All lighting shall be shielded from adjacent streets and properties.
- F. The use shall comply with the performance standards of Article V.
- G. Any facility located within 200 feet of a property line adjoining a residential use or Residential Zoning District shall cease operations at 12 Midnight.
- H. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.

Section 4101. Repossession Business

- A. The standards for “Vehicle Repair Garage” in this Article shall apply.
- B. Exterior storage of vehicles and/or equipment associated with the permitted principal use shall require approval of a storage yard as an accessory use.

Section 4102. Research and Development

- A. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light, or other disturbance or interruption.
- B. Loading areas shall not be visible from a street ROW or an adjacent residential dwelling.
- C. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- D. The storage, use, or manufacture of hazardous or potentially hazardous materials shall be limited to those materials required to be used by or produced in connection with the research and development activity, and the transportation, handling, use, and disposal of such materials shall conform with all applicable regulations and permit requirements of the EPA and DEP. An inventory of hazardous, toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids shall be updated annually and submitted to the Borough or Township for record.
- E. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- F. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- G. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 4103. Resource Recovery Facility

- A. The minimum site area shall be 50 acres for a resource recovery facility.
- B. The site shall have frontage on and direct vehicular access to an arterial road, as defined by this Ordinance.
- C. The driveway or haul road entering the site from a public street shall be paved for a distance of 500 feet from the public street.
- D. A tire washing station shall be located on the site or service trucks exiting the facility.
- E. The operator shall post a bond in favor of the applicable municipality and in a form acceptable to the municipality prior to beginning operations in the amount of \$100,000 for each mile of municipal road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road. Any failure

to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of municipal roads that have been damaged shall be determined by inspection of the municipal Engineer and shall be reconstructed to current municipal Specifications for Street Construction.

- F. Resource recovery facilities shall not be located within 500 feet of any property lines adjoining a residential use or residential zoning district.
- G. Fencing at least eight (8) feet in height and with a minimum capacity of 80% shall be provided around any work area for security and to control windblown refuse.
- H. The applicant shall show compliance with applicable State and Federal laws regulating landfills, transfer facilities, incinerators, and recovery facilities.
- I. The required state or federal permits shall be maintained throughout the duration of all operations.
- J. Any suspension or revocation of the required state or federal permits shall constitute a violation of this Ordinance and will result in the suspension or revocation of the zoning certificate or enforcement of the penalty provisions of this Ordinance or both.
- K. In January of each year, the operator shall apply to the applicable municipal Zoning Officer for renewal of the zoning certificate and shall present evidence of continuing compliance with all conditions of approval and require state or federal permits.

Section 4104. Restaurant

- A. All food and beverages must be served by persons employed by the restaurant.
- B. Seating at tables, counters, or booths inside the structure shall take place.
- C. Any outdoor seating areas shall be reviewed and approved by the Board of Supervisors or Council.
- D. Take-out services may be offered.
- E. The sale and consumption of alcoholic beverages must be incidental to the sale and consumption of food.
- F. The hours of operation and activities for a sit-down restaurant shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance, or interruption.
- G. All off-street parking shall be provided on the lot. The number of off-street parking spaces shall be provided as defined in Article VI of this Ordinance.
- H. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- I. All dumpsters shall be located in the rear setback yard and shall be screened appropriately. All screens shall have a length of eight (8) feet in height and shall have a minimum opacity of 80%.

- J. Mechanical equipment location(s) are subject to Board of Supervisors or Council approval and shall be designed and screened so that visibility from an adjacent Residential Zoning District is minimized to the greatest extent possible.
- K. No more than one (1) sign shall be permitted. Said sign shall be a ground or a wall sign.
- L. If the proposed take-out only restaurant contains a drive-through facility, it shall also meet the conditional use criteria for a “Drive-Through Facility” as outlined in this Ordinance.
- M. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- N. The site shall be connected to public water and public sanitary sewer systems.
- O. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- P. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 4105. Restaurant, Neighborhood

- A. All dumpsters shall be enclosed and properly screened by a six (6) ft. high opaque fence.
- B. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.
- C. The hours of operation and activities related to the restaurant use shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance, or interruption.
- D. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- E. The vehicular and pedestrian circulation systems shall be designed to minimize impact on adjacent residential properties.
- F. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 4106. Restaurant, Outdoor Dining

- A. All dumpsters shall be enclosed and properly screened by a six (6) ft. high opaque fence.
- B. Sidewalk eating shall conform to all appropriate Municipal Ordinances.
- C. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.

- D. The hours of operation and activities related to the restaurant use shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance, or interruption.
- E. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation systems shall be designed to minimize impact on adjacent residential properties.
- H. Outdoor dining and service areas may be conducted in a location at least 100 feet from all Residential Zoning Districts.
- I. The outdoor dining and service areas shall be enclosed with wood or masonry walls as approved by the applicable Board of Supervisors or Council as part of the conditional use.
- J. Loudspeakers and live music performances shall not be permitted in the outdoor area unless it is determined that the sound will not be audible in any nearby Residential Zoning Districts.

Section 4107. Retail Store (5,000 to 20,000 sf)

- A. The structure associated with the retail store shall not exceed 20,000 sq. ft. in gross floor area.
- B. No shipping or receiving shall be permitted within 200 feet of a residential property between the hours of 10:00 p.m. and 7:00 a.m.
- C. All property lines adjoining residential uses shall be screened by the appropriate buffering as required by this Ordinance.
- D. Parking for a retail store shall be located in the side and/or rear yard of a lot, where feasible.
- E. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- F. Exterior storage shall not be permitted to occur as part of the retail store use.
- G. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

Section 4108. Retail Store (>20,000 sf)

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. Any outdoor storage areas shall be completely enclosed by a security fence and shall be screened by fence or masonry wall which is at least six (6) feet in height and is 100% opaque unless otherwise defined by this Ordinance.

- C. All property lines adjoining residential use or Zoning District shall be screened as defined by §501 of this Ordinance.
- D. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- E. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential district, shall be a maximum of one (1) footcandle. Lighting levels shall also be reduced by half their standard operating power, between 11 p.m. and 6 a.m.
- F. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on ROWs or residential activity in proximity to the lot is minimized. The applicable municipality reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front principal building setback, or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
- G. The ground surface of off-street parking shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust or other disturbances.
- H. The site shall be connected to public water and public sewer systems.
- I. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- J. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 4109. Roadside Stand, Principal

- A. A current peddler’s license shall be displayed on the premises.
- B. Principal use roadside stands shall meet the same setbacks required for primary structures located in the applicable Zoning District.
- C. All parking for salespeople and customers shall be on the property of the landowner and there shall be no parking permitted on a ROW.
- D. Principal roadside stands shall provide the required parking in Article VI of this Ordinance.

Section 4110. Self-storage Facility

- A. The minimum lot area required shall be five (5) acres.
- B. The lot shall have direct vehicular access to an arterial or collector street, and points of vehicular access shall not be through a street on which the current use of the majority of lots fronting on that street is single-family dwellings.
- C. All one-way driveways shall have a minimum of one ten-foot parking lane, plus one fifteen-foot travel lane.

- D. All two-way driveways shall provide a minimum of one ten-foot parking lane, plus two twelve-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- E. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
- F. The maximum building height shall be 20 feet.
- G. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be 28 feet for storage units which are less than 15 feet in depth and 42 feet for storage units which are more than 15 feet in depth.
- H. The maximum length of any storage building shall be 200 feet.
- I. The maximum distance from the end of any storage building to the end of any adjacent storage building shall be 20 feet.
- J. The maximum size of any storage unit shall be 14 feet wide, 40 feet deep and one story and no more than 20 feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed 40 feet.
- K. Office space may be provided which shall not exceed 5% of the total floor area devoted to storage.
- L. No business activity other than the rental of storage units shall be conducted on the premises.
- M. No signs shall be placed on the buildings or on their rooftops.
- N. Buildings shall be so situated or screened so that the access doors are not facing adjacent streets.
- O. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the applicable Construction Code.
- P. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- Q. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 4111. Shopping Center

- A. Any shopping center proposed with an anchor tenant space shall provide an outdoor public plaza, open space, or similar pedestrian amenity equal to five percent (5%) of the lot area. This required amenity shall be constructed as part of Phase I should the project be constructed in phases.

- B. All buildings shall provide a prominent and highly visible street-level doorway or entrance along the front or side of the building which faces a street.
- C. Sidewalks shall extend from the main entry point and link to the public sidewalk, if applicable.
- D. The street-level façade of any building facing a street shall be transparent (incorporate windows) between a minimum of three (3) feet and eight (8) feet in height for no less than 60% of the horizontal length of the structure facing the street.
- E. Surface treatments to create visual interest, such as cornices, brackets, window, and door moldings and details, recesses, projections, awnings, porches, steps, decorative finish materials, and other architectural articulation, shall be required along facades facing streets. At least two (2) such surface treatments must be provided along the facade.
- F. Any drive-through proposed with a tenant space shall be designed in accordance with the provisions of this Ordinance and shall require conditional use approval for a “Drive-Through Facility” as defined in this Ordinance.
- G. A minimum eighteen (18) foot wide fire lane shall be provided on at least two sides of the structure. Traffic access aiseways may function as fire lanes.

Section 4112. Short-term Rental

- A. Short-term rental units will be allowed in single-family homes, townhouses, condos, mobile homes and apartments as a permitted principal use in specified districts, with limitations.
- B. The maximum number of lodgers per night may not exceed a total of six (6) guests per dwelling and/or two (2) guests per bedroom, whichever is less.
- C. The maximum number of rental contracts per night is one. All lodgers occupying a short-term rental unit must be associated with the same rental contract.
- D. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term rental unit.
- E. Short-term rental units shall not adversely affect the character of a neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.
- F. An owner-adjacent short-term rental may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.
- G. The number of individual bedrooms made available for operator-occupied short-term rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.

- H. All advertisements for short term rental units, posted on any platform online or in any other format, must include the short-term rental unit zoning occupancy permit number and identify the location of the required off-street parking space(s) and any other available parking or public transportation options.
- I. Exterior signs advertising the presence of a short-term rental unit are not permitted.
- J. Hotel Occupancy Tax must be paid to the County of Beaver for each short-term rental unit. Operators must file proof of payment annually prior to February 1.
- K. Short-term rental units are prohibited in an accessory structure, outdoors, or in recreational vehicles.
- L. Renting for an hourly rate shall not be permitted.
- M. A short-term rental unit must:
 - 1. If located in a municipality with a rental registration and inspection ordinance, units must be inspected for compliance with applicable regulations, as amended.
 - 2. Have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors, when a fuel burning appliance is present in the structure.
 - 3. Have a plan posted inside the door of each sleeping room showing the exit pathway from the sleeping room used for a short-term rental unit to the nearest exit from the dwelling.
 - 4. Have one designated off-street parking space available for lodgers for each dwelling unit or bedroom in a short-term rental, which the Operator has the authority to reserve for short term rental unit purposes.
- N. A short-term rental operator must:
 - 1. Apply for a certificate of zoning occupancy prior to short-term rental use and occupancy.
 - 2. Be a permanent resident of the property hosting the short-term rental unit.
 - 3. Obtain written consent from the owner of the property for the short-term rental unit, when applicable.
 - 4. Maintain a guest log including the name, address, and telephone number of all overnight lodgers. The guest log must be made available upon request to any applicable municipal employee or agent tasked with enforcing the Zoning Ordinance or other applicable part of applicable municipal codes.
 - 5. Maintain liability insurance appropriate to cover the short-term rental unit and provide proof of insurance coverage annually prior to February 1.
- O. The following information shall be provided to all short-term renters upon execution of a rental contract:

1. Instructions for disposal of waste in accordance with local refuse and recycling programs.
2. Contact information for the short-term rental operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
3. The certificate of zoning occupancy for the short-term rental.

Section 4113. Solar Energy Production Facility, Large

- A. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories, the American Standards Technical Manual, or other similar certifying organizations, and shall comply with the UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
- C. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street ROW.
- D. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each Zoning District.
- E. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
- F. All ground-mounted and freestanding solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) ft. high fence with a self-locking gate.
- G. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- H. For a building-mounted system installed on a sloped roof that faces the front yard, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge of the system.
- I. Building-mounted systems mounted on a flat roof shall not be visible from the public ROW immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public ROW at ground level.
- J. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three (3) feet above the highest point of the roof line to which it is attached.

- K. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.
- L. The surface area of ground-mounted systems, regardless of the mounted angle of any portion of the system is considered impervious surface and shall be calculated as part of the lot coverage limitations for the Zoning District in which it is located.
- M. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.
- N. Vacation, Abandonment, and/or Decommissioning of Solar Facilities.
 - 1. The solar energy production facility owner is required to notify the Borough or Township immediately upon cessation or abandonment of the operation.
 - 2. Discontinuation/abandonment is presumed when a solar system has been disconnected from the net metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the applicable municipality.
 - 3. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
 - 4. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
 - 5. The owner or operator of the solar facility, upon issuance of all final occupancy permits and approvals by the applicable municipality and any associated permitting agencies, shall provide a form of financial security satisfactory to the municipality, in the form of a bond or a letter of credit, for potential use of decommissioning the facility.
 - 6. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar facilities within the twelve (12) month period outlined above, the applicable municipality reserves the right to enter the property, remove the system, and use the financial security in place mentioned in subsection (5) above by the owner or pursue other legal action as may be necessary to have the system removed at the owner's expense.
 - 7. Any unpaid costs resulting from the municipal removal of a vacated, abandoned, or decommissioned solar system, if not covered by the financial security posted, shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded, and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens.

- O. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the applicable municipality to secure the expense of dismantling and removing said structures.

Section 4114. Solid Waste Facilities (Combustors/Incinerators; Transfer Stations; Landfills)

- A. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Street design shall allow a weight limit of 19,000 pounds per axle. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets primarily intended to provide access to residences in a neighborhood.
- B. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.
- C. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a Residential Zoning District.
- D. The hours of operation shall be limited from 7:00 a.m. to 7:00 p.m., except that the hours of operation may be extended when the DEP certifies that sanitation conditions require an extension of operating hours.
- E. Municipal solid waste landfills shall be covered in accordance with the DEP. Exterior lighting shall not cause illumination in excess of one (1) footcandle at any property line, except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

Section 4115. Stable, Commercial

- A. The minimum lot size required for a commercial stable shall be five (5) acres.
- B. No shelter used to house animals shall be located closer than 200 feet to any lot boundary line.
- C. No grazing of any animals shall be permitted closer than 75 feet from any occupied dwellings within the parcel or located on an adjacent parcel, excluding the stable owner's dwelling.
- D. The owner or operator shall not permit litter and droppings from the horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.
- E. The area of the lot used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent lots.

Section 4116. Tavern or Bar

- A. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. A tavern or bar shall not be located closer than 600 feet to another similar existing use.
- C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Township may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 4117. Theater

- A. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- B. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- C. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- D. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- E. Applicants must clearly demonstrate that the use will be compatible with the existing neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 4118. Three-quarter House

- A. The services shall be provided in a family environment.
- B. The facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics, or other such activities.
- C. The total number of residents in any single facility shall be limited to no more than ten (10) persons, including clients, staff, and family members.
- D. Lot, yard, and all other dimensional requirements of the zoning district in which the facility is shall be met. Each lot shall include a minimum of 1,200 square feet of

exterior open space that is maintained and suitable for passive and/or active recreational use.

- E. A facility shall be located not less than 1,000 feet from any other facility.
- F. All structures shall be equipped with acceptable fire escapes which shall provide egress and ingress for all residents on each level. As part of the Conditional Use Application process, the applicable local Fire Department, or the designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, structure layout and adequacy of smoke and fire alarm devices. No Certificate of Occupancy shall be issued prior to an unqualified approval of such authority.
- G. Sanitary facilities, consisting of a sink, water closet, and tub or shower shall be provided at the ratio of one (1) each for every four (4) inhabitants of the facility.
- H. A minimum of 72 square feet of contiguous sleeping and personal area shall be provided for each client. Said area, for purposes of this requirement, shall be computed exclusive of areas used for sanitary facilities, hallways, aisles, stairwells, and other circulation areas, storage areas, dining areas, kitchen and food preparation areas, game rooms and related recreation spaces, instruction areas, and other common use spaces. A dining area shall be provided that is of sufficient size to accommodate all clients, staff, and residents at a single seating.
- I. The sponsor shall file annually with the applicable Municipal Secretary, information certifying that the facility continues to adequately meet the conditions of the original approval. Changes of sponsorship or of any conditions of original approval shall constitute a new use and the full conditional use procedures of obtaining a new use shall be exercised.
- J. All State and municipal code requirements shall be met, consistent with the use of the site.

Section 4119. Vehicle Rental Facility

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street.
- B. The area used for display of automobiles and related merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and mud free.
- C. All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot.
- D. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street ROW.
- E. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth.

- F. All onsite lighting shall be located at least five (5) feet from any street ROW or property line, and all lighting shall be shielded and reflected away from adjacent streets and properties.
- G. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- H. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot high compact hedge or opaque fence.

Section 4120. Vehicle Repair Garage

- A. Such use shall not be located within 100 feet of any lot line adjoining residential use or Residential Zoning District.
- B. There shall be no storage of parts or dismantled vehicles outside an enclosed building.
- C. All repair work shall be performed within an enclosed building, which has adequate ventilation and fire protection provisions.
 - 1. Any paint/spray room or booth facilities shall comply with all relevant federal, state, and local codes, including but not limited to the International Building Code and Pennsylvania Department of Environmental Protection (DEP) regulations.
 - 2. All paint/spray room or booth facilities must be Occupational Safety and Health Administration (OSHA) compliant.
- D. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- E. Vehicles or equipment awaiting repair shall be kept in an enclosed wall or building or in an outdoor area which is screened by an eight (8) foot high hedge or opaque fence within a minimum capacity of 80%.
- F. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

Section 4121. Vehicle Sales and Service

- A. The site shall have frontage on and direct vehicular access to an arterial road as defined by this Ordinance.
- B. The dealer shall provide an indoor showroom for the new equipment or vehicles.
- C. Only vehicles in “showroom condition” may be displayed on the property forward of the building setback line.
- D. All vehicles not in “showroom condition” (including but not limited to those received in trade, awaiting repairs, for lease, etc.) shall be stored behind the building setback line and screened from view from the ROW and from adjoining properties by a landscape screen or fence of appropriate design, as approved by the applicable municipality.

- E. Any vehicle or equipment that fits the definitions of “junked vehicle” or “abandoned vehicle” as defined in this Ordinance is prohibited from the premises.
- F. The outdoor storage provisions of this Ordinance shall be waived for such dealerships provided the above conditions are met and that the development complies with the percentage of impervious surface.
- G. The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of an equivalent or superior character, approved by the applicable Municipal Engineer.
- H. Landscaping within or along the perimeter of surface parking and loading areas shall be encouraged to minimize the impact of heat and glare from paving.
- I. As a part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- J. Any establishment providing vehicle service shall also comply with the requirements for a vehicle repair garage, spelled out in Section 4119 of this Ordinance.

Section 4122. Vineyard

- A. The minimum lot size required is ten (10) acres.
- B. Vehicular access to and from a vineyard shall be conducted from an arterial or collector road.
- C. Vineyard operations shall be conducted in accordance with all applicable federal, state, county, and applicable municipal laws and regulations governing the production of crops and related operations.
- D. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the lot(s), with the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.
- E. A vineyard shall not significantly intensify vehicular or pedestrian traffic, which is normal for residences in the neighborhood.

Section 4123. Warehouse & Storage Services

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for parking and loading areas shall be provided as defined by Section 501 in this Ordinance to protect the surrounding properties from inappropriate light and other disturbances.

- C. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in Section 505 of this Ordinance.
- D. The facility shall have one point of vehicular access to an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (to both pedestrians and vehicles) on the adjacent arterial and/or collector street(s).
- E. Hours of operation and activities must be appropriately scheduled to protect adjoining properties from detrimental noise, dust, odor, vibration, light, or other disturbance or interruption.
- F. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids is permitted on the subject property.
- G. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Board of Supervisors or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- H. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- I. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- J. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- K. A traffic impact study is required and shall be reviewed and approved by the applicable Traffic Engineer.
- L. To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- M. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.

Section 4124. Water Storage

- A. No water storage facility shall exceed 250 feet in height.
- B. A water storage facility shall be setback from adjacent property lines and/or ROWs a minimum distance equal to 115% of the water storage/tower's height but shall not be less than 25 feet in width.

- C. The height of a water storage facility shall be measured from the top of the foundation to the upper most point of the tower.
- D. Lighting shall be required for the water storage facility as a safety measure for low-flying aircraft in accordance with all FAA regulations and approvals.
- E. Access driveways to a water storage tower shall be paved with a minimum of six (6) inches of slag or stone.
- F. All water storage uses, which are principal uses or structures, shall comply with the area and bulk regulations for principal structures in the Zoning District in which they are proposed.
- G. All aboveground water storage facilities that exceed the height limitations of the District shall increase the required yard clearances by one (1) foot for every two (2) feet of height in excess of the height limitations of the District.

Section 4125. Wind Energy Production Facility, Large

- A. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories, the American Standards Technical Manual, or other similar certifying organizations, and shall comply with the Pennsylvania UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. Large wind energy production facilities shall not generate noise which exceeds 55 dBa measured at any property line.
- C. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.
- D. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.
- E. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
- F. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
- G. Wind turbines and towers shall be a non-obtrusive color such as white, off-white, or gray.
- H. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.
- I. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.

- J. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- K. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways, or sidewalks.
- L. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one-tenth (1.1) times the turbine height from any inhabited structure, property line, street ROW, or overhead utility line.
- M. The minimum height of the lowest position of the wind turbine shall be 30 feet above the ground.
- N. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- O. The large wind energy production facility owner is required to notify the applicable municipality immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the municipality to secure the expense of dismantling and removing said structures.

Section 4126. Winery

- A. The minimum lot size required is ten (10) acres.
- B. Winery operations shall be conducted in accordance with all applicable federal, state, county, and municipal laws and regulations governing the production of crops and related operations.
- C. A business established as a winery shall have one (1) point of ingress and egress to a public road ROW. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicles.
- D. Indoor and outdoor display areas associated with retail activity shall not exceed a total of 3,000 square feet in gross floor area. Display areas within parking lots and outdoor storage areas shall be included within the calculated gross floor area.
- E. The minimum number of required parking spaces shall not be utilized for display areas and/or outdoor storage areas.
- F. To promote adequate vehicular safety and circulation, an entrance drive surfaced with bituminous brick, concrete, or stabilized aggregate shall be constructed between the nearest public road ROW and the retail area. The entrance drive shall be a

minimum of twenty (20) feet wide. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.

- G. No more than one (1) identification sign associated with advertising the winery shall be permitted. The identification sign shall be a ground or wall sign and shall have a maximum graphic area of 40 square feet.
- H. The minimum distance between buildings shall be 30 feet.
- I. The maximum length of any building shall be no more than 200 feet.
- J. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the lot(s), with the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.
- K. A traffic impact study, in accordance with ITE standards, may be required to be submitted where the proposed development could generate 100 trips in addition to the adjacent roadways' peak-hour volumes or the traffic movements produced by the development could have the potential to create adverse conditions on public road ROW. A description of future LOS and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to LOS shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the applicable municipality if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

Section 4127. Uses Not Listed

- A. It is the intent of this Ordinance to group similar or compatible land uses into specific Zoning Districts. Uses which are not specifically listed in the Tables of Authorized Uses (Principal and Accessory) may be permitted as a conditional use in the M Manufacturing or the SU Special Use Zoning Districts.
- B. If a property owner or user asserts that a proposed use is not provided for in the Table of Authorized Uses (Principal and Accessory), the property owner or user shall file an application for conditional use with the applicable municipality, which shall review and make a determination if the proposed use is similar to another use contained in the Tables of Authorized Uses (Principal and Accessory).
- C. If the applicable municipality finds the use is similar to an existing use contained in the Table, it may permit the use subject to the same conditions and requirements of that use including the District in which it may be located.
- D. In considering if a proposed use is similar to an existing use contained in the Table of Authorized Uses (Principal and Accessory), the applicable municipality is not limited to assertions of the applicant that the use is similar to a specific listed use, but instead may consider all uses (Principal and Accessory) contained in the Tables of Authorized Uses (Principal and Accessory).

- E. If the applicable municipality finds the use is similar to an existing use, all other provisions of this Ordinance and all codes and Ordinances of the applicable municipality shall apply.

Article V. Supplemental Regulations

Section 501. Screening and Landscaping

- A. Landscaping specifications. Landscaping shall be provided in accordance with the following specifications: A landscaping plan, with detailed drawings, must be submitted with a required subdivision or land development or in the case where subdivision and/or land development approval are not required prior to building permit application. The landscaping plan must contain and show the following information:
1. All required buffer areas with proposed plantings (identifying each proposed tree, bush, or shrub) drawn to scale and identifying the size of plantings.
 2. All required plantings (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale and identifying the size of plantings.
 3. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 4. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
 5. All areas of a lot not covered by building or impervious material shall be maintained as landscaped or natural areas.
- B. Bufferyards
1. Applicants shall demonstrate through the submission of a landscape plan that sufficient landscaping and buffering is provided to minimize impact to adjacent land uses. When required, a minimum of two (2) deciduous trees and three (3) evergreen trees shall be required for every 100 ft. of property line where buffering is required. In addition, five (5) shrubs shall be provided for every 100 ft. of property line where buffering is required. Bufferyards are required to be a minimum of 10 ft. in width. The municipalities encourage flexibility in design and will entertain alternative buffering plans where the applicant demonstrates the buffering plan is equal to or better than the requirements of this ordinance and meets the intent of this section. The use of decorative walls, decorative fences, and landscape mounds are allowable in an effort to meet the requirements of this section.
 2. Buffer areas required. Buffer areas are required under the following circumstances:
 - a. Along Public Roads. A landscape buffer will be required for all new nonresidential developments and developments which abut a public street. The bufferyard will be provided for the entire length of the public street frontage.
 - b. Parking Lots and Loading Areas. A landscape buffer will be required around the perimeter of parking lots and loading areas in all Zoning Districts.

- c. **Adjacent Uses.** Bufferyards are intended to minimize impacts of incompatible land uses on adjacent sites or properties. When new development is proposed, bufferyards will be required along the perimeter of the site. Bufferyards in the C-2 and MU Districts may be relaxed or eliminated at the discretion of the applicable municipality where the development proposes reuse of existing structures on the site and where such site does not provide adequate area for the addition of a buffer. Table 20 outlines the specific bufferyard widths required depending on adjacent land use types.

TABLE 20. BUFFERYARDS

		Adjacent Use	
		Single Family Residential	Multi-Family Residential
Subject Use	Multi-Family Residential	10 ft.	N/A
	Commercial	5 ft.	5 ft.
	Industrial	10 ft.	10 ft.
	Institutional	5 ft.	5 ft.

- d. Where the express standards and criteria for a conditional use or use by special exception in Article IV of this Ordinance specify that a bufferyard is required.

C. General Provisions

1. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
2. **Maintenance Required.** It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease, or other reasons for the discontinued growth of the required trees, shrubs, and bushes. Replacement shall be no later than the subsequent planting season.
3. **Conflict Between Buffer Areas and Building Setback Requirements.** When the width of a required buffer area is in conflict with the minimum building setback requirements of this Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
4. **Storm Water Management Facilities in Buffer Areas.** Storm water management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for failure to meet the planting requirements.

D. Plant Sizes.

1. Deciduous Trees. All trees required to be planted shall be a minimum of two inches in diameter at a point one foot above the ground. All required trees shall be a minimum of six (6) feet in height at time of planting, measured from the ground adjacent to the planted tree to the top of the tree.
2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) feet in height at the time of planting, measured from the ground adjacent to the planted tree to the top of the tree.
3. Shrubs. All shrubs required to be planted shall be a minimum of 24 inches in height at planting.

Section 502. Lighting Requirements

A. Lighting for all uses in the municipalities shall meet the following requirements. These requirements will be in addition to any requirements set forth in the applicable municipal Subdivision and Land Development Ordinance (SALDO).

B. Nonresidential Use Lighting Standards.

1. All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, sidewalks, pathways, and loading spaces shall be sufficiently illuminated as to provide safe movements on the site.
2. Illumination shall be by sharp cut-off fixtures with flush-mounted lens caps, with the following exceptions.
 - a. Decorative street-lighting along streets (not including parking lot areas) are exempt from this requirement. However, streetlight poles for decorative street-lighting shall not exceed 24 feet in height, measured from finished grade to the top of the fixture.
 - b. Decorative lighting along pedestrian walkways in front of buildings and in pedestrian plazas is exempt from this requirement. However, light poles for the decorative lighting shall not exceed fifteen (15) feet in height, measured from finished grade to the top of the fixture.
3. Fixtures (including those mounted on a building or other structure) shall be mounted parallel to the ground surface, with the following exceptions.
 - a. Decorative street-lighting along streets, decorative lighting along pedestrian walkways in front of buildings, and decorative lighting in pedestrian plazas are exempt from this requirement.
 - b. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement.
4. Pole height shall be a maximum of 24 feet.
5. Illumination shall not exceed one footcandle at all property boundaries. The one (1) footcandle illumination shall be measured horizontally on the ground surface and vertically at a five (5) foot height at the property lines.

6. All site lighting including architectural, landscape, and canopy lighting shall be from a concealed source that is not visible from the property boundaries or public street right-of-way. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.
- C. Residential Use Lighting Standards.
1. For all residential uses that require parking lots containing more than ten (10) parking spaces, the proposed use shall comply with the requirements of the nonresidential use lighting standards above.
 2. All other proposed lighting in Residential Districts shall be oriented so as to not interfere with adjacent properties. Decorative streetlights constructed in conjunction with a proposed residential development shall be designed to minimize impact on existing developments or properties.

Section 503. Environmental Performance Standards

- A. Flood Plains. All development and use of land and structures in Floodplain Districts shall comply with the most recently adopted Flood Plain Management Ordinance (FMO) of the applicable municipality, as may be amended from time to time, and with applicable state regulations, specifically Chapter 105, Title 25 of the Pennsylvania Code.
- B. Steep Slopes. In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
1. 16%-25%: No more than 60% of such areas shall be developed and/or regraded or stripped of vegetation.
 2. 26% or more: Earth Disturbance Activities are generally restricted except as authorized by the applicable Borough or Township Engineer.
- C. Ponds, Watercourses, or Wetlands. No development, filling, grading, piping, or diverting shall be permitted except for required roads and utility line extensions, unless authorized and permitted by the appropriate state, county, or other regulatory agency.
- D. Stormwater Drainage and Management. All plans shall comply with the provisions of state and local regulations in effect at the time of final plan approval by the applicable Township Board of Supervisors or Borough Council.
- E. Soil Erosion and Sedimentation. With any earth disturbance, there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law P.L. 1987", Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the PA DEP. In addition, an Erosion and Sedimentation Control Plan (E&S Plan) shall be required as part of the application for any municipal permit where earth disturbance or excavation will occur. At a minimum, where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established, or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be

required where land development is more extensive and/or if a land development requires a National Pollutant Discharge Elimination System (NPDES) permit.

Section 504. General Performance Standards

- A. Noise. The ambient noise level of any operation, other than those exempted below, shall not exceed the decibel levels as prescribed herein. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this ordinance, ambient noise level is the average decibel level recorded during observations taken in accordance with industry standards for measurement and taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.
 - 1. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
 - a. Residential Districts. At no point beyond the boundary of any lot within these Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 to 65 dBA.
 - b. Mixed Use District. At no point beyond the boundary of any lot within the MU District shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 to 70 dBA.
 - c. Industrial or Commercial Districts. At no point on or beyond the boundary of any lot within these Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 70 to 80 dBA.
 - d. Where two (2) or more Zoning Districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
 - 2. The following uses or activities shall be exempted from the noise regulations:
 - a. Customary and usual farming activities in all zoning classifications.
 - b. Noises emanating from construction or maintenance activities between 7:00 a.m. and 11:00 p.m., Monday through Saturday, unless otherwise authorized and approved by the applicable municipality.
 - c. Noises caused by safety signals, warning devices, and other emergency-related activities or uses.
 - d. Noises emanating from public recreational uses between 7:00 a.m. and 10:00 p.m.
 - e. Normal utility and public works activities between the hours of 7:00 a.m. and 9:00 p.m., and emergency operations at any time.
 - f. Band concerts, block parties, church carnivals, festivals, or other performances or similar activities whether publicly or privately

sponsored so long as the activities occur between 8:00 a.m. and 10:00 p.m.

- g. Sounds made by back up beepers for delivery trucks or similar vehicles operating continuously for three (3) minutes or less.
3. In addition to the above regulations, all uses and activities within the municipalities shall conform to all applicable county, state, and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
 4. Noise shall be measured at the property line from which the sound or noise is originated.
- B. Vibrations. Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any District shall be prohibited. The prohibition on vibrations shall also be subject to any other separate ordinance adopted by the Boroughs or Townships.
 - C. Glare. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any District.
 - D. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
 - E. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
 - F. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
 - G. Discharge. No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted.
 - H. Heat, Cold, Dampness, or Movement of Air. No activities producing heat, cold, dampness, or movement of air which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at and/or beyond the lot line are permitted.
 - I. Air Pollution. No pollution by air by fly ash, dust, vapors, or other substance which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling are permitted. Ultimately, air pollution may be acceptable provided that the use complies with all regulations or requirements of the DEP, EPA, and all other regulatory agencies.

- J. Determination of Compliance with Performance Standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the applicable municipality may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the municipality may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.

Section 505. Outdoor Storage

- A. In Nonresidential Zoning Districts, except for nurseries, garden supply, building supply, custom crafting, and similar businesses which require outside storage of materials, storage and display of materials shall not be permitted outside of a completely enclosed structure. In the case of nurseries, garden supply, building supply, custom crafting, and similar businesses, outside display and storage areas shall be completely enclosed by an opaque fence or dense, compact evergreen hedge which is at least six (6) feet in height.
- B. In any other Zoning District, any material or equipment stored outside an enclosed building, except for the purposes identified above, shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. Buffering as identified in the bufferyard requirements in Section 501 of this Ordinance, may be required to screen material or equipment stored outside
- C. All organic rubbish and discarded materials shall be contained in tight, vermin-proof dumpsters which shall be screened from public view by an opaque fence, masonry wall or dense, compact evergreen hedge which is at least six (6) feet in height. Containers shall not be permitted in the front yard.
- D. No lot or premises shall be used as a garbage dump or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any Zoning District where the same may be construed as a menace to public health or safety. No exceptions shall be made except by official government action.

Section 506. Utilities

- A. All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

Section 507. Exterior Finishes

- A. The exterior finish of the building, whether finished face brick, wood veneer, siding or any other finished facing materials shall come down the building to within six (6) inches of finished grade. Plain masonry block or poured concrete shall not be considered a finished product; nor shall either of these construction surfaces be

considered as a finished product if painted, unless specified as a specific architectural exterior treatment by a design professional.

Section 508. Screening of Roof Equipment

- A. Mechanical equipment designed to be located on the roof of a structure/building must be screened with typical building materials. The screen must be designed to complement building design and conceal the equipment from neighboring property owners and the public on adjacent roadways.

Section 509. Screening of Dumpsters and Private Solid Waste Containers

- A. Unless requirements are provided for the given use elsewhere in this Ordinance, dumpsters and solid waste containers not intended for public use that are located on lots with a commercial, industrial and/or multi-family use shall be screened as follows:
 - 1. Screens shall be a minimum of six (6) feet in height and shall be constructed as fences or walls with a minimum height of six (6) feet and a minimum opacity of 80%.
 - 2. All solid waste containers and materials must be contained within the screened area. The containers and materials may be removed from the screened area for pickup no earlier than close of business the day before scheduled pickup and must be returned to the screened area by the end of business the day of pickup.
 - 3. The requirements of this section shall apply to the containers, as well as any overflow solid waste materials that do not fit in the designated containers.

Section 510. Temporary Uses

- A. Permit Required. An occupancy permit is required for any temporary use of land and/or a structure.
 - 1. Authorized Temporary Uses, Residential Districts.
 - a. Model home in a plan of homes used temporarily as a sales office which shall terminate upon the sale or rental of the last unit.
 - 2. Rental or sales office in a multi-family residential complex.
 - 3. Outdoor fair, exhibit, show, or other special event that is sponsored by a nonprofit organization.
 - 4. Other temporary uses, as approved by the Joint Planning Commission.
- B. Authorized Temporary Uses, all Other Zoning Districts.
 - 1. Christmas tree sales.
 - 2. Sale of seasonal produce.
 - 3. Flea market.

4. Outdoor fairs, exhibits.
 5. Temporary sales events.
 6. Rental or sales office in a development complex.
 7. Other temporary uses, as approved by the Joint Planning Commission.
- C. Conditions of Approval for Temporary Uses.
1. Approval of temporary uses and/or structures shall be granted for a time period of one (1) to four (4) weeks within one calendar year.
 2. All temporary uses and/or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
 3. Temporary uses or structure which are authorized for a particular event shall be removed within 48 hours after the completion of the event.
 4. The area proposed for temporary uses and/or structures shall provide off-street parking as required by Article VI of this Ordinance.
 5. All temporary structures shall comply with the requirements of the specific zoning district for accessory structures and with the applicable Borough or Township Fire Code.
 6. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.
 7. Any licenses and permits required to sell products or food or approvals from other governmental agencies shall be submitted prior to the issuance of the occupancy permit.
 8. The applicable municipal fire department shall be notified in writing of the temporary use.
 9. If the applicant does not own the land on which the temporary use is to be located, a letter of agreement and/or permission between the applicant and the landowner shall be submitted.
 10. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the applicable municipality. This includes, but is not limited to, provisions for security, trash pick-up, and daily maintenance of the grounds.
 11. The applicable Zoning Officer may refer any application for a temporary use to Joint Planning Commission for review and recommendation prior to issuance of the occupancy permit.
 12. The provisions of this Section in no way shall be deemed to authorize the outdoor display or sale of automobiles, trailer or equipment rentals, used furniture, appliances, plumbing or building materials, or similar display or sale in any District except as specifically authorized by this Ordinance.

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

Section 511. Essential Services

- A. Essential Services, as defined in this Ordinance, shall be permitted in all Zoning Districts, subject to the restrictions approved by the Joint Planning Commission with respect to use, design, yard area, setbacks, and height.

Section 512. Lot Exceptions

- A. Lots of Record with Inadequate Area or Street Frontage:
 - 1. A lot legally recorded prior to the adoption of this Chapter and containing less area and/or having less frontage on a public street than required as a minimum for the zone district in which the lot is located, may be developed for any use permitted in the zone district without application for a variance provided:
 - a. The lot does not abut along a common line other properties in the same ownership; and
 - b. No reduction of front, side or rear yards or required parking is needed to accommodate the proposed development.
 - c. The Zoning Officer may issue a zoning permit directly if the above conditions can be met. If they cannot be met, the applicant shall be directed to the Zoning Hearing Board to apply for a variance.
 - 2. In the event a lot with inadequate area or frontage abuts other lots in the same ownership, the lots shall be combined to create properties that are more conforming in area or frontage than the original lots or equal or exceed the minimum requirements for area and/or frontage in the zone district.
- B. For the purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six (6) times the average width of the lot may be utilized in calculations.

Section 513. Projections into Required Yards

- A. The following architectural features may project into the required yards as established herein:
 - 1. Steps or stoops not exceeding 24 square feet in area.
 - 2. Eaves, cornices, sills, and belt courses not exceeding 24 inches.

3. Open fire escapes not exceeding 54 inches.
4. Chimneys and ventilation pipes not exceeding 36 inches.

Section 514. Fences and Walls

- A. General Requirements for Fences and Walls. The following general standards shall apply to all fences in the municipalities. Building permits shall not be required for the erection of fencing, except as specifically provided for herein.
1. A plot plan, acceptable drawing, or survey showing the location of the fence or wall must be submitted with a building permit application.
 2. Any fence with in-ground poles must be constructed so as to have such poles facing the landowner on whose lot such fence is located.
 3. The finished side of a fence or wall should face the adjacent property.
 4. No fence in any District shall be erected in such a manner so as to obstruct visibility of a street or driveway intersection, in accordance with this Ordinance.
 5. In any District, fences and/or walls shall not obstruct the clear sight triangle for vehicular traffic.
 6. No fence or wall shall be erected in any public right-of-way.
 7. Fences for public or private tennis courts and similar outdoor recreational facilities may be erected up to eight (8) feet in height, if constructed of a chain link material. Fencing of sport courts shall require a permit from the applicable municipality.
 8. Fencing for the purposes of enclosing a garden area shall comply with all fencing regulations
 9. No barbed wire or razor wire will be permitted in any residential district. Electric fences shall be permitted for agricultural uses, provided the fence is posted as such and installation shall be per the manufacturer's specifications. Barbed wire shall be permitted for the purpose of fencing livestock.
 10. All fences and walls shall be maintained in a sturdy and good condition. Fences and walls which overturn, collapse, fall, or deteriorate, whether in whole or in part, shall be repaired, replaced, or removed within 60 days of receipt of notice thereof. The applicable Zoning Officer shall make such determinations of fence condition.
 11. Fences located along a property boundary may be located along the property line.
 12. The owner of any fence or wall shall be responsible for maintaining it in good repair. As such, any fence, wall, or other barrier that cannot support 105 pounds in weight without bending, breaking, leaning, or moving shall be deemed insufficiently sturdy. If a fence or wall is not being properly

maintained or is deemed insufficiently sturdy, the applicable Zoning Officer shall give written notice to the owner to repair or remove the fence or wall within the period stipulated by the notice. Failure to comply with the order shall be considered a violation of this Ordinance.

13. A retaining wall may be erected along any property line or in any required yard where it is needed to prevent a landslide or other hazardous condition. The location and placement of retaining walls shall meet the requirements of the applicable municipality's SALDO. Landscaping walls three (3) feet in height or less do not require a permit. Retaining walls taller than three (3) feet require a permit. Walls in excess of six (6) feet in height shall have a safety feature place along the top of the wall such as a fence or railing erected along in all areas that exceed six (6) feet.

14. Any erosion or sedimentation control barrier installed at the request of the DEP shall be removed within three (3) months following authorization by the DEP or an authorized agent of the DEP to do so.

B. Fences and Walls Accessory to Residential Use. The following fences and walls may be erected as an accessory structure to a residential use:

1. Front Yards.

- a. Split rail, chain link, and any other fence with 25% or less of the surface area being opaque, not exceeding four (4) feet in height.
- b. Masonry wall or fence with 50% or more of the surface area being opaque, not exceeding three (3) feet in height.

2. Side and Rear Yards.

- a. Masonry or concrete wall, not exceeding three (3) feet in height.
- b. Any other type of fence, not exceeding six (6) feet in height.
- c. Security fence for a swimming pool, not exceeding six (6) feet in height.
 - i. Barbed wire fences shall not be permitted in conjunction with a residential use.

C. Fences and Walls Accessory to a Nonresidential Use. The following fences and walls may be erected as an accessory structure to a nonresidential use in any yard:

1. Front Yards.

- a. Masonry or concrete wall, not exceeding three (3) feet in height.
- b. Fences with 50% or less of the surface area being opaque, not exceeding four (4) feet in height.

2. Side and Rear Yards.

- a. Masonry or concrete wall, not exceeding three (3) feet in height.

- b. Fences with more than 50% of the surface area being opaque, not exceeding six (6) feet in height.

Section 515. Swimming Pools

- A. Swimming Pools. Swimming pools shall be permitted in all Zoning Districts subject to the following requirements:
 - 1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a side or rear yard. A five-foot setback shall be provided for any swimming pool and accessory decks.
 - 2. In-ground pools in all Zoning Districts shall be enclosed by a fence, constituting a barrier to small children, at least four (4) feet in height and equipped with a gate and a lock. Fencing for a pool shall comply with the requirements of this Ordinance.
 - 3. Above-ground pools in all Zoning District having vertical walls over four (4) feet above ground level and removable steps are not required to be fenced, provided the owner shall remove said steps when the pool is not in use to prevent access by small children. All other above-ground swimming pools shall be fenced in accordance with the requirements of Subsection B of this Section.
- B. Private swimming pools shall be located in side or rear yards, properly fenced, and protected with a self-latching gate to avoid becoming an attractive nuisance.

Section 516. Height Measurements

- A. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
 - 1. The highest point of coping for flat roof structures.
 - 2. The deck line of the roof for mansard roof structures.
 - 3. The average height of the roof for gable or hipped roof.
 - 4. A habitable attic shall be counted as a story.

Section 517. Height Exceptions

- A. The height limitations of this Ordinance shall not apply to flag poles, church spires, belfries, domes, or similar architectural projections not used for human occupancy nor to chimneys, ventilation shafts, skylights, water tanks, public utility facilities, bulkheads, silos, ham radio antenna, or other necessary mechanical and operational apparatus usually carried above the roof level.

Section 518. Parking of Commercial Vehicles

- A. No more than one commercial vehicle, as defined in Article II of this Ordinance, shall be stored outside of an enclosed building or garage or be parked overnight on any lot

in a District where residential uses are permitted, unless the governing body of the municipality approves an exception to allow more than one commercial vehicle.

- B. This regulation shall not apply to any commercial vehicles parked temporarily in residential areas for the purpose of loading, unloading, or rendering service to any residential property.

Section 519. Parking of Recreational Vehicles

- A. Recreational vehicles, as defined in Article II, may be parked on the private property of the owner of such vehicle only under the following conditions:
 - 1. A recreational vehicle shall be prohibited in all residential districts except if located behind the building/in the yard, not visible from the street, or inside a garage.
 - 2. A recreational vehicle must be parked in such a manner as to not restrict visibility of traffic from any adjacent public street.
 - 3. A recreational vehicle’s wheels must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.
 - 4. A recreational vehicle shall be licensed and bear a current inspection sticker issued by the Commonwealth of Pennsylvania, if required.
 - 5. Recreational vehicle parking is limited by the following regulations:
 - a. Under no circumstances shall any recreational vehicle be parked on any public street in violation of existing federal, state, or local laws.
 - b. No recreational vehicle shall be used for purposes of habitation while parked or stored on an owner’s property within any of the municipalities, whether temporary or permanent.
 - c. Not more than two (2) recreational vehicles may be parked or stored on a private lot in any of the municipalities unless that vehicle is parked in a garage or concealed from street view by screening
 - i. Recreational vehicles must be screened with an opaque barrier, having at least 75% opacity.
 - ii. The barrier must screen the entire length of the recreational vehicle; and
 - iii. Screen the entire height of the recreational vehicle between the ground elevation upon which it is parked and its highest point, but not exceeding height standards for fences set forth by this Article.

Section 520. The Keeping of Chickens

- A. The keeping of chickens shall be allowed by right as an Accessory Use by Permit, in all residential districts, subject to the standards in this Section. Chickens on existing

farms or hobby farms are exempt, regardless of the Zoning District in which the subject property is located.

- B. Any person wishing to engage in his Accessory Use by Permit shall submit an Application for Zoning/Accessory Use Permit to the applicable Zoning Officer for review and approval, with the fee for same to be established by resolution of the applicable Borough Council or Township Board of Supervisors. Approval shall be subject to the following standards:
 - 1. For the first 4,000 square feet of any property, up to three (3) chickens are allowed. An additional chicken is permitted for every additional 2,000 square feet. A maximum number of ten (10) chickens may be kept at once on a parcel.
 - 2. No person shall keep or maintain a rooster.
 - 3. The chicken coop shall be located in a backyard only, a minimum of ten (10) feet from any lot line and shall sufficiently contain the chickens. Any chicken not contained shall be considered “running at large.”
 - 4. An outside run shall be attached to the coop ten (10) feet from any lot line, and sufficiently contain the chicken; and any chicken not contained shall be considered “running at large.”
 - 5. All feed, water, and other items for keeping chickens shall be secured to prevent rats, mice, and other vermin from infesting.
 - 6. Chicken feces must be properly collected, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or other hazards. (Chicken manure may be composted and added to gardens or yards if done within out creating no malodorous smells, nuisances, or other hazards.) The minimum setback for chicken waste collection and storage shall be ten (10) feet from the property line.
 - 7. The selling of chickens or chicken products for commercial purposes is prohibited.
 - 8. Slaughtering and butchering are prohibited.
 - 9. No chickens shall be kept in townhouse communities, apartment communities, or manufactured home parks.

Section 521. The Keeping of Ducks

- A. Subject to the standards in this Section, it shall be a lawful to maintain ducks as an Accessory Use by Permit in any Residential Zoning District. Ducks in agricultural zones and/or on any existing farms or hobby farms are exempt, regardless of the Zoning District in which it is located.
- B. Any person wishing to engage in this Accessory Use by Permit shall submit an application for Zoning/Accessory Use Permit to the applicable Zoning Officer for review and approval, with the fee for the same to be established by resolution for the applicable Borough Council or Township Board of Supervisors. Approval shall be subject to the following Standards:

1. Ducks shall only be kept on properties that are one (1) acre or larger.
2. No person shall house more than five (5) ducks on a single residential parcel.
3. Ducks shall be kept in the backyard only. All enclosed shelter with adequate protection from weather and predators is required. The shelter shall provide at least three (3) square feet per duck. All duck keeping facilities shall be setback at least 50 feet from lot lines.
4. Any duck not contained on an owner's property shall be considered "running at large."
5. All feed, water, and other items for keeping shall be secured to prevent rats, mice, and other vermin from infesting.
6. Duck feces must properly collect, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or other hazards. (Duck manure may be composted and added to gardens or yards if done within out creating no malodorous smells, nuisances, or other hazards.) The minimum setback for duck waste collection and storage shall be ten (10) feet from the property line.
7. Ducks shall be kept for personal reasons only. The selling of ducks or duck products for commercial purposes is prohibited.
8. Slaughtering and butchering are prohibited.
9. No ducks shall be kept in townhouse communities, apartment communities, or manufactured home parks.

Section 522. The Keeping of Bees

- A. Subject to the standards in this Section, it shall be a lawful to maintain an Apiary as an Accessory Use by Permit in any Residential Zoning District. Bees in agricultural zones and/or on any existing farms or hobby farms are exempt, regardless of the Zoning District in which it is located.
- B. Any person wishing to engage in this Accessory Use by Permit shall submit an application for Zoning/Accessory Use Permit to the applicable Zoning Officer for review and approval, with the fee for the same to be established by resolution of the applicable Borough Council or Township Board of Supervisors. Approval shall be subject to the following standards:
 1. For 4,000 square feet of any parcel, up to two (2) hives are allowed; Each additional 2,000 square feet of any parcel is permitted two (2) additional hives. A maximum number of six (6) hives may kept per property.
 2. Apiaries shall be maintained in the backyard of the property and prohibited from being located in the front or side yard of any property. Any hives shall be set back a minimum of fifteen (15) feet from any lot line. Beekeeping facilities shall not be within 50 feet of a swimming pool or permanently kenneled animal.

3. Flyway barriers shall be required if a beekeeper is unable to direct bee flight pathways above six (6) feet across the beekeeper's property. Flyway barriers shall be six (6) feet in height and within five (5) feet distance from the hive but shall remain ten (10) feet from any lot line. No flyway barriers are required for hives on porches or balconies at least ten (10) feet above grade.
4. Bees shall be kept for personal use only. The selling of bees or bee products for commercial purposes is prohibited.
3. No bees shall be kept in townhouse communities, apartment communities, or manufactured home parks.

Section 523. Use of Goats Temporarily to Remove Vegetation

- A. Goats may be used on a temporary basis to aid with the removal of vegetation on vacant lots or larger properties with significant vegetation throughout the municipalities.
- B. Any property owner interested in using goats to remove vegetation must get approval from the Manager, Secretary or Zoning officer of the applicable municipality.
- C. Proper controls, including temporary fencing, shall be put in place to contain the goats on to subject property.
- D. All feed, water, and other items for the temporary goats shall be secured to prevent rats, mice, and other vermin from infesting.
- E. Goat feces must be properly collected, stored, and disposed of in a manner that prevents malodorous smells, nuisances, or other hazards. The minimum setback for goat waste collection and storage shall be ten (10) feet from the property line.
- F. The time period during which goats are used to remove vegetation shall not exceed fourteen (14) days.

Section 524. Private Sports Courts Accessory to a Dwelling Unit

- A. Sports courts accessory to a dwelling unit shall be located only in a side or rear yard and shall be no closer to the side or rear property line than 20 feet.
- B. Lighting of the sports courts shall not be permitted.
- C. All sports courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and which shall contain openings equal to 50% or more of the surface area of the fence.
- D. The area of the sports court shall not exceed 50% of the total area of the rear yard.
- E. Sport courts shall not be placed over utility lines or utility easements without the approval and permission of the utility owner.

Section 525. Home Based Business, No Impact and Home Occupation

- A. Where permitted, all home based no impact businesses shall comply with the following standards of operation:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no employees other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.
 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
 8. The business may not involve any illegal activity.
- B. Where permitted, all home occupations shall comply with the following standards of operation:
1. The occupation, profession or limited commercial activity shall be conducted wholly within the principal building or accessory building thereto.
 2. No more than two (2) persons who are not members of the family shall be employed.
 3. No stock in trade shall be stored inside the building or on the exterior of the lot.
 4. No exterior signage shall be stored inside the building or on the exterior of the lot.
 5. Offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance shall not be generated by the home occupation.
 6. Off-street parking shall be provided for employee vehicles and visitors in addition to the minimum required for the residential dwelling.
 7. No home occupation shall utilize greater than twenty percent (20%) of the gross floor area of the dwelling unit.
 8. A home occupation shall include but not be limited to the following: day care home, dressmaking, hairdressing and nail shop, teaching or tutoring, office of a physician, dentist, optometrist, lawyer, engineer, architect, accountant, real estate agent or insurance agent.

Section 526. Hobby Farms

- A. A hobby farm is a permitted use in the R-R, R-1, and SU Zoning District.
- B. The owner of the hobby farm shall reside on the lot.
- C. The minimum lot area required for a hobby farm is three (3) acres.
- D. Hobby farms may include any of the activities encompassed by agriculture, as defined by this Ordinance. The hobby farm shall be restricted to personal use and enjoyment and any sale of animals or produce shall not constitute the principal economic activity of the residents of the hobby farm. The sale of agricultural products raised on the hobby farm shall be permitted.
- E. The number of animals maintained on a hobby farm shall be reasonably related to the size of the lot, the area available for grazing, and the capacity of the land to sustain animals without creating a nuisance.
- F. No buildings in which animals are kept or manure is stored shall be located within 50 feet of any lot line or within 75 of another occupied dwelling, other than the hobby farm owner's dwelling.
- G. No grazing of animals shall be permitted closer than 75 feet from any occupied dwellings within the parcel or located on an adjacent parcel, excluding the hobby farm owner's dwelling.
- H. A hobby farm owner shall not permit litter and droppings from any animals to collect that would result in the presence of fly larvae or objectionable odors.
- I. The lot area used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent lots.

Section 527. Stables, Private

- A. A private stable is a permitted accessory use in the R-R Zoning District.
- B. The owner of the private stable shall reside on the lot.
- C. The minimum lot area required for a private stable is one (1) acre.
- D. The number of horses, ponies, and other animals maintained on a private stable shall be reasonably related to the size of the lot, the area available for grazing, and the capacity of the land to sustain these animals without creating a nuisance.
- E. No stables or buildings in which horses, ponies, or other animals are kept or manure is stored shall be located within 50 feet of any lot line or within 75 of another occupied dwelling, other than the private stable owner's dwelling.
- F. No grazing of horses, ponies, or other animals shall be permitted closer than 75 feet from any occupied dwellings within the parcel or located on an adjacent parcel, excluding the private stable owner's dwelling.
- G. A private stable owner shall not permit litter and droppings from any horses, ponies, or other animals to collect that would result in the presence of fly larvae or objectionable odors.

- H. The lot area used for grazing shall be adequately fenced to properly enclose the horses, ponies, or other animals and to protect adjacent lots.

Section 528. Flag Lots

- A. Flag lots shall be permitted where necessary in any of the Residential Zoning Districts within the municipalities.
- B. A flag lot shall meet minimum lot frontage requirements no further than 100 feet from the roadway in which it gains its access. The pole portion of a flag lot shall not be less than 50 feet in width in order to provide adequate spacing for driveways.
- C. The front setback requirement for flag lots shall be measured at the point where the lot meets the minimum lot frontage requirement.

Section 529. Shipping Container Homes

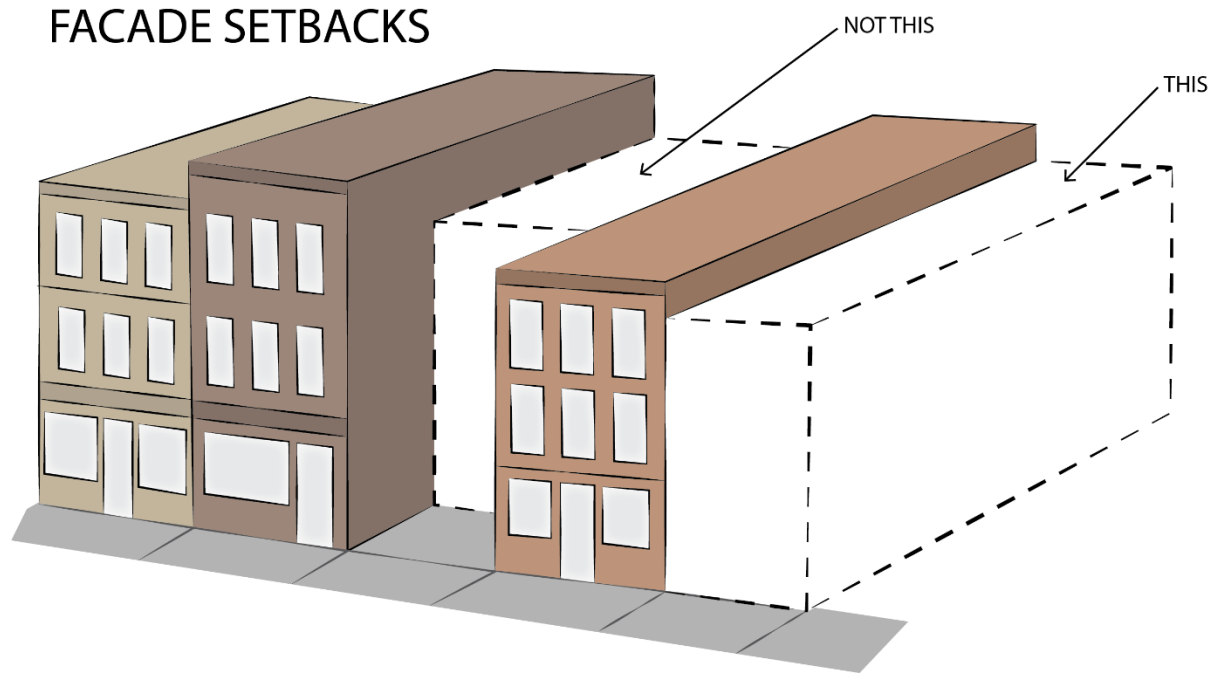
- A. Shipping container homes are permitted in all Residential Zoning Districts (R-R, R-1, R-2, and R-3), as well as in the Mixed Use (MU) District.
- B. Shipping container homes are permitted as any dwelling unit type if all relevant building and residential codes are satisfied.
- C. Shipping container homes must comply with any relevant standards for the Zoning District in which they are located, as set forth by this Ordinance.

Section 530. Design Standards for the C-1 Central Business District

- A. The following design guidelines and standards are established to preserve and promote the unique character of downtown New Brighton and specifically the C-1 Central Business District
- B. Any alterations to existing structures or buildings in the C-1 Central Business District shall be reviewed by the Joint Planning Commission.
- C. All buildings, structures, sites, signs, and public spaces should be designed to:
 - 1. Reflect and enhance the existing dominant aesthetic and/or visual qualities of downtown New Brighton, to the extent possible.
 - 2. Encourage and promote design continuity that relates to the historic past of New Brighton and to the ongoing revitalization and redevelopment efforts within the New Brighton Area.
 - 3. Assure that proposed developments are consistent with the existing design, building forms, and land uses within the downtown New Brighton Area.
 - 4. Ensure that blank end walls shall incorporate building components and/or design features and that blank rear walls shall be screened with landscaping.
 - 5. Incorporate pedestrian-oriented and human-scaled ROWs, public spaces, and streetscapes that promote safe pedestrian movement, access, and circulation.
 - 6. Ensure that loading areas and garages are located in the rear and can be accessed from an alley, when feasible.

- 7. Protect, expand, and enhance green space within downtown New Brighton in both public and private developments that enhances landscaping design details, including but not limited to trees, lawns, and plantings.
- D. Percent Lot Coverage and Setback Relative to Adjacent Structures: New or expanded buildings should be setback from the street consistent with the character of the Central Business District, particularly those buildings immediately adjacent to it, as depicted in the following figure.

FIGURE 3. FAÇADE SETBACK EXAMPLE



E. Building Placement and Access

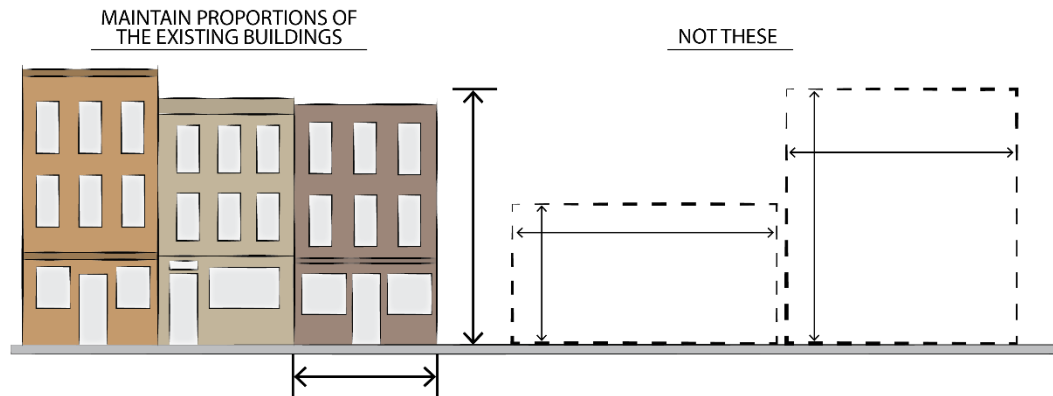
- 1. buildings shall not be accessed directly from the street and there shall be no parking in the front yard, particularly if alley access is available.
- 2. The façade of and principal nonresidential buildings shall be oriented or face towards a street or public or private open space designed as a green or a plaza that includes walkways for pedestrian circulation.
- 3. Mechanical equipment, such as air conditioning and heating systems, shall not be located in the front yard or in front of the building.

F. Building Size

- 1. Height. The height of new construction or additions to existing buildings, shall not be twenty percent (20%) or more over or under the average height of the adjacent buildings, including those within a 250' radius of the parcel.

FIGURE 4. CONTIGUOUS FAÇADE EXAMPLE

CONTIGUOUS FAÇADES



2. In the Central Business District, the individual buildings with street frontage shall not have any street wall greater than 150 feet in length without a mid-building change in the street wall plane for a minimum of eight (8) feet in depth and twenty (20) feet in width.
3. Mid-building change in any street wall plane shall provide adequate architectural detail, buffering, and/or screening.
4. In no case shall a single building or a contiguous block of attached buildings be greater than 300 feet in width, regardless of changes in street wall planes.
5. Mid-block spacing shall meet the building spacing and area and bulk requirements of the C-1 Zoning District.
6. Accessory Buildings. Accessory buildings shall be designed to be:
 - a. Subordinate, incidental, and completely accessory to the scale and design of the principal building.
 - b. Smaller in scale and bulk than the principal building.
 - i. The accessory building footprint shall not be more than two-thirds (0.67) that of the principal building.
 - ii. The accessory building height shall be no more than two (2) stories. If the principal building height is one (1) story, an accessory building shall not exceed the height of the principal building.
 - iii. The number of accessory buildings shall be no more than two (2).
 - iv. Accessory structures shall have architectural features similar to the overall character of the Central Business District.

G. Facades

1. Door and window openings shall be spaced within the elevation of the exterior walls to maintain a consistent balance of solids and voids in a manner that is consistent with the existing character of the Central Business District and downtown New Brighton.
2. Large areas of unbroken wall or walls that are entirely open or transparent should be avoided.
3. Windows should generally be subdividing with mullions or panes. Large unbroken picture or display windows are generally encouraged.

H. Relationship of Materials to Existing and Adjacent Structures

1. New buildings, building additions, or building renovations shall use materials (detail and trim, materials, colors, and textures) that are consistent with the character of the Central Business District and downtown New Brighton.
2. Brick, masonry, and other materials including mortar shall be consistent with the character of adjacent buildings and the Central Business District as a whole.

I. Relationship of Architectural Details. The specific character of architectural details, particularly those drawn from historic styles, may vary depending on the nature of the project.

1. Renovations. In the case of renovations or minor additions to an existing historic building, the details shall mimic those of the existing structure, when appropriate. Minor renovations shall include the repainting of previously painted surfaces, the addition or replacement of storm windows or storm doors, and/or other work that does not change the exterior historic appearance of the building as viewed from a public street.
2. Additions. In the case of a major addition to an existing structure, the addition shall show a differentiation between the original building and the new construction, while being compatible with the historic materials, features, size, scale, and proportions and shall protect the integrity of the existing building and its environment. Major additions include anything that does not fit the minor renovation definition provided above.
3. New Buildings. The details of new buildings shall be intrinsic to the architectural design of the building, so long as the entirety of the design is compatible with the character of the Central Business District.

J. Non-Residential Building Standards

1. Building Entrance. The main entrance to a building shall be on the front façade and shall face a public street and have direct pedestrian access/connection to the street.
2. Building Context and Compatibility. Any new non-residential developments shall be constructed to be compatible with those on the same block and

neighborhood. This can be met by the new development meeting at least three (3) of the following elements from the same block:

- a. Building height
 - b. Roof style/overhang
 - c. Building massing
 - d. Window coverage
 - e. Exterior building material
 - f. Pattern of window and door openings
 - g. Any other similarities approved by the municipalities.
3. Windows and Transparency. Renovations of the first floor of existing buildings shall not decrease the area of transparency.

K. Off-Street Parking

1. Off-street parking areas should be placed behind buildings.
2. Screening with landscaping and hedgerows are encouraged where feasible.
3. Parking shall conform with Article VI of this Ordinance.

L. Signs

1. Signs shall conform with all applicable codes and shall comply with Article VIII of this Ordinance.
2. The visual impact of signs shall be consistent with the historical and architectural character of the Central Business District, as a whole, and shall promote the visual attractiveness of the Business District.
3. It is encouraged that signs include information such as the name of the business and business owners or proprietors, rather than trademarks and products.
4. No sign can project from a building surface more than three (3) feet and a parallel sign can project no more than ten (10) inches.
5. Signs shall not obscure architectural details or features including but not limited to, arches, glass transom panels, and decorative brickwork, and shall reinforce the horizontal lines of moldings and transoms seen along the street.
6. Permanent window signs may not take up more than 50% of the window area.
7. Materials and lettering shall be consistent and appropriate to the character of the Central Business District. Raised lettering is preferred.
8. Vinyl banner signs are not permitted as a form of permanent signage.
9. Temporary signs may be utilized for no more than 60 days in any calendar year.

10. Lighting. Signs shall be externally illuminated by a steady, stationary, and shielded light source directed solely at the sign without causing glare for motorists, pedestrians, or neighboring properties.

M. Additional Design Features

1. Dumpsters, HVAC units, and utility boxes shall be screened by decorative walls and fences with convenient pedestrian and vehicular access.

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Article VI. Parking

Section 601. Overview

- A. In all Zoning Districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street parking and loading berths in accordance with the requirements of this Article.
- B. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored or wait in a manner that blocks access to a public ROW.
- C. Off-street parking and loading spaces shall be provided in accordance with the specifications in this Article in any Zoning District whenever any new use is established, or an existing use is enlarged.

Section 602. General Requirements

- A. Off-street vehicular parking facilities shall be provided in accordance with the following standards:
 - 1. Off-street parking may not be located within any existing ROW.
 - a. Off-street parking may be located in any required side or rear yard, except in the C-1 Zoning District (add reference to specific regulations in district requirements section).
 - b. Off-street parking associated with housing demolition and reconstruction will be determined necessary on a case-by-case basis due to existing site conditions and restraints.
 - 2. Except when provided for residential parking, off-street parking areas shall be constructed with a wearing surface over a minimum of four (4) inches of stone base and shall be properly graded and drained to dispose of all surface water in compliance with the municipalities' stormwater management standards.
 - 3. Commercial and industrial parking areas shall be arranged and marked for the orderly and safe circulation, loading, parking, and storage of vehicles and shall be adequately illuminated if designed for use by more than ten (10) cars after dusk.
 - 4. If determined necessary by the Joint Planning Commission, parking areas for commercial and industrial uses which provide more than ten (10) parking spaces shall be screened from any butting property used for residential purposes.
 - a. Screening may be accomplished through the placement of buildings, solid fencing and/or the provision and maintenance of heavy planting in the form of a mix of contiguous evergreen and deciduous trees or other suitable landscaping as approved by the Joint Planning Commission or the municipal governing body.

- B. Any new use, expansion of an existing use, or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking and loading spaces.
 - 1. When the calculation of required parking and/or loading spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
 - 2. Where more than one (1) use exists on a lot, parking and loading requirements for each use shall be provided.
 - 3. A landowner and/or developer shall follow the specific requirements of the Americans with Disabilities Act for off-street parking requirements and shall also meet the standards of the most recently adopted Unified Commercial Code (UCC), as may be amended from time to time.

Section 603. Parking Ratios

- A. Applicability. The minimum parking ratio standards apply to all Zoning Districts except as may be modified in the provisions of this Ordinance.
- B. Table 21 establishes the minimum number of parking spaces required for the uses indicated. Parking requirements may be met by one (1) or more of a combination of the following methods:
 - 1. On-site Parking. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to Table 21. Only spaces that are designed consistent with this Section are counted toward the minimum parking required. The following provision applies when providing the minimum number of required on-site parking spaces:
 - a. Required parking for single-family dwellings may be stacked and do not require separate access to each required space.
 - b. No part of a parking or loading space required for any building to comply with this Ordinance shall be included as part of a parking or loading space required for another building.
 - c. Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.
 - 2. Shared Parking. Parking spaces required under this Section may be provided cooperatively for two (2) or more uses on a site as shared subject to the requirements of this Section. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
 - a. The off-site, off-street parking facilities are located on adjacent parcels and are located within 300 feet of the proposed uses.
 - b. The parking demands of the individual uses, as determined by the applicable Zoning Officer, based on minimum off-street parking

requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required.

- c. A written agreement between the owners and lessees is executed in perpetuity. Should the lease expire or otherwise terminate the use for which the off-site parking was provided, it shall be considered in violation of its zoning approval and shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.
 - d. The applicant shall provide calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses during the following time periods:
 - i. Weekday Daytime
 - ii. Weekday Evening
 - iii. Weekend Daytime
 - iv. Weekend Evening
 - e. An application for approval of a shared parking plan shall be filed with the applicable Zoning Officer by the owner of the land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or land development approval, the shared parking agreement requires approval of the applicable Borough Council or Township Board of Supervisors.
- C. Uses Not Identified. The Joint Planning Commission shall determine the parking requirement for uses that do not correspond to the categories listed in Table 21. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
- 1. Type of uses.
 - 2. Number of employees.
 - 3. Building design capacity.
 - 4. Building occupancy load.
 - 5. Square feet of sales area and service area.
 - 6. Parking spaces proposed on site.

7. Number of accessible parking spaces.
 8. Parking spaces provided elsewhere.
 9. Hours of operation.
- D. Multiple Uses. Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or the gross floor area of each structure. This provision does not apply where the applicant has sought and secured approval under the shared parking requirements of this Ordinance.
- E. Fractional Measurements. When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction shall be rounded up to require a full off-street parking space.
- F. Parking Needs Analysis. For uses with widely varying parking demands, minimum vehicle spaces will be determined based on a parking needs analysis. The parking needs analysis is subject to the following conditions:
1. The parking needs analysis shall be signed and sealed by a qualified engineer.
 2. The parking needs analysis, in narrative form, shall include the following:
 - a. A site plan of the subject lot identifying where the proposed project is located, all existing uses/tenant spaces and existing parking spaces.
 - b. A list of all existing/proposed uses.
 - c. The square footage of any proposed structure, listed by type of use.
 - d. A list of dining and seating counts for all restaurant, bar, and coffee shop uses.
 - e. A list of total office space, if applicable.
 - f. A list of the total number existing parking spaces on-site.
 - g. The difference (if any) between the total the number of parking spaces required and the number of parking spaces existing on-site.
 - h. Floor plan layout(s) may be required to determine relevant seating areas and other-relevant square-footage areas.
 - i. Additional requirements as determined by the Zoning Officer.
 3. The parking needs analysis shall be approved by the relevant Borough Council or Township Board of Supervisors.
 4. The landowner or developer shall update the municipal-approved parking needs analysis upon any change in the use of the subject lot.
 5. The number of off-street parking spaces and loading spaces required by Table 21 of this Ordinance may be reduced if a parking needs analysis demonstrates that the specified ratios in Table 21 exceed the total parking demand of all uses on the subject lot at any one time.

TABLE 21. PARKING RATIOS

Land Use/Activity	Parking Ratios
	Minimum Vehicle Spaces
Adaptive Reuse	Determined as per parking needs analysis
Adult Oriented Business	1 per 200 sq. ft. of gross floor area
Agricultural Operations	None except 1 per 200 sq. ft. of gross leasable area of building used for sale of products produced on the premises
Agritourism	Determined as per parking needs analysis
Ambulance Station	1 per employee + 1 per 200 sq. ft. gross floor area
Amphitheater	Determined as per parking needs analysis
Amusement Arcade	Determined as per parking needs analysis
Amusement Park	1 per 600 sq. ft. outdoor recreation area
Animal Day Care	1 per 600 sq. ft. gross floor area + 1 per employee
Animal Grooming Facility	2 per grooming station + 1 per employee
Animal Hospitals and Veterinarian Services	1 per employee and 2 per exam room
Art Gallery	1 per 1,000 sq. ft. gross floor area
Arts and Craft Studio	1 per 200 sq. ft. gross floor area
Asphalt/Concrete Plant	Determined as per parking needs analysis
Auditorium	1 per each 2 seats in the main seating area
Bank/Financial Institution	1 per 300 sq. ft. gross floor area, 1 per employee, and 2 per drive-through lane
Barn	None
Bed and Breakfast/ Inn	1 per guest room and 1 per permanent resident
Beverage Distributor	1 per 300 sq. ft. gross floor area
Billboards	1 per site
Boarding House	1 per guest room + 2 per owner's portion
Brewery	Determined as per parking needs analysis
Bus or Truck Maintenance Facility	3 per repair bay and 1 per each employee
Business Services	1 per employee + spaces required to satisfy projected peak parking needs
Campground	Determined as per parking needs analysis
Car Wash	1 per 375 sq. ft. gross floor area, including service bays, wash tunnels, and retail areas
Care Facilities and Senior Housing:	
Assisted Living Facility	1 per every 3 rooms
Independent Living Facility	2 per dwelling unit
Life Care Community	1 per employee on peak shift and 1 per 3 beds or residents
Nursing Home	1 per 3 beds and 1 per employee on peak shift
Retirement Housing Facility	1 per 3 dwelling unit

Parking Ratios	
Land Use/Activity	Minimum Vehicle Spaces
Catering (Kitchen/Food Preparation Only)	1 per employee
Catering/Event Venue	1 per 300 sq. ft. gross floor area
Cemetery & Mausoleums	1 per 4 visitors in total capacity of cemetery
Club/Lodges (not including Commercial Recreation Uses)	1 per every 5 members
College/University	1 per 4 students
Commercial Equestrian Operations	1 per 4 stables and 1 per employee on peak shift (horse boarding)
Commercial Motor Vehicle Repair	3 per repair bay and 1 per each employee
Commercial School	1 per faculty member/employee and 1 per 3 nonresident students and 1 per 5 resident students if residents are permitted to have cars
Community Center	1 per 300 sq. ft. gross floor area
Community Food Bank	1 per 400 sq. ft. gross floor area
Conference Center	1 per 1,000 sq. ft. gross floor area
Construction Related Business	1 per 1,000 sq. ft. gross floor area
Continuing Care Retirement Community	1 per 3 beds and 1 per employee on peak shift
Convenience Store	1 per 300 sq. ft. gross floor area
Correctional Facility	1 per employee on maximum shift, 1 per service vehicle, and 1 per resident of a halfway house or similar scaled facility
Cryptocurrency Mining	Determined as per parking needs analysis
Day Care Center, Adult	1 per 375 sq. ft. gross floor area
Day Care Center, Child	1 per 375 sq. ft. gross floor area
Distillery	Determined as per parking needs analysis
Distribution Center	1 per 1,000 sq. ft. gross floor area
Drive-Through Facility	1 per employee
Dwelling Types:	
Accessory Dwelling Units	1 space, in addition to primary dwelling unit requirement
Conversion Dwelling	2 per dwelling unit
Duplex	2 per dwelling unit
Apartment, Garden	1 per dwelling unit
Apartment, High-Rise	1 per dwelling unit
Manufactured or Modular Home	1 per home on a lot with adjacent street parking available 2 per home without adjacent street parking available
Mobile Home/Mobile Home Park	2 per mobile home (1 on lot and 1 within 300 ft of mobile home)

Parking Ratios	
Land Use/Activity	Minimum Vehicle Spaces
Multifamily Dwelling	2 per dwelling unit
Quadruplex	2 per dwelling unit
Single-Family Dwelling	2 per dwelling unit
Tiny House	1 per dwelling unit
Townhomes	2 per dwelling unit
Educational Institution	Determined as per parking needs analysis
Emergency Operation Center	1 per employee
Emergency Services Facility	1 per employee
Emergency Shelter	1 per employee + 1 per bed
Essential Services	None
Farmers Market	1 per 300 sq. ft. gross floor area
Fire Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sq. ft. usable office space
Fitness Center	1 space for every 400 sq. ft. of gross floor area
Flea Market	1 per employee + spaces required to satisfy projected peak parking needs
Flex Space	Determined as per parking needs analysis
Food and Grocery Store	1 per 300 sq. ft. of gross floor area
Forestry	None
Freight and Truck Terminal	1 per 2 employees on peak shift
Funeral Home	1 per 4 seats
Garden Center	1 per 1,000 sq. ft.
Gas/Fuel Station	1 per 375 sq. ft. gross floor area including service bays, wash tunnels and retail areas
Golf Course	4 per hole and 1 per employee on peak shift
Golf Driving Range	1 per golf tee box + 1 per employee
Grain Silos	None
Greenhouse/Nursery	1 per 375 sq. ft. of gross floor area
Ground Mounted Solar System	None
Group Care Facility	1 per employee and 1 per every 3 rooms
Group Home	1 per every 3 beds plus 1 per employee
Halfway House	1 per bed plus 1 per employee
Heavy Equipment Service Repair	3 per repair bay and 1 per each employee
Hobby Farm	Determined as per parking needs analysis
Home-Based Business, (No Impact)	1 per dwelling unit
Home Occupation	Combined total for the dwelling type + the nonresidential use
Horse Boarding and Riding Academy	1 per 4 stables and 1 per employee on peak shift (horse boarding)

Parking Ratios	
Land Use/Activity	Minimum Vehicle Spaces
Hospital	1 per every 400 sq. ft. of gross floor area
Hotel	1 per room, 1 space per employee at peak shift, and 1 per 800 sq. ft. of any accessory use or meeting space open to the public
Kennel	1 per employee and 1 per 8 animals in capacity
Laboratory	Determined as per parking needs analysis
Landscaping Service Center (Retail)	1 per 300 sq. ft. of net floor area (indoor) and 1 per 500 sq. ft. of gross floor area (outdoor) and 1 per employee on peak shift
Landscaping Service Center (Wholesale)	1 per 2 acres of production sales area
Laundromat	1 per 300 sq. ft. gross floor area
Library	1 per 300 sq. ft. gross floor area
Live-Work Unit	Combined total for the dwelling type + the nonresidential use
Manufactured Home Sales	1 per 300 sq. ft. gross floor area of sales building
Manufacturing Facility, Light	1 per employee
Manufacturing Facility, Heavy	1 per employee
Marina	Determined as per parking needs analysis
Massage Therapy Establishment	1 per 200 sq. ft. gross floor area
Medical Clinic	1 per 200 sq. ft. gross floor area
Medical Marijuana Dispensary	1 per 200 sq. ft. gross floor area
Medical Marijuana Grower/Processor	1 per 800 sq. ft. of gross floor area
Medical Offices (low intensity)	3 per exam room and 1 per employee during peak shift
Medical Offices (high intensity)	3 per exam room and 1 per employee during peak shift
Methadone Treatment Facility	1 per each 200 sq. ft. of gross floor area
Micro-Distillery	1 per 75 sq. ft. gross floor area
Mineral Development	1 per employee + 1 per facility vehicle
Motel	1 per employee on peak shift and 1 per sleeping unit and additional regulations for restaurant/bar/conference room if accessory use or open to general public
Municipal Building	Determined as per parking needs analysis
Natural Gas Compressor Station	1 per employee
Natural Gas Processing Plant	1 per employee
Nature Preserve	1 per each 5 acres of land, if open to the public
Night Club	1 per 2 seats
Offices, Business and Professional	1 per each 300 sq. ft. gross floor area

Parking Ratios	
Land Use/Activity	Minimum Vehicle Spaces
Oil and Gas Compressor Station	1 per employee + 1 per facility vehicle
Oil and Gas Processing Plant	1 per employee + 1 per facility vehicle
Oil and Gas Well/Pad	1 per employee + 1 per facility vehicle
Park	As determined by Multi-Municipal Planning Commission
Parking Lot, Commercial	Not applicable
Parking Structure, Commercial	Not applicable
Personal Services	1 per 200 sq. ft. or net floor area and 1 per 2 employees on peak shift
Pet Boarding	1 per employee and 1 per 1000 sf
Pharmacy	1 per 200 sq. ft. gross floor area
Pilot Manufacturing	1 per employee on peak shift
Place of Worship	1 per 8 seats
Planned Residential Development (PRD)	2 per dwelling unit
Police Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sq. ft. usable office space
Post Office	Determined as per parking needs analysis
Public Utility Building or Public Utility Transmission Facility	1 space per employee on peak shift and 1 space per service vehicle stored on lot
Railroad Facility	1 per employee
Railroad Freight Transloading and Distribution Terminal	Determined as per parking needs analysis
Recreation Facility	1.5 per 500 sf gross floor area or 1 per each 3 participants at maximum utilization
Recreation – Indoor	1.5 per 500 sq. ft. gross floor area
Recreation – Outdoor	1 per each 3 participants at maximum utilization
Recycling Business	1 per employee
Research and Development	1 per 500 sq. ft. gross floor area
Repossession Business	1 per employee plus 5 additional spaces for customers
Resource Recovery Facility	1 per 1,000 sq. ft. and 1 per employee on peak shift
Restaurant	1 per 75 sq. ft. gross floor area and 1 per employee on peak shift
Retail Store	1 per 400 sq. ft. gross floor area or servicing customers and 1 per employee
Roadside Stand, Principal	1 per employee on peak shift plus 4 reservoir stacking spaces
Salt Storage Facility	1 per employee
Salvage/Junk Yard	1 per employee on peak shift, plus 1 per 200 sq. ft. gross floor area used for office or

Land Use/Activity	Parking Ratios
	Minimum Vehicle Spaces
	administrative functions
School	Determined as per parking needs analysis
Self-storage Facility	1 per 100 storage units plus 1 per management staff
Shopping Center	1 per 300 sq. ft. gross floor area
Short-term Rental, Principal	1 per bedroom
Skilled Nursing Facility	1 per 3 rooms
Solar Energy Facility, Large	1 per service employee
Solid Waste Combustor or Incinerator	1 per employee
Solid Waste Landfill Facility	1 per employee
Solid Waste Transfer Station	1 per employee
Stable, Commercial	1 per 4 stables and 1 per employee on peak shift (horse boarding)
Storage Yard, Principal	1 per employee
Supply Yard, Principal	1 per employee + 5 additional spaces for customers
Tavern or Bar	1 per 2 seats
Taxi and Limousine Service	1 per employee
Theater	12 per 1000 sq. ft. gross floor area
Theater, Drive-In	1 per employee
Three-quarter House	1 per bed
Towing or Other Road Services	1 per employee
Transfer Facility	1 per 1,000 sq. ft. and 1 per employee on peak shift
Urban Agriculture, Principal	None
Vehicle Rental Facility	1 per 375 sq. ft. of gross floor area of sales and service building
Vehicle Repair Garage	3 per bay and 1 per employee on peak shift and 1 per business vehicle
Vehicle Sales and Service	1 per 400 sq. ft. of showroom space and 1 per employee and 2 per service bay
Vineyard	Determined as per parking needs analysis
Warehouse & Storage Services	1 per 1,000 sq. ft. gross floor area
Wastewater Treatment Plant	Determined as per parking needs analysis
Water Storage	1 per facility
Wholesale Business	1 per 2 employees on peak shift
Wind Energy Production Facility	1 per employee
Winery	Determined as per parking needs analysis
Wireless Communication Facilities	1 per service employee
Uses Not Listed	Determined as per parking needs analysis.

Section 604. Off-Street Parking Design

- A. Size. Each off-street parking space shall have a minimum area of 180 sq. ft., exclusive of access drives or aisles shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto the cartway of any public street.
- B. Access.
 - 1. Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.
 - 2. Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.
 - 3. Access to off-street parking areas shall be limited to well-defined locations, and, in no case shall there be unrestricted access along the length of a street.
 - 4. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every 400 feet of street frontage.
 - 5. Except on corner lots, access drives shall conform with the following requirements for distance from the intersection of any two street ROW lines: :
 - a. At least one hundred (100) feet if the distance to the next closest intersection of two ROW lines is greater than 300 feet.
 - b. At least twenty (20) feet if the distance to the next closest intersection of two ROW lines is less than 300 feet.
 - c. Where a lot has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
 - 6. Access drives entering State highways are subject to an HOP issued by PennDOT. Access drives entering municipal streets are subject to a municipality-issued driveway permit and associated regulations.
 - 7. Access drives entering a County Road shall be approved by Beaver County. Said permits and approvals shall be obtained prior to commencement of any construction activity.
 - 8. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- C. Internal Driveway System. All off-street parking lots with greater than 200 parking spaces shall include a separate internal driveway system which connects individual

aisles to a public ROW. The purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.

1. Internal driveways shall be provided to permit on-site access to all parking and loading facilities and to permit emergency vehicle access.
 2. Internal driveway systems shall be designed to connect into adjacent properties, where practical. The municipality may require an easement be placed on the property to allow for future connection to the adjacent properties.
- D. All parking areas containing three (3) or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public ROW.
- E. Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.
- F. All vehicular turning movements and maneuvering must take place on site.
- G. The end of each parking bay shall have an end cap island of at least five (5) ft. in width. The end cap island area shall not be used in meeting required minimum parking space or travel aisle dimensions.
- H. Safety Requirement. The Joint Planning Commission and/or the Borough Council or Township Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The landowner and/or developer shall be responsible for construction of any required islands, acceleration, deceleration, or turning lanes and shall bear the cost of installing any required traffic control devices, signs, or pavement markings.
- I. Marking. All parking spaces shall be clearly delineated by painted lines or markers. Delineated parking spaces shall be necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings and/or signage. Handicapped parking shall be appropriately marked with signage and other markings.
- J. Parking Lot Curbs. All off-street parking lots, including loading areas, service areas, and driveways shall be curbed. All curbing shall be constructed only of concrete, asphalt, or other material approved by the applicable Borough or Township Engineer.
- K. Surfacing. All parking areas and access drives associated with the development of a major subdivision or PRDs shall have a paved concrete or bituminous surface, or any other surface approved by the applicable Borough or Township Engineer, graded with positive drainage to dispose of surface water and be subject to any additional requirements of the appropriate SALDO or other applicable municipal ordinances and regulations.
- L. Parking Lot Lighting. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from any adjoining Residential Zoning District or

existing residential use and away from any streets or highways. The spacing of lighting shall be determined based upon a municipality-approved plan of photometrics. The lighting system shall furnish an average minimum of two (2) footcandles during typical hours of operation. If required by this Ordinance for certain uses, lighting intensity shall be reduced between defined hours.

Section 605. Parking Areas Serving Residential Dwellings

- A. Parking requirements for single-family, two-family, and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway, but not within a required yard on the lot.
- B. Parking for apartments shall be provided in a common paved, striped, and curbed off-street parking area(s) or structure.

Section 606. Parking Areas Serving Uses Other than Residential Dwellings

- A. Parking requirements for all uses other than residential dwelling shall be met by providing a common paved, striped, and curbed off-street parking area(s) or structures.

Section 607. Driveways Serving Nonresidential Uses

- A. Single lane and access drives that provide access to lots and parking areas shall be a minimum of ten (10) feet wide and a maximum of twelve (12) feet wide; two (2) lane and access drives shall be a minimum of twenty (20) feet wide and a maximum of 24 feet wide.
- B. If parking spaces are aligned at less than 90 degrees, driveways shall be restricted to one-way traffic and head-in parking only.
- C. There shall be at least fifteen (15) feet between driveways at the street line and at least five (5) feet between a driveway and a fire hydrant, catch basin, or lot line. There shall be at least 40 feet between a driveway and the ROW line of an intersecting street.
- D. Adequate sight distance shall be provided, subject to review and approval by the applicable Borough or Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street ROW line.

Section 608. Location of Parking Areas

- A. Required parking spaces shall be located on the same lot with the principal use, whenever practical.
- B. When it is not practical to fulfill off-street parking requirements on the same lot as the principal use, required parking may be provided on lots adjacent to or nearby the use to be served, provided the parking lot is in the same ownership as the lot containing the use or a long-term lease guarantees the parking will be available for the life of the use.
 - 1. Any non-residential use may be served by parking that is not more than six hundred feet (600') walking distance from the primary entrance to the use.

2. Any residential use may be served by parking that is not more than two hundred feet (200') walking distance from the entrance to the use.
3. In Commercial Districts, fifteen percent (15%) of the public and commercial parking spaces in the Commercial District located within six hundred feet (600') of the primary entrance to the use, plus any on-street spaces that are immediately adjacent and on the same side of the street as the lot, may be subtracted from the required parking spaces outlined elsewhere in this Ordinance.

Section 609. Stormwater Management

- A. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent lots. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the PA DEP, the applicable municipal SALDOs and Stormwater Management Ordinances, and to the review and recommendation of the applicable Borough or Township Engineer(s).

Section 610. Off-Street Loading Design

- A. All commercial and industrial establishments shall provide adequate off-street loading and unloading and commercial vehicle storage space for their needs. This required space will be provided in addition to the established requirements for patron and employee parking. In no case where a building is erected, converted, or enlarged for commercial, manufacturing or business purposes shall the public ROW be used for loading or unloading.
- B. Size. Each loading berth shall be at least 60 feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements.
- C. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the applicable Borough or Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free of obstruction.
- D. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two (2) streets.
- E. Screening. Loading berths shall be screened by an eight (8) ft. hedge, wall, or fence with a minimum opacity of 80% on all sides that face a residential use or a use within a Residential Zoning District.
- F. Surfacing. All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.

- G. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining residential use or Residential Zoning District and away from any street or highway.
- H. All supplies and equipment shall be stored within a completely enclosed building.
- I. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a supply yard as an accessory use.
- J. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a storage yard as an accessory use.
- K. The use shall be accessed directly from an arterial or collector street.

Section 611. Off-Street Loading Requirements

- A. In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:
- B. Retail stores, freight terminals, industrial or manufacturing establishments, retail, or wholesale stores, personal or business service establishments, storage warehouses, or any similar uses which receive deliveries shall provide the number of off-street berths as required in Table 22.

TABLE 22. BERTHS REQUIRED (RETAIL, INDUSTRIAL, AND MANUFACTURING)

Gross Floor Area (sq. ft.)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

- 1. Recreation facilities, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings, and similar uses which receive deliveries by tractor-trailer shall provide the number of off-street berths as required in Table 23.

TABLE 23. BERTHS REQUIRED (AUDITORIUMS AND OFFICE BUILDINGS)

Gross Floor Area (sq. ft.)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

2. Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this Section at the discretion of the applicable Borough Council or Township Board of Supervisors.
3. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public ROW.

Article VII. Wireless Communication Facilities

Section 701. Purpose and Findings of Fact

- A. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities (WCF) in the Boroughs and Townships. While the municipalities recognize the importance of WCFs in providing high quality communications service to their residents and businesses, they also recognize they have an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting this Ordinance, the municipalities intend to:
 - 1. Promote the health, safety, and welfare of residents of the municipalities and businesses with respect to WCFs.
 - 2. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of the municipalities' residents and wireless carriers in accordance with federal and state laws and regulations.
 - 3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based WCFs in the municipalities, including facilities both inside and outside the public ROW.
 - 4. Address new wireless technologies, including but not limited to, DAS, data collection units, cable Wi-Fi, and other WCFs.
 - 5. Encourage the co-location of WCFs on existing structures rather than the construction of new tower-based structures.
 - 6. Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the municipalities' authority.
 - 7. Protect residents of the municipalities from potential adverse impacts of WCFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
 - 8. Update the municipalities' wireless facilities regulations to incorporate changes in federal and state laws and regulations.

Section 702. General Standards for All Tower-Based WCFs

- A. General Standards. The following regulations shall apply to all tower-based WCFs:
 - 1. Conditional Use Required. Each applicant proposing the construction of a tower-based WCF shall complete and submit a conditional use application as either a principal or accessory use prior to beginning construction of such WCF. Such application shall be evaluated by the applicable municipality and subject to the proceedings of Article IV of this Ordinance.

2. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for use of the land if the applicant is not the owner the parcel on which the tower-based WCF will be constructed.
3. Historic Buildings or Districts. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the applicable municipality.
4. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet, such as cabinets and accessory structures, shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
5. Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code, National Electrical Code as adopted by the UCC, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
6. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended).
7. Height. Any tower-based WCF shall be designed at the minimum functional height. All tower-based WCF applicants must submit documentation to the applicable municipality justifying the total height of the structure. The maximum total height of any tower-based WCF, which is not located in the public ROW, shall not exceed 150 feet, which height shall include all subsequent additions or alterations. Equipment buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.
8. Public Safety Communications. No tower-based WCF shall interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
9. Maintenance. The following maintenance requirements shall apply:
 - a. Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of local residents.

- c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
10. Modifications. Applicants proposing the modification of any tower-based WCF shall submit a building permit application to the applicable municipality and shall not commence such modifications until the complete application has been received by municipality.
11. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the *FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,"* as amended.
12. Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. There shall be no other signage permitted on the WCF, except for that required by law FCC/FAA regulations.
13. Lighting. Tower-based WCFs shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
14. Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the applicable Municipal Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
15. Aviation Safety. Tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
16. Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the applicable municipality, the Borough or Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the municipality shall advise the applicant in writing of its decision. If additional information was requested by the municipality to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.
17. Non-Conforming Uses. Non-conforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location within one (1) year after damage occurs

but must otherwise comply with the terms and conditions of this Ordinance. Co-location on non-conforming tower-based WCFs is permitted.

18. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the applicable municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the municipality.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the applicable municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF. In addition to and not in lieu of any other remedy available to the municipality to recover costs associated with removal, the municipality shall file liens against the WCF owner and the owner of any real property upon which a WCF is sited, in order to recover any unpaid legal fees, consultant fees, and court cost that may be incurred.
 - c. Any unused portions of tower-based WCF, including antennae, shall be removed within six (6) months of the time of cessation of operations. The applicable municipality must approve all replacements of portions of a tower-based WCF previously removed.
19. FCC License. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
20. Insurance. Each person that owns or operates a tower-based WCF greater than 45 feet in height shall provide the applicable municipality with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. Each Person that owns or operates a tower-based WCF 45 feet or less in height shall provide the municipality with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.
21. Permit Fees. The applicable municipality may assess appropriate and reasonable permit fees directly related to the municipality's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

22. Retention of Experts. The applicable municipality may hire any consultant(s) and/or expert(s) necessary to assist in reviewing and evaluating the application for approval of the tower-based WCF and once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the municipality for all costs of the municipality's consultant(s) in providing expert evaluation and consultation in connection with these activities.
23. Indemnification. Each person that owns or operates a tower-based WCF, or the property on which such WCF is located shall, at its sole cost and expense, indemnify, defend and hold harmless the applicable municipality, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF and each owner of property upon which a tower-based WCF is located shall defend any actions or proceedings against the municipality in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of tower-based WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
24. Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
25. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a tower-based WCF, the applicant shall provide to the applicable municipality with financial security in the form of a letter of credit or bond sufficient to guarantee the removal of the tower-based WCF. The amount of said financial security shall be determined based upon industry standards for removal and shall remain in place until the tower-based WCF is removed.

Section 703. Design Standards for WCFs

A. Antenna.

1. The antenna shall appear as a seamless extension of the existing structure or new tower/structure.
2. Antenna shall be equal to or less diameter of the tower/structure.
3. The antenna shall match the color and texture of the tower/structure it is to be a part of.

B. Cabinets and Equipment.

1. All equipment/cabinets shall match the color and texture of the tower/structure it is to be placed on, except for wood utility poles.
2. All wires shall be shrouded and shall match the color and texture of the structure it is to be attached.
3. Wires, cables, and other equipment shall be firmly attached to the structure.
4. Cabinets shall be integrated into the structure. If integration is not feasible, the cabinet shall be adjacent to the structure to which the antenna is placed.
5. No equipment or structure shall interfere with pedestrian or bicycle traffic.
6. Street trees shall not be removed to allow for cabinets or equipment.

C. Noise and Lighting.

1. Illumination is not permitted for small cell wireless facilities, unless it is part of a streetlight or where required by the FCC.
2. All equipment shall comply with the noise regulations outlined in this Ordinance.

D. Painting.

1. Towers shall be painted or finished in a manner which blends with the dominant color of the background except where otherwise required by the FAA. The applicant and/or operator of the facility shall have a continuing duty to maintain such paint or finish.

E. View Protection.

1. A tower shall not be located in such a fashion as to negatively impact views from public parks or recreation areas.

Section 704. Specific Requirements for Tower-Based WCFs Outside of the ROW

A. Tower-based WCFs outside the ROW. The following regulations shall apply to tower-based WCFs located outside the public ROW:

1. Location. No tower-based WCF shall be located in an area in which all utilities are located underground, except as permitted by this Ordinance.
 - a. Tower-based WCFs may be located in the following Zoning Districts:
 - i. M Industrial District
 - ii. R-R Rural Residential District
 - b. Such tower-based WCFs shall not be located in, or within 100 feet of an area in which all utilities are located underground.
2. Site Requirements. A tower-based WCF may be located as permitted in the District regulations or the general standards for accessory structures, as set forth in Article III of this Ordinance.

3. Permitted as a Sole Use on a Lot. A tower-based WCF may be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in Article III of this Ordinance and the following standards:
 - a. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable District and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than 50 feet in height.
 - b. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable Zoning District. In addition, the minimum setback for the tower shall be a distance that is at least equal to one and one-half (1.5) times the height of the tower.
4. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - a. The existing use on the property may be any permitted use in the applicable District and need not be affiliated with the communications facility.
 - b. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the general standards for accessory uses. In addition, the minimum setback for the tower from any existing structures shall be a distance that is at least equal to one and one half (1.5) times the height of the tower.
5. Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage.
6. Co-Location and Siting. An application for a conditional use for a new tower-based WCF shall not be approved unless the applicable Borough Council or Township Board of Supervisors finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or on municipal property. Any application for a conditional use for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the applicable Borough Council or Township Board of Supervisors that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
7. Notice. Upon submission of an application for a tower-based WCF, the applicant shall provide the contact information of all owners of every property

within 500 feet of the proposed facility. The applicable municipality shall be responsible for mailing the notices to the neighboring property owners.

8. Design Regulations.

- a. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the applicable Borough Council or Township Board of Supervisors.
- b. Any height extensions to an existing tower-based WCF shall require prior approval of the applicable Borough Council or Township Board of Supervisors. The municipalities reserve the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the municipalities.
- c. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

9. Surrounding Environs.

- a. The WCF applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible. Any plantings shall conform to the standards set forth in Article IV of this Ordinance.
- b. The WCF applicant shall submit a soil report to the applicable municipality to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

10. Fence/Screen.

- a. A security fence having a maximum height of eight (8) feet shall completely surround any tower-based WCF greater than 50 feet in height, as well as guy wires, or any building housing WCF equipment.
- b. A screen of evergreen trees planted eight (8) feet on center, and staggered in two (2) rows, shall be located along the perimeter of the security fence surrounding a Tower Based WCF greater than 50 feet in height. Existing vegetation shall be preserved to the maximum extent possible.

11. Accessory Equipment.

- a. Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and

shall meet the minimum setback requirements of the underlying Zoning District.

- c. **Additional Antennae.** As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the applicable municipality with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the municipality.
- 12. **Access Road.** An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the applicable municipality that the property owner has granted an easement for the proposed facility.
- 13. **Parking.** For each tower-based WCF greater than 50 feet in height, there shall be two (2) off-street parking spaces, or one (1) space per employee, whichever is greater.
- 14. **Inspection.** The applicable municipality reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the applicable municipal code or state or federal law. The municipality and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 705. General Standards for All Non-Tower WCF

- A. **General Standards.** The following regulations shall apply to all non-tower WCF:
 - 1. **Permitted in All Zoning Districts Subject to Regulations.** Non-tower WCFs are permitted in all Zoning Districts subject to the restrictions and conditions prescribed below and subject to the prior written approval of the applicable Zoning Officer.
 - 2. **Locations Restrictions.** Non-tower WCFs shall meet the following location restriction:
 - a. **Prohibited on Certain Structures.** Non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, two-family residences, or any accessory residential structure.

- b. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
 - c. Historic Buildings. No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the applicable municipality or has been designated by the municipality to be of historical significance. The applicable Borough Council or Board of Supervisors may, in its discretion, waive this prohibition if the applicant can demonstrate that the proposed location is less visually intrusive than other potential sites.
3. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for the use of the structure if the applicant is not the owner the parcel on which the non-tower WCF will be constructed.
4. Building Permit Required. Applicants proposing the modification of an existing non-tower WCF shall obtain a building permit from the applicable Zoning Officer. In order to be considered for such permit, the applicant must submit a permit application to the applicable Zoning Officer.
5. Standard of Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
6. Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
7. Height. Any non-tower WCF shall be designed at the minimum functional height. All non-tower WCF applicants must submit documentation to the applicable municipality justifying the total height of the structure.
8. Public Safety Communications. No non-tower WCF shall interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
9. Maintenance. The following maintenance requirements shall apply:
 - a. The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

- b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the local residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
10. Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the *FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,"* as amended.
11. Aviation Safety. Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
12. Timing of Approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the applicable municipality, the Borough or Township shall notify the WCF applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the municipality shall make its final decision on whether to approve the application and shall advise the WCF applicant in writing of such decision. The municipality shall notify the WCF applicant as to completeness of the WCF application within 30 days of receipt. The timing requirements in this Section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
13. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the applicable municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
- a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the municipality.
 - b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the applicable municipality, the WCF and/or associated facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.
14. Insurance. Each Person that owns or operates a non-tower WCF shall provide the applicable municipality with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.

15. Permit Fees. The applicable municipality may assess appropriate and reasonable permit fees directly related to the municipality's actual costs in reviewing and processing the application for approval of a non-tower WCF.
16. Retention of Experts. The applicable municipality may hire any consultant(s) and/or expert(s) necessary to assist the municipality in reviewing and evaluating the application for approval of the WCF and once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the municipality for all costs of the municipality's consultant(s) in providing expert evaluation and consultation in connection with these activities.
17. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the applicable municipality, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF and each owner of property upon which a tower-based WCF is located. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the municipality in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
18. Engineer Signature. All plans and drawings for all non-tower WCFs shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

Section 706. Specific Requirements for Non-Tower WCF Outside the ROW

- A. Non-tower WCF outside the ROW. The following regulations shall apply to non-tower WCFs outside the ROW:
 1. Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:
 - a. Such WCF does not exceed the maximum height permitted in the underlying Zoning District.
 - b. If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable Zoning District.

- c. An eight (8) ft. high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- 2. Design Regulations.
 - a. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the applicable Borough Council or Township Board of Supervisors.
 - b. Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of ten (10) feet above the roof or parapet.
 - c. The total height of any support structure and mounted WCF shall not exceed the maximum height permitted in the underlying Zoning District.
 - d. All non-tower WCF applicants must submit documentation to the applicable municipality justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- 3. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
- 4. Non-Commercial Usage Exemption. Borough and Township citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Ordinance.
- 5. Removal, Replacement, and Modification.
 - a. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
 - b. Any material modification, such as an increase in height or width, to a WCF shall require a prior amendment to the original permit or authorization.
- 6. Inspection. The Boroughs and Townships reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the applicable municipal codes or state or federal law. The municipalities and/or their agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 707. Specific Requirements for Small WCF in the Public ROW

- A. Application Requirements. An application for a small WCF shall include the following:
 - 1. Construction and Engineering Drawings.
 - 2. A signed agreement from the owner of the pole on which the small WCF will be placed.
 - 3. Documentation showing compliance with all applicable requirements and design guidelines herein.
 - 4. A statement from the applicant indicating that the following and approval of the small wireless facility is required by the wireless provider to provide additional capacity or coverage for wireless service.
 - 5. A report from a qualified engineer that shows that the small WCF will comply with applicable FCC regulations, as amended.
- B. Consolidated Applications. Applicants may submit a consolidated application for multiple small WCFs if the following conditions are met:
 - 1. The consolidated application shall not exceed twenty (20) small wireless facilities.
 - 2. The denial of one or more small wireless facilities shall not delay the processing of any other small wireless facilities on the same application.
 - 3. A single applicant shall not submit more than one (1) consolidated application or twenty (20) single applications in a 30-day period.
- C. Height and Size Regulations.
 - 1. Height on an Existing Utility Pole. The height of a small wireless facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
 - 2. Height on a New or Replacement Utility Pole. The height of a small wireless facility installed on a new or replacement utility pole shall not exceed 50 feet above ground level, including the utility pole and small wireless facility.
 - 3. Each antenna associated with the deployment shall be no more than three (3) cubic feet in volume.
 - 4. Any other equipment associated with the facility (excluding antennas) shall be no more than 28 cubic feet in volume.
- D. Time Frames for Review and Action.
 - 1. The applicable municipality shall provide notice to the applicant if it is incomplete within ten (10) business days of submittal of the application.
 - 2. The applicable municipality shall approve or deny a small wireless facility application for collocation on existing poles within 60 calendar days.
 - 3. The applicable municipality shall approve or deny a small wireless facility application for new or replacement poles within 90 calendar days.

E. Resubmittals.

1. Applicants may resubmit without additional fees within 30 days of denial. The municipality shall have an additional 30 days to render a decision on the resubmitted application.
2. Batched Applications.
 - a. Only one batched application shall be permitted in a 45-day period.
 - b. A maximum of twenty (20) collocated facilities are permitted per application.
 - c. If more than one (1) application for batched facilities is submitted within a 45-day period, the municipality shall have an additional 15 days to render a decision.

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Article VIII. Signs

Section 801. Purpose

- A. The intent of this Article is to provide for the use of signs as a means of identification while maintaining and enhancing the physical environment, aesthetic character, and public safety of the municipalities. The purpose of this Article is:
 - 1. To require zoning approval for signs in all Zoning Districts subject to the standards and requirements of this Article.
 - 2. To prohibit signs not expressly permitted by this Article.

Section 802. Applicability

- A. The regulations contained in this Section shall apply to all signs in all Zoning Districts. No sign may be erected, placed, established, painted, created, altered, or maintained except in conformance with the standards, procedures, regulations, and requirements contained herein.
- B. Method of sign authorization and approval. For the purposes of this Ordinance, signs shall be authorized for approval pursuant to the following:
 - 1. Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application if the application indicates compliance with this Ordinance.
 - 2. Exempt uses are signs that are authorized but that are exempt from regulation under this Ordinance and do not require zoning approval.
 - 3. Prohibited signs are those not authorized by this Ordinance nor exempt from regulation.
- C. Accessory Uses. Signs shall be considered accessory uses (other than billboards) on the lot or site they are located and subordinate to the principal use of the lot. Signs shall be subject to Article III of this Ordinance in addition to the requirements of this Article.
- D. Principal Uses. Billboards are considered the principal use of a lot or site on which they are located and shall comply with all the requirements of this Article.
- E. Alteration of Sign Face. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require zoning approval and conformity to all the requirements of this Article.
- F. Signs on Public Property. Any sign installed or placed on public property or within a public ROW, except in conformance with the requirements of this Article shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Ordinance.
- G. Enforcement and Remedies. Enforcement and remedies of this Article shall be pursuant to the provisions of this Ordinance and any other enforcement or remedies pursuant to State and Federal law.

Section 803. Types of Signs

- A. For the purposes of this Section, all signs shall be classified by the definitions provided in Article II of this Ordinance.

Section 804. Prohibited and Exempt Signs

- A. The following signs shall be exempt from these regulations:
 1. Holiday decorations displayed for recognized State and Federal holidays.
 2. Official notices authorized by a court, public body, or public safety official.
 3. Memorial/Historical plaques.
 4. Memorial signs and tablets erected by public or non-profit organizations.
 5. Flags of a governmental organization.
 6. Signs authorized by any of the municipalities such as municipal gateway signs, street signs, safety control signs, and traffic control signs. Municipal gateway signs may contain advertising matter.
 7. Public notice/public warning signs.
 8. Auction, garage sale, or yard sale signs, but may not be placed on public property.
 9. Address numbering.
 10. Directional or informational signs on a property provided they are strictly functional and contain no advertising
 11. Construction sign (temporary, only during active construction).
 12. Signs of any type placed on public or parks property by authorization of any of the four municipalities.
 13. A-Frame (sandwich board) signs shall only be permitted on sidewalks immediately in front of the use, provided a five-foot-clear pedestrian passage is maintained. The sandwich board sign shall be placed within 10 feet of the building façade and shall not exceed six (6) sq. ft. per side.
 14. Signs Announcing Candidacy for Public Office. Such signs shall not be installed on utility poles, shall not be installed more than 60 days before the election to which they are relevant and shall be removed within five (5) calendar days immediately following the relevant Election Day.
 15. Temporary Signs. A temporary sign not exceeding sixteen (16) sq. ft. in total gross area for each exposed face may be permitted for a period not to exceed 30 days and shall be removed within three (3) days after the termination of the activity, service, project, or sale, provided the sign is safely installed and is consistent with the area where it is to be located. Temporary signs shall state the date on which it was installed, if known, and shall provide contact information, including a name and a telephone number, for a representative of the sign's owner.

16. Signs identifying on-premises home occupations which contain only the name of the business and/or owner. Such sign shall not exceed two (2) sq. ft. in area.
 17. Signs erected by a public agency or utility providing warning or information to the public, and any signs erected by the Boroughs or Townships or under direction of the municipalities.
 18. Signs denoting the availability of property for lease or sale, located on the premises being leased or sold. The sign shall not exceed six (6) sq. ft. in area and shall be removed within seven (7) days of the sale or lease of the property.
- B. Prohibited Signs. The following signs shall not be permitted in any Zoning District:
1. Portable or wheeled signs.
 2. Blowup signs.
 3. Balloons, arrays, and the like.
 4. Beacons.
 5. Pennants (including “swooper flags”) or non-governmental flags.
 6. Flags other than governmental.
 7. Banners and pennants, other than temporary event or displays authorized by this Article.
 8. Framed banners, such as banners in a wooden box surrounded by plexiglass.
 9. Moving or flashing signs otherwise not authorized by this Article.
 10. Signs on trees, utility poles, or official traffic control devices or signs placed within the planting areas of trees (tree pits).
 11. Signs that imitate traffic control devices.
 12. Signs painted on walls or chimneys of a building or on fences or walls.
 13. Signs on or affixed to vehicles and/or trailers which are parked on a public ROW, public lot or private lot, other than temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading, or rendering a service at any location, which are visible from the public ROW and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot.
 14. Signs that by reason of size, location, content, coloring, or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
 15. Any sign that obstructs free ingress to or egress from a fire escape, door, window, or other required exit way.

16. Signs that make use of words as “Stop,” “Look,” “One Way,” “Danger,” “Yield,” or any similar words, phrases, symbols, lights, or characters in such a manner as to interfere with, mislead, or confuse traffic.
 17. Misleading Information. No sign shall be created which states or implies that a lot may be used for any purpose not permitted under the provisions of this Article.
- C. Sexual and Adult Oriented Businesses. Notwithstanding any other provision within this Zoning Ordinance, it shall be unlawful for any owner or operator of any sexually oriented establishment or any other person to erect, construct, or maintain any sign for the regulated establishment other than one (1) “Primary Sign.” Primary signs shall contain no photographs, silhouettes, drawings, or pictorial representations of any manner, and may contain only:
1. The name of the regulated establishment.
 2. One (1) or more of the following phrases:
 - a. Adult bookstore;
 - b. Adult movie theater;
 - c. Adult encounter parlor;
 - d. Adult cabaret;
 - e. Adult lounge;
 - f. Adult novelties;
 - g. Adult entertainment; or
 - h. Adult modeling studio.
 3. Primary signs for adult movie theaters may contain the additional phrase, “Movie Titles Posted on Premises.”
 4. Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size, and color. The background on the display surface of the primary sign shall be of a uniform and solid color.
 5. No materials, merchandise, film offered for sale, rent, lease, or loan or for view upon the premises shall be exhibited or displayed outside of a building structure.
 6. Any building or structure occupied as a sexually oriented establishment shall be windowless or have any opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited. No materials or film shall be visible from outside of the building or structure.
 7. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this Ordinance is subject to an action in equity or a suite for injunction as well as citations for violations of this Ordinance.

Section 805. Determining Sign Area and Height

- A. The following shall control the computation of sign area and height. Please reference Appendix B for a guide for determining the sign area and height for different types of signs.
 - 1. Computation of Area of Single-faced Signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets this Zoning Ordinance and is clearly incidental to the display itself. Any digital portions of a proposed sign and/or a sign base that contains a message or logo shall be included in the calculation of the sign area.
 - 2. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Any digital portions of a proposed sign and/or sign base that contains a message or logo shall be included in the calculation of the sign area.
 - 3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 806. Permitted Signs in Residential Districts

- A. Within Residential Zoning Districts (R-R, R-1, R-2, and R-3), all signs except those specifically exempted shall require a zoning/building permit. The following signs are permitted in Residential Zoning Districts:
 - 1. Address and/or name signs
 - a. Shall not exceed two (2) sq. ft. per face.
 - 2. Home occupation signs

- a. Shall not exceed two (2) sq. ft. per face.
 - 3. Signs identifying property for sale or lease
 - a. Shall not exceed sixteen (16) sq. ft. per face.
 - 4. Signs identifying the development
 - a. Shall not exceed eighteen (18) sq. ft per face.
 - b. Shall not exceed three (3) feet in height.
 - 5. Signs displaying name, activities, and/or functions for public or semi-public institutions (churches, schools, public buildings, similar nonprofit uses), provided that:
 - a. The maximum sign face shall not exceed thirty-two (32) sq. ft.
 - 6. Temporary signs
 - a. Shall not exceed twelve (12) sq. ft.
 - b. Only one (1) sign is permitted per use.
 - 7. Window signs.
- B. A nameplate not exceeding two (2) sq. ft. in area containing only the name of the resident, the title of the person practicing a profession, name of building and name of agents, or any combination of the foregoing and placed directly against a building wall.
- C. A ground/monument sign erected upon the premises of an educational, philanthropic, or religious institution, including a church, hospital, or similar institution for the purpose of displaying the name of the institution and its activities or services, which shall be limited to one (1) such sign. Pole signs are not permitted in any Residential Zoning District. Ground signs shall be located at least five (5) feet back from the street ROW.
- 1. The sq. ft. area of an institutional ground/monument sign in any Residential Zoning District shall not be permitted to exceed an area of 24 sq. ft. for each side.
 - 2. The maximum height of an institutional ground/monument sign in a Residential Zoning District shall be ten (10) feet.
- D. Residential Development Sign. One (1) residential development sign not exceeding 32 sq. ft. in total gross surface area per face, or two (2) signs not exceeding sixteen (16) sq. ft. in surface area per sign shall be permitted which identifies the name of the residential development. In the case of the residential development with more than one (1) entrance, a sign or signs as permitted above may be placed at each entrance to the development. Pole signs are not permitted in any Residential Zoning District or PRD. Ground signs shall be located at least five (5) feet back from the street ROW.
- 1. In the R-2 District, only one (1) exterior wall and/or ground sign shall be permitted not exceeding 24 sq. ft. in area in connection with a multiple-family

dwelling or other authorized use and shall identify only the name of the structure or residential building. Pole signs are not permitted in the R-2 District. Ground signs shall be located at least five (5) feet back from the street ROW.

2. Directional signs as specified elsewhere in this Ordinance.
- E. No sign shall be erected upon, or applied to, any roof. The term "sign" here shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower, or spire of a place of worship.
 - F. Permitted illumination of a sign, nameplate, or bulletin board shall be of a non-flashing, nonmoving, indirect type.
 - G. Signs shall be constructed in accordance with the provisions of this Ordinance and shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or cause a public nuisance. The Boroughs and Townships may take all lawful and proper actions necessary to revoke all permits and licenses issued for such sign and may order said sign removed or brought into compliance with all applicable Ordinances and regulations within 30 days of the date of issuance of such notice and order, in writing, by the Zoning Officer.
 - H. Temporary Signs.
 1. Signs advertising candidates for political office shall not be placed on public property or attached to trees. Not more than one (1) political sign shall be permitted on a lot at any time. Such signs shall not exceed five (5) square feet in area and shall not be placed more than sixty (60) days before the election or left up more than three (3) days after the election. There shall be no fee required for a political sign, but owners of lots on which such signs are placed shall be responsible for removal of the signs.
 2. Garage, yard, or porch sale signs shall be placed only on the property where the sale is occurring, limited to one (1) sign not exceeding five (5) square feet in area. Signs shall be in place not more than three (3) days prior to the sale and shall be removed not later than the day after the sale is ended.
 3. Temporary real estate signs shall not exceed eight (8) sq. ft. in total gross surface area of all faces. Temporary real estate signs are limited to one (1) per property for sale, lease, or rent and only when placed on the property advertised and to be removed within three (3) days of the completion of sale, lease, or rent of said property.

Section 807. Permitted Signs in all Nonresidential Districts

- A. The following provisions identify the types of signs and sign areas permitted in the various nonresidential Zoning District Classifications (C-1, C-2, C-3, SU, M, MU, P, PR, and RR Districts), unless otherwise provided for in this Ordinance.

1. Each business or principal use (in a single structure) shall be permitted two (2) wall, canopy, or marquee sign and one (1) permanent freestanding sign. All signs except those specifically exempted shall require a permit.
2. All signs shall meet the following requirements.
 - a. Any permitted signs shall be prohibited from advertising products not provided or sold on the premises.
 - b. The maximum sign area of any freestanding sign shall be 36 sq. ft.
 - c. The maximum sign area of any canopy or marquee sign shall be twelve (12) sq. ft.
- B. Where more than one (1) business or industry operates from a single building, each operation shall be permitted to have a wall sign, with the aggregate sign area(s) not exceeding the size specified herein.
- C. Where more than one (1) business or industry operates from a single building, only one (1) freestanding sign is permitted, which shall meet the standards established herein. The sign may provide information pertaining to each operation located in the building.
- D. For buildings which house more than one (1) business or industry, one (1) freestanding business directory sign shall be permitted which shall be a maximum of five (5) feet in height and sixteen (16) sq. ft. in area.
- E. For sites in single ownership, on which more than one (1) business or industry is located, a directional sign on each street frontage may be permitted, such sign not to exceed four (4) sq. ft. in size.
- F. Wall Signs.
 1. The size of a business or an identification wall signs (or signs) shall not be greater than one (1) sq. ft. multiplied by the width in feet of the principal building frontage along the public ROW or a maximum of 150 sq. ft. However, regardless of wall area, a wall sign of at least twenty (20) square feet shall be permitted.
 - a. Where a building has frontage on more than one (1) public road the owner, occupant or agent may erect a sign on each wall facing the frontage. Each sign facing a public road shall meet the total square footage requirements of this Section, provided that all other provisions of this Section are observed.
 2. Wall signs shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above the roof line of buildings having flat roofs, the deck line of buildings having mansard roofs or the gutter line of buildings having gable, hipped, or gambrel roofs.
 3. Wall signs shall only identify the owner of or enterprise conducting the business, the business engaged in or upon the premises or products or services sold or any combination thereof.

G. Wall signs for multiple occupancy buildings:

1. Where several businesses or uses occupy a building, each business may be permitted to a share of the building's allowable sign area, at the direction of the building owner.
2. If the owner permits the allowable square footage to be shared, the owner shall develop guidelines which require all signs located on the building to be compatible in terms of size, type, style, color, lighting, and design characteristics. A copy of these guidelines shall be filed with the sign permit and shall be a condition of permit approval.

H. Ground Sign.

1. All properties within Nonresidential Zoning Districts are permitted one (1) ground sign.
2. The maximum height of a ground sign shall be twenty (20) feet. The minimum height of the bottom edge of any ground sign shall be ten (10) feet except when it is erected as a monument sign.
3. Ground signs are not permitted in the public ROW.

I. Pole Sign.

1. Pole signs shall not exceed sixty-four (64) square feet in area on any face and no more than a total area on all faces of one hundred twenty-eight (128) square feet.
2. Pole signs are not permitted in the public ROW.
3. The building setback or build-to line shall be the location standard for pole signs. In no case shall a setback of fewer than five (5) feet from the street ROW line be permitted. Pole signs shall also be located a minimum of five (5) feet from any building..
4. For signs over ten (10) sq. ft. in area, an additional one (1) ft. of separation from adjacent side property lines shall be required for every ten (10) sq. ft. of sign area.

J. Wall Plaques.

1. Wall plaques include all signs extending no more than one and one-half (1.5) inches from the walls to which they are attached. The edges of wall plaques shall be rounded, tapered, or treated in any other manner.
2. There shall be no minimum height above ground level for wall plaques.
3. Wall plaques shall be a maximum of three (3) sq. ft.
4. Signs mounted perpendicular to the wall surface (including those over the public ROW) are only permitted in the C-1 District.
 - a. Signs mounted perpendicular to the wall surface to which they are affixed shall have their bottom edge at sufficient height above the

ground or other supporting surface as to assure no interference with pedestrian or vehicular traffic under or around the sign, and in any event at a height not fewer than ten (10) feet.

- b. When extending over a vehicular cartway, the minimum height above ground or cartway shall be fifteen (15) feet.
- c. Signs mounted perpendicular to the wall surfaces shall not protrude more than eight (8) feet beyond the wall surface to which they are attached.
- d. Signs mounted perpendicular to the wall surface shall be limited to a maximum area of 32 sq. ft.

K. Temporary Signs.

- 1. The following signs may be erected only after obtaining a zoning/building permit from the applicable Zoning Officer. The permit shall cite the length of time the sign may be displayed. For the purpose of this Ordinance, the following signs shall be considered "temporary":
 - a. Banner sign.
 - b. Portable sign.
 - c. Signs announcing new building or construction projects, erected after the beginning of the construction activity. The maximum size shall not exceed sixteen (16) sq. ft.
 - d. One nonilluminated temporary event sign, as defined by this Ordinance, shall be permitted to be erected on the face of the lot's principal structure, provided that the area of the signs shall not exceed 24 square feet; and, provided that the sign is displayed for a period no longer than 30 days and is removed within five (5) days following the event that it is erected to promote.

L. Window Signs.

- 1. Window signs shall be permitted to be installed on the inside of the window of nonresidential structures.
- 2. Window signs shall not cover more than 25% of the glazing of any window, except in the C-1 District
- 3. The copy of a window sign shall be designed to communicate information about an activity, business, community event, or a sale or service offered.
- 4. Window signs shall not be permanently affixed to a window or windowpanes.

M. Advertising on Awnings and Canopies.

- 1. Advertising on awnings and canopies shall be limited in size to a maximum of 50% of the allowable size of the wall sign permitted on the same structure. Such signage shall only include the name and/or logo of the business, industry, or pursuit conducted therein.

2. Canopies shall comply with the height requirements of projecting signs as identified in this Article.

N. Directional Signs.

1. Directional signs are permitted in Nonresidential Zoning Districts as specified elsewhere in this Ordinance.

O. Roof Signs

1. Signs may be attached, applied, painted, erected, or constructed wholly upon the roof of a structure, but may not project above the roofline.

P. Digital Display and Message Center Signs (Illuminated Signs).

1. No digital display and/or message center sign face shall be installed except as part of a wall or ground/pole sign and the placement and manner of installation of the sign faces shall be subject to the placement and installation restrictions for the same.
2. Digital display and/or message center signs shall not exceed 50% of the sign area for any one sign and shall not exceed more than 30% of the total area for all signs permitted on a property.
3. Where permitted, one digital display and/or message center sign is permitted per street frontage, up to a maximum of two (2) displays or signs per property.
4. No digital display and/or message center sign shall be brighter than necessary for clear and adequate visibility.
 - a. All digital display or message center signs shall have installed ambient light monitors and shall at all times allow such monitor to automatically adjust the brightness level of the sign based on ambient light conditions so as to minimize and keep consistent sign brightness.
 - b. The maximum brightness level for such signs shall not exceed 5,000 NITS when measured at the sign's face between sunrise and sunset.
 - c. The maximum brightness level for such signs shall not exceed 300 NITS when measured at the sign's face during nighttime hours.
 - d. No permit shall be issued for the installation of a digital display sign or message center sign unless the applicant has submitted a written certification from the sign manufacturer certifying that the light intensity of the sign has not been preset to exceed the illumination levels established herein and that the intensity level is protected from end-user manipulation by password-protected software or similar security measures.

- Q. All digital displays and/or message center signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen in instances of malfunction.

1. Digital displays and/or message center signs, exclusive of static alphanumeric displays, shall additionally be subject to the following operational limitations:
 - a. No message or image shall be permitted to blink, flash, or move.
 - b. No message shall display any characters with a height of less than nine (9) inches.
 - c. Each message or image shall be complete without continuation of content to the next display or to another sign.
 - d. No digital sign shall emit any sound or audio message.
2. Digital displays and/or message center signs may be illuminated from 5:00 a.m. until 11:00 p.m., or until a ½ hour past the close of business of the facility being identified or advertised, whichever is later. If a business is open 24 hours, they are not required to turn off their sign.
 - a. Digital display and/or message center signs that face a residential zoning district shall be turned off between the hours of 8:00 p.m. and 7:00 a.m.
3. Owners of message center signs and digital displays should be required to coordinate with local authorities to display, when appropriate, emergency information important to the traveling public, including Amber Alerts, Silver Alerts, and weather or other emergency information.
4. Separation from residential uses. The face of the digital display and/or message center sign shall not be located on the side of the building that faces a Residential Zoning District.
5. All digital displays and/or message center signs shall be prohibited in the C-1 District.

Section 808. General Regulations

- A. In any Commercial or Industrial District, the total square footage of permissible signage on a lot shall not exceed an area equal to two times the lot frontage.
- B. No animated signs, no signs illuminated by a flashing, pulsating or intermittent source and/or no signs which create glare on adjacent properties or any adjacent street, shall be permitted unless as otherwise specified in this Ordinance.
- C. Signs shall not be erected over a street ROW.
- D. In measuring the area of signs permitted under these regulations, the entire face of the sign (one (1) side only), or, where the sign consists of raised letters, or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.
- E. In the Residential Zoning Districts, the maximum height of a sign shall be fifteen (15) feet. In all other Zoning Districts, in no case shall a sign be permitted to be placed higher than the existing building.

- F. No sign shall be erected in such a manner that would obstruct vision, ingress, and/or egress, or interfere with traffic.
- G. No sign shall be located to block doors, operable windows or fire escapes, or access to them; nor shall a sign be attached to a fire escape.
- H. No sign shall be painted directly on a wall. Letters or other devices may be applied directly to a wall but shall not extend more than twelve (12) inches from the wall.
- I. Freestanding signs shall be permitted only on zoning lots with a minimum of 100 feet of street frontage.
- J. Exterior political signs shall not exceed six (6) sq. ft. in area.
- K. Nonconforming signs lawfully existing at the time of enactment of this Ordinance, although such sign does not conform to the provisions of this Section, may continue to exist. However, if such nonconforming sign is discontinued or removed, any future sign on the same premises shall be in conformity with the provisions of this Section.
- L. All applications for permits for construction, installation, maintenance, repair, and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the applicable Zoning Officer, prior to commencement of any activity or work by the applicant or the applicant's representative or delegate concerning installation, construction or modification of such sign. The provisions of this Section and all of its Subsections shall apply to, but are not limited to all replacement signs, new signs, changes or alterations to existing signs or signs which must be relocated for any reason.
- M. A site plan or sketch, drawn to scale, shall be submitted to the applicable Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit, a written description of the materials and manner of construction and mounting of the sign, a description of the information and visual material to be included on all surfaces of the sign, a description of the illumination, if any, of the sign and one (1) or more photographs of the proposed sign location from each approach from which the sign will be visible.
- N. Signs shall not constitute a traffic hazard. No sign or other advertising structure as regulated by this Ordinance shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Drive-In," "Danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- O. Material and Construction. All signs shall be securely built, constructed, and erected in compliance with all regulations and requirements of the relevant building codes, and in addition:

1. The Zoning Officer may require calculations by an architect or engineer certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over 25 sq. ft. in area or in the case of a ground sign whose height is greater than ten (10) feet or a sign which weighs in excess of 100 pounds.
2. Any sign damaged by inclement weather that is proven to be unsafe and may not be restored in kind without engineering data as required above.

P. Illumination and Animation.

1. All illuminated signs shall be inspected by the authorized electrical inspection agency of the applicable municipality during construction to verify compliance with the adopted electrical code of the applicable municipality.
2. Illuminated signs shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
3. All signs shall be nonanimated with no exterior moving parts.

Q. Permits, Inspection, and Maintenance.

1. No sign, or sign structure, except as provided herein, shall be erected, displayed, altered, relocated, or replaced until a zoning/building permit has been issued by the applicable Zoning Officer. A separate permit shall be required for each sign requiring a permit.
2. Applications for a permit shall be submitted on a form provided by the municipalities and shall contain the following information:
 - a. Name, address, telephone number of the applicant, owner of property (if different), and the owner of the property on which the sign is to be located;
 - b. Address of property where the sign is to be located;
 - c. Type of sign;
 - d. Location of sign relative to the required setbacks and all other structures on lot;
 - e. Written consent of the owner of the property on which the sign is to be located;
 - f. Construction drawings and specifications of the proposed sign(s), showing materials, construction details, finishes, support structure, method of illumination (if any) and any additional information as may be required by the Zoning Officer;
 - g. A fee, as provided for by the municipal governing body, in the adopted fee schedule, as may be amended from time to time.
3. Provided the application is in order, the Zoning Officer shall issue a zoning/building permit for the erection of the sign. Such permit shall expire

twelve (12) months from the date of issuance. If construction or erection of the sign is not completed within this time frame, the permit shall be deemed null and void.

4. Inspections by the Zoning Officer shall be made to determine compliance with those regulations and specifications. Any discrepancies shall be identified, in writing, citing the irregularities and the action(s) required to address the requirements. If no action has been taken by the sign owner within 30 days, the sign shall be deemed in violation and the permit shall be revoked, the sign may be requested to be removed, and legal actions may be undertaken.
5. The Zoning Officer may remove, or order the removal of, any sign erected, or placed, in violation of this Ordinance, at the expense of the sign owner
6. Signs which are found to present an immediate hazard to the public may be ordered removed immediately by the Zoning Officer, without notice, and the cost assessed to the sign owner.
7. Signs advertising places of business, or activities, which terminate operation shall be removed within 60 days.

Section 809. Billboards

- A. Billboards are permitted as a conditional use in the Highway Commercial Zoning District (C-3).
- B. Billboards may be authorized by Borough Council or the Township Board of Supervisors as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:
 1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in Article IV of this Ordinance.
 2. Billboards are considered as the principal use of a lot or site and as such the land area utilized for a billboard shall not be otherwise required to support another use upon such lot, including, but not limited to, bufferyards, parking area, or setback necessary to any preexisting use upon such lot.
 3. Billboards shall be not less than one hundred fifty (150) square feet nor more than three hundred (300) square feet in area for any face. Billboards shall not be located within one hundred feet (100') of any property in a residential district.
 4. The portion of any lot upon which the billboard is to be located shall contain a minimum of 5,000 sq. ft. in area.
 5. All billboards shall contain only one (1) face for the display of lettered, written, printed, pictorial, or sculpted matter on only one (1) side of its structure, and such face shall be oriented to be viewed from only one (1) direction of travel

- from the nearest adjacent roadway (cross roadway viewing shall not be permitted).
6. The display area upon the face of a billboard shall be a maximum of 300 sq. ft. (12 feet by 25 feet), and all portions of any display shall fit within such area with no extensions beyond the edge of the billboard sign's framework.
 7. All utility lines serving the billboard, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the billboard is powered by nontraditional alternative energy sources (for example solar power).
 8. All billboards shall be set back from the below described items as follows:
 - a. From a roadway intersection: 300 feet.
 - b. From any other billboard (whether such is located in the four communities or otherwise) on the same side of the roadway: 1,200 feet.
 - c. From any other billboard (whether such is located in the four communities or otherwise) on the opposite side of the roadway: 600 feet.
 9. The maximum height of billboards shall not exceed twenty (20) feet, as measured from the grade of the roadway from which the advertising message is principally visible, and the bottom edge of the billboard shall be no more than eight (8) feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the billboard.
 10. A bufferyard shall be required between billboards and any adjacent lot(s). For the purpose of establishing the required bufferyard, billboards shall be considered a commercial use.
 11. All displays on the face of billboards shall be stationary, and no animated, sequential, flashing, moving, or oscillating signs or displays shall be permitted.
 12. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.
 13. Except as otherwise may be specified herein, all development of billboards shall comply with the provisions of the applicable municipality's SALDO and this Ordinance.
 14. All billboards shall be constructed to all applicable structural standards for such devices, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.
- C. All billboards (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of the cessation of use.

- D. All billboards shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.
- E. No billboard shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate resolution of the applicable governing body) and received a permit thereof from the applicable municipality.
- F. Prior to erection all proposed applicants for billboards shall be required to obtain any necessary permit from and to conform, in all respects, to any regulation thereof promulgated by an agency of the Commonwealth of Pennsylvania, including, but not limited to PennDOT.

Section 810. Murals

- A. Murals are permitted as a conditional use in the C-1, C-2, and MU Zoning Districts.
- B. Murals may be authorized by the applicable Borough Council or the Township Board of Supervisors as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:
 - 1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in Article IV of this Ordinance.
 - 2. All murals shall not exceed the height of the structure to which it is tiled, painted, or affixed.
 - 3. All murals shall not extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
 - 4. All murals shall not exceed a height of twenty (20) feet above grade.
 - 5. All murals shall not consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).
 - 6. All murals shall not be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
 - 7. All murals shall not be placed on a lot that has an exclusively residential structure.
 - 8. All murals shall not be illuminated.

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Article IX. Planned Residential Development

Section 901. Purpose

- A. The purpose of this Article is to regulate planned residential development (PRD). PRDs are intended to encourage innovations in the type, design, and layout of residential uses or a combination of residential uses and nonresidential uses; promote more efficient use of sites and conservation of open space; permit authorized mixed uses within planned residential developments; and provide greater flexibility in the application of site development and use regulations; and to otherwise promote the community development objectives.

Section 902. General Standards & Conditions

- A. Uses permitted. Uses permitted in PRDs are limited to those specified for the given zoning district in Article III of this Ordinance.
- C. Applicability of other provisions. Unless otherwise specifically stated or specifically modified by the Board of Supervisors or Council, all provisions of this Ordinance apply to all PRDs. The provisions of this section apply to all PRDs unless otherwise stated.
- D. Maximum density per zoning district. The following maximum density factors shall be used to calculate the maximum dwelling units (DU) in PRDs which shall be permitted, at the discretion of the applicable Board of Supervisors or Council, subject to the provisions of this section:
 - 1. R-R District. Maximum net site density: three dwelling units per acre.
 - 2. R-1 District. Maximum net site density: six dwelling units per acre.
 - 3. R-2 District. Maximum site density: 10 dwelling units per acre.
- E. Maximum dwelling units per site. The maximum number of dwelling units per site of a PRD shall be calculated as follows using Table 24 below.

TABLE 24. CALCULATION OF MAXIMUM DWELLING UNITS PER SITE

Line #	Formula	Line #	Solution
1	Gross property area determined by survey	1	Acre
2	Area in existing streets and rights-of-way	2	Acre
3	Site area (subtract line 2 from line 1)	3	Acre
4	Maximum permitted site density in the zoning district	4	DU/Acre
5	Maximum dwelling units (multiply line 3 by line 4)	5	DU
6	Common open space	6	Acre
7	Environmentally sensitive areas not in common open space	7	Acre
8	Other areas designated for nonresidential use and existing and proposed street and utilities, including stormwater retention areas	8	Acre
9	Net site area (subtract lines 6, 7, and 8 from line 3)	9	Acre
10	Maximum permitted net site density in the zoning district	10	DU/Acre
11	Maximum dwelling units (multiply line 9 by line 10)	11	DU
12	Maximum dwelling units (take the lesser of line 5 or line 11)	12	DU

1. Net site density modifications. Net site density may be varied as permitted by the applicable Board of Supervisors or Council, upon consideration of the following factors:
 - a. The amount, location, and proposed use of common open space, including, but not limited to, the amount of land devoted to active recreation facilities and the quality of the recreation facilities or fees contributed to the applicable municipality in lieu of dedication by agreement with the developer.
 - b. The location and physical characteristics of the site of the planned residential development; factors such as the amount of land limited by environmentally sensitive areas shall be considered.
 2. Notwithstanding the above, the net site density in the R-1 District shall not exceed eight units per acre, and no modifications shall be granted to increase the net site density in the R-R District.
 3. Notwithstanding the above, the net site density in the R-2 District shall not exceed 12 per acre.
 4. Variations in density may be granted for different phases of a planned residential development.
 5. Density increases will be roughly proportional to the factors listed above in this section and, in addition, the overall design quality of the planned residential development, the quality and amount of open space or fees paid by agreement of the developer in lieu thereof, the size of individual lots and the facts considered by the MPC, this Ordinance, and the New Brighton Area Multi-Municipal Comprehensive Plan.
- F. Townhouse units per residential building. No more than six dwelling units shall be attached in a row, provided that no more than 67% of said units shall have the same front setback.

- G. Limited neighborhood commercial use regulations.
 - 1. Minimum PRD site area. No limited neighborhood commercial uses shall be permitted in a PRD with a net site area less than 50 acres in size.
 - 2. Location. Limited neighborhood commercial uses shall be grouped together adjacent to an arterial or collector street located within the PRD and be provided with shared off-street parking, signage and landscaping in accordance with provisions provided herein.
 - 3. Maximum percent of site area. Maximum percentages of PRD site area for limited neighborhood commercial uses permitted within a planned residential development are as follows:
 - a. R-1 and R-2 Districts: 10%.
 - 4. Maximum gross floor area.
 - a. For a single limited neighborhood commercial use: 4,000 square feet of gross floor area.
 - b. For a single building: 16,000 square feet of gross floor area.
 - 5. Maximum impervious surface.
 - a. On any portion of the PRD dedicated to limited neighborhood commercial uses, no combination of structures and impervious surfaces, including asphalt or concrete paved areas for parking, access, driveways, pedestrian access walkways and rock-lined stormwater detention facilities, shall exceed 50% of the site area dedicated to limited neighborhood commercial uses.
- H. Minimum site perimeter yard: 50 feet.
- I. Common open space. Common open space shall be provided for and shall be designed to provide recreation open space. For PRDs, the following additional provisions shall apply:
 - 1. Elements. Common open space shall include the following:
 - a. Usable common open space. Usable common open space shall be designed to provide recreation open space.
 - b. Passive common open space. Not less than 25% of the site area of the PRD shall be allocated to and shall remain passive common open space in perpetuity. Common open space shall be deed restricted or placed within a trust or conservancy to prohibit future subdivision or development, except for passive recreational, equestrian and existing cemetery uses, which may be permitted with the approval of the applicable Board of Supervisors or Council. Common open space shall be used for social, passive recreational and/or natural environment preservation purposes. The common open space shall typically include all or part of the following resources:

- i. Mature woodlands.
 - ii. Historic, archaeological or cultural features listed or eligible to be listed on the National Register of Historic Places.
 - iii. Wetlands.
 - iv. Identified floodplain area.
 - v. Slopes exceeding 25%.
2. General location and design standards.
- a. PRDs shall be designed around the common open space with areas being placed in undivided preserve. Such areas shall be directly accessible to the largest practicable number of lots within the development. Safe and convenient pedestrian access to the open space shall be provided for all lots not adjoining the open space areas.
 - b. A perimeter buffer yard of a minimum of 50 feet in width shall be provided.
 - c. Common open space, particularly perimeter buffer yards, containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees and other areas of mature vegetation worthy of preservation may be left unimproved and in a natural state. As a general principle, the preservation of undeveloped open space in its natural state is encouraged. A developer may make certain improvements, such as the cutting of trails for walking or jogging and the provision of picnic areas.
 - d. No roads, emergency access roads, driveways or existing utility rights-of-way, easements or improvements shall be within the acreage designated for the minimum common open space as required above, except as required as part of the approved common open space.
 - e. The common open space shall generally abut existing or potential open space land on adjacent parcels and shall be designed as part of larger contiguous and integrated greenway systems.

Section 903. General Regulations & Procedure

- A. Authority. The applicable Board of Supervisors or Council shall hear and decide requests for PRDs in accordance with the provisions of this Ordinance and the procedures and regulations of this Article.
- J. Relationship to the SALDO. All provisions of the applicable SALDO which are not specifically modified by the Board of Supervisors or Council in approving a PRD shall apply to any PRD involving subdivision or land development, with the exception of the following:
 - 1. Application procedures.
 - 2. Review and approval process.

- K. Application procedure. An application for development of a PRD is governed by and follows the procedure of Article VII of the MPC. The developer shall submit all applications except written requests for preapplication conferences with the Joint Planning Commission to the applicable Zoning Officer at least 10 working days prior to the Joint Planning Commission meeting.
- L. Preapplication conference.
 - 1. Purpose. Before submission of an application for tentative approval, the developer is strongly encouraged to have a meeting with the Joint Planning Commission, the applicable Zoning Officer and such other personnel as may be necessary to determine the feasibility, suitability, and timing of the application. The intent of this step is for the developer to obtain information and guidance from municipal personnel before entering into any commitments or incurring substantial expenses with regard to the site and the PRD site plan preparation.
 - 2. Scheduling. The request for a preapplication conference with the Joint Planning Commission and preapplication conference submission shall be received and accepted by the Zoning Officer or designated staff person at least seven days prior to the date of the Joint Planning Commission meeting.
 - 3. Relationship to formal review process. The submission of a preapplication conference submission shall not be deemed the beginning of the time period for review as prescribed by law. The preapplication conference is intended to be advisory only and shall not bind the municipal governing body to tentative or final approval of the application.
 - 4. Preapplication conference submission guidelines. The written request for a preapplication conference with the Joint Planning Commission shall include the following:
 - a. Seven (7) copies of a letter identifying the site, the name of the property owner and the nature of the proposed project.
 - b. Preapplication conference fee.
 - c. Seven (7) copies of a sketch plan, recommended but optional, being an approximate drawing but generally drawn to a scale of 100 feet to the inch, having a sheet size of 24 inches by 36 inches, and including the following:
 - i. The location, size and topography (USGS) of the site and the nature of the applicant's interest in the land proposed to be developed, including the approximate tract boundary, North point and identification of adjacent streets.
 - ii. The intensity of land use to be allocated to various parts of the site as well as the number of dwelling units contemplated.
 - iii. The general layout of the proposed development and interrelationship of uses, including but not limited to common

open space, buildings and other structures, residential building types, off-street parking, lot and street configuration.

- iv. A written statement of a qualified professional concerning the feasibility of proposals for sewerage, water supply and stormwater management, but not to include drawings.
- v. In the case of development plans which call for execution over a period of years, a statement regarding the proposed phasing schedule should be issued.
- vi. Any other information available to the applicant which may inform or be beneficial to the municipality while providing assistance.

M. Tentative approval.

1. Application content. An application for tentative approval of a PRD shall include the following:
 - a. Seven (7) copies of the application form, provided by the municipality and completed by the developer.
 - b. Application fee for tentative approval of a PRD.
 - c. Maps and information which shall show compliance with § 707.4 and § 707.5 of the MPC, 53 P.S. § 10707 and shall provide information to determine the location and size of the common areas and common open space and the form of organization proposed to own and maintain the common areas for any PRD.
 - d. Seven (7) copies of an environmental impact assessment documenting compliance § 707.4 and § 707.5 of the MPC. Such assessment shall indicate reasons why the PRD is consistent with the community development objectives and is in the interest of the municipality. Requested modifications to this Ordinance otherwise applicable to the site shall be cited.
2. Joint Planning Commission review and comment. At the first regular meeting of the Joint Planning Commission after the submission of the application, the Joint Planning Commission shall hold an open meeting where the populace shall be heard on the application for tentative approval and, within 30 days of the filing of the application for tentative approval, the Joint Planning Commission shall make a written recommendation to the applicable Board of Supervisors or Council on any application for tentative approval of a PRD . In said recommendation, the Joint Planning Commission shall set forth, with particularity, the explicit reasons for its recommendation that the proposal be either approved or denied.
3. Beaver County Planning Commission review and comment. At least 30 days before the public hearing, the applicant shall submit the application for

tentative approval of a PRD to the Beaver County Planning Commission for review and comment as required by the Pennsylvania MPC.

4. Public hearing. The Board of Supervisors or Council shall hold a public hearing on the application for tentative approval in accordance with §708 of the MPC, 53 P.S. § 10708.

The Board of Supervisors or Council shall give notice of the public hearing as follows:

- a. By giving public notice as defined in § 1107.D of this Ordinance;
 - b. By mailing a notice to the developer, to the Zoning Officer and to any person who has made timely request for the same; and
 - c. By posting one notice in the vicinity of each front lot line of the site for which the PRD is proposed in a place conspicuously visible from the street. In addition, notices shall be posted at the applicable Township or Borough Building. All posting shall be done at least 15 days prior to the public hearing.
5. Modifications. The Board of Supervisors or Council shall consider whether proposed modifications to any of the requirements of this Ordinance or for any relevant Zoning District, except the provisions of this section, contained in an application for development of a PRD will make for a more efficient, attractive and harmonious planned development. If such modifications, in the judgment of the Board of Supervisors or Council, constitute a more beneficial use of the site than provided for under the requirements of the Zoning District in which the site of the planned development is located, the Board of Supervisors or Council, in its sole discretion, may grant the modifications.
 - a. Authorized uses shall be limited to those specified for the given zoning district in which the site is located.
 - b. Site density for the PRD shall not exceed that site density permitted in the zoning district in which the planned residential development is located.
 - c. All common open space shall be reserved as permanent open space.
 - d. Provisions for all PRDs shall be in accordance with the laws of the Commonwealth of Pennsylvania for PRDs.
 - e. No modification shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year-flood elevation.
 - f. Under no circumstances shall a modification be granted to the prohibitions of uses or activities which may endanger human life in floodplain areas.

- g. Whenever a modification is granted to construct a structure below the one-hundred-year-flood elevation, the municipality shall notify the developer in writing, that:
 - i. The granting of the modification will result in increased premium rates for flood insurance.
 - ii. Such modification increases the risk to life and property.
- 6. Findings. The Board of Supervisors or Council shall make findings in accordance with §709 of the MPC, 53 P.S. § 10710.
- 7. Official written communication. The official written communication of findings shall be certified by the Municipal Secretary or clerk of the Board of Supervisors or Council, and a certified copy shall be mailed to the landowner and developer.
- 8. Status of plan after tentative approval. The status of a plan after tentative approval shall be in accordance with §710 of the MPC, 53 P.S. § 10710.

N. Final approval.

- 1. Submission of application. The application for final approval of a PRD shall be submitted within six (6) months after tentative approval, unless the Board of Supervisors or Council grants an extension upon written request of the developer, to a date not to exceed 18 months from the date of tentative approval. Phased PRDs, however, shall have applications for final approval made pursuant to the phase schedule set forth in the official written communication of the findings of the Board of Supervisors or Council with respect to tentative approval.
- 2. Application content. An application for final approval of a PRD shall include the following:
 - a. Seven (7) copies of the application form provided by the municipality and completed by the developer.
 - b. Application fee and review fees for final approval of a PRD.
 - c. Maps and information with the same number of copies as required by the applicable SALDO.
 - d. Seven (7) copies of the final drawings, including floor plans and elevations (but not including working drawings for buildings) for all structures and buildings, other than single-family detached dwellings, prepared by a registered architect, including all proposed signs, all exterior illumination and all outside storage areas.
 - e. The final plat for the PRD shall contain, in addition to those items approved in the application for tentative approval and the items in the applicable SALDO, the following information and, if applicable, proposed uses, common open space and common areas, if applicable,

common elements as defined in the Uniform Condominium Act of the Commonwealth of Pennsylvania.

- f. Seven (7) copies of a development schedule, showing:
 - i. The order of construction of the proposed sections delineated in the final development plan.
 - ii. The proposed date for the beginning of construction on said sections.
 - iii. The proposed date for the completion of construction on said sections.
 - iv. The proposed schedule for the construction and improvement of the common areas.
- g. Two (2) copies of deed restriction proposals to preserve the character of the common areas.
 - i. If the developer elects the association or nonprofit corporation method of administering common areas, the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation.
 - ii. If the developer elects the condominium method of ownership of common areas, the proposed declaration of condominium bylaws and related documents.
- h. Instruments dedicating all public and private rights-of-way, easements and other public lots shown on the final development plan from all persons having any interest in said lots.
- i. Improvement security. The developer shall guarantee the installation of the private and public improvements specified in the final development plan by providing a financial security in the amount of 110% of the estimated cost of construction of the private and public improvements, as determined in accordance with §509 of the MPC, 53 P.S. § 10709.
- j. Two (2) copies of a title insurance policy or an attorney's certificate of title showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any, in a form acceptable to the applicable Municipal Solicitor.
- k. Two (2) copies of tax receipts. Paid receipts from the taxing bodies indicating taxes have been paid in full up to and including the current period.
- l. Two (2) copies of evidence that a commitment from a responsible financial institution or entity has been issued to the developer for construction financing.

3. Joint Planning Commission review and recommendation. The Joint Planning Commission shall, at its next regular meeting after the filing of the application for final approval, examine the application and determine if the application meets the criteria and includes the items required by Subsection F(2) above and if the application for final approval complies with the conditions of tentative approval, if any. The Joint Planning Commission shall forward its written report to the Board of Supervisors or Council within 20 days of the filing of the application for final approval, setting forth its findings and recommendations.
 4. Action on application for final approval. Action on the application for final approval shall be in accordance with §711 of the MPC ,53 P.S. § 10711.
 5. Recording of final development plan. Recording of the final development plan shall be in accordance with §711(d) of the MPC.
 6. Time for recording. Within 90 days after the date of the approval of the final plan, the developer shall record or cause to be recorded the original copy of the final plan in the office of the Recorder of Deeds of the County and file with the municipality a recorder's certificate that the final plan has been recorded, with the plan book and page number indicated. Final approval shall not become final and effective until such certificate has been filed. Upon written request by the developer, the Board of Supervisors or Council may grant an extension of time for recording, which extension shall be reflected on the final plan.
 7. Zoning permit. No zoning permit shall be issued until the final development plan has been approved and recorded. Upon proof of recording and certification of final approval by the Board of Supervisors or Council, a zoning permit shall be issued by the Zoning Officer.
- O. Procedure for approval of amendments to planned residential developments after final approval and/or recording. Any amendment to a PRD submitted after final approval for recording which does not violate any of the conditions or requirements of the tentative approval or of the Zoning District classification may be approved at an open meeting of the Board of Supervisors or Council after recommendation by the Joint Planning Commission. Amendments involving substantive changes or modifications to conditions shall require a public hearing in the same manner as for an application for tentative approval of a PRD. Upon approval of the amendment, the recorded final development plan shall be amended and rerecorded to conform to the amendment.
- P. Completion and acceptance of public improvements.
1. Upon completion of the public improvements in a final development plan, the developer shall notify the municipality, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the applicable Municipal Engineer. The Municipal Manager, Secretary, or designated representative shall, within 10 days after receipt of such notice, direct and authorize the Engineer to inspect all of the required

improvements. The Engineer shall thereupon file a report in writing with the Manager or Secretary and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Engineer of the aforesaid authorization from the Manger or Secretary. Said report shall be detailed and shall indicate approval or rejection of the required improvements, either in whole or in part. If the Engineer rejects any of the required improvements, said report shall contain a statement of reasons for such nonapproval or rejection.

2. Municipality's notification to developer. The Municipal Manager or Secretary shall notify the developer, within 15 days of receipt of the Municipal Engineer's report, in writing, by certified or registered mail, of the action of the municipality with relation thereto.
3. Failure of the Municipality to comply. If the Municipal Manager, Secretary, or the Engineer fails to comply with the time limitation provisions contained herein, all required improvements will be deemed to have been approved, and the developer shall be released from all liability pursuant to its performance security.
4. Completion of rejected required improvements. If any portion of the required improvements shall not be approved or shall be rejected by the municipality, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined herein shall be followed.
5. No limitation of developer's rights. Nothing herein, however, shall be construed to be a limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination by the Municipal Manager, Secretary, or the Municipal Engineer.
6. Developer shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of the required improvements. Such reimbursement shall be based upon the schedule set forth in an ordinance adopted by Board of Supervisors or Council. Inspection expenses are subject to appeal in accordance with §510(g) of the MPC, 53 P.S. § 10510(g).
7. Partial release of performance security. As the work of installing the required improvements proceeds, the developer may request the municipality to release or authorize the release of such portions of the performance security fairly representing the amount of the work completed. The same procedure shall be followed for a partial release of performance security as for a final release of performance security except that correspondence may be by regular mail and the municipality must act upon the request within 20 municipal working days of the receipt of the request. The municipality may, prior to final release at the time of completion and certification by the Municipal Engineer, require retention of 10% of the estimated cost of the required improvements.
8. When required improvements are public improvements, the municipality may require retention of 15% of the estimated cost of the public improvements until the required maintenance security is presented to the municipality.

- Q. Acceptance of public improvements. Upon completion of the inspection and approval of the public improvements, the developer shall request the municipality, in writing, to accept the dedication of the public improvements. If the public improvements request is received by the municipality more than 10 days before the next regular meeting of the Board of Supervisors or Council, and upon posting of a maintenance security for a term not to exceed 18 months from the date of acceptance of dedication, the Board of Supervisors or Council shall enact an ordinance accepting the public improvements as part of the municipality's public facilities. The amount of the maintenance security aforesaid shall be 15% of the actual cost of the installation of such public improvements.
- R. Remedies to effect completion.
1. In the event that improvements which may be required have not been installed in accordance with the approved final plan by the completion date established at the time of such approval or, if no such completion date has been established, within 24 months of the final plan approval, the Municipal Manager or Secretary shall take the remedies provided under the MPC to effect completion of the required improvements.
 2. If proceeds of the performance security are insufficient to pay the cost of installing or making repairs or corrections to all the required improvements covered by the security, the municipality may, at its option, install part of the improvements in all or part of the planned residential development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the performance security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by the performance security and not for any other municipal purpose.

**Article X.
Nonconforming Uses, Buildings, Structures, and Lots**

Section 1001. Purpose

- A. The purpose of this Article is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots, and nonconforming signs. The Zoning Districts established by this Ordinance are designed to guide the future use of the municipalities' land by encouraging the development of desirable residential, commercial, and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare. The regulations of this Article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate Districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

Section 1002. Nonconforming Use

- A. Definition. A nonconforming use is the lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of enactment of this Ordinance, or in the case of an amendment of this Ordinance, then at the time of such amendment, although such the case does not conform with this Ordinance.
- B. When permitted subject to the provisions of this Section, a use of building or land existing at the time of the legal adoption of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance for the District in which it is located.
- C. Continuation of Nonconforming Use. Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this Section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, may be performed.
- D. Change of Nonconforming Use to Conforming.
 - 1. No nonconforming building, structure, or use shall be changed to another nonconforming use.
 - 2. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Ordinance or its amendments.
 - 3. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this Ordinance should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or non-compliance.

- E. Expansion or Extension of Nonconforming Use. A nonconforming use may be extended as a special exception upon approval through application to the applicable municipal Zoning Hearing Board (ZHB) subject to the following:
1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
 2. The extension does not encroach upon the yard height requirements of the District in which the nonconforming use is presently located.
 3. The extension is for the purpose of the expanding nonconforming use in the existence at the time of the legal acceptance of this Ordinance.
 4. Extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.
 5. No nonconforming use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming.
 6. No such nonconforming use shall be enlarged or increased or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the applicable municipal ZHB shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use. For the purposes of determining if an enlargement or expansion of nonconforming use meets this requirement, the applicant shall file an application for special exception pursuant to the requirements of Article IV of this Ordinance. The applicant must meet all the applicable requirements and criteria of Article IV in addition to providing evidence that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use.
 7. Whenever a District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming use of such changed District may be continued, and such use may be extended throughout the structure.
- F. Abandonment. A legal nonconforming use of a building or land which has been abandoned intentionally shall not thereafter be returned to such nonconforming use and shall be considered abandoned under the following circumstances.
1. When the intent of the owner is to discontinue the use is apparent; or
 2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 180 days, unless other facts show an intention to resume the nonconforming use; or

3. When a nonconforming use has been discontinued for a period of one (1) year; or
 4. When it has been replaced by a conforming use; or
 5. When it has been changed to another use authorized by the applicable municipal ZHB; or
 6. The lawful use of the land existing at the time this Ordinance or any of its amendments was adopted, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is abandoned for a period of one (1) year, any future use of said land shall conform to the provisions of this Ordinance; or
 7. Any subsequent use shall conform to the applicable provisions of this Ordinance, or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this Ordinance or its amendments.
- G. Nonconforming Accessory Uses and Structures. No use, structure, or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the Zoning District in which it is located.
- H. Unsafe Structure. Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition of any portion of a building or structure that is declared unsafe by the proper authority.
- I. Unlawful Use Not Authorized. Nothing in this Ordinance shall be interpreted as authorization for approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of the effective date of the legal enactment of this Ordinance.
- J. Accessory Structures. Accessory structures may be constructed on a lot with a nonconforming use or structure, as long as the accessory structure(s) complies with the applicable district area and bulk requirements and access use regulations.

Section 1003. Nonconforming Buildings or Structures

- A. Continuation of nonconforming buildings or structures. Any nonconforming building or structure which is devoted to a use which is permitted in the Zoning District in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this Section.
- B. Structural Alteration of Nonconforming Buildings or Structures. A lawful nonconforming use of a building or structure existing at the time of the adoption of this Ordinance or an amendment hereto may be structurally altered. Such alteration shall not expand its nonconformity in areas not previously occupied by the nonconforming use unless meeting the requirements of expansion and extension of nonconforming uses as required in this Ordinance. No parking, yard, space, or bulk nonconformity may be created or increased.

C. Changes to Nonconforming Buildings or Structures to Conforming.

1. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Ordinance shall make such building or structure conforming with the provisions of this Ordinance or its amendments, then such building or structure shall remain in conformance with the applicable provisions of this Ordinance or its amendments.
2. If a later amendment to this Ordinance should make the building or structure as changed or altered nonconforming with its provisions, then the building or structure as changed or altered will become a non-conforming building or structure to the extent of such nonconformance or noncompliance.

D. Damage or Destruction of Nonconforming Buildings or Structures.

1. When a building or structure is damaged or destroyed by any means not within the control of the owner, the owner shall be permitted to restore the building or structure to its prior state provided that the owner does not increase the nonconformance and begins restoration/construction within one (1) year after the date the damage takes place. No parking, yard, space, or bulk nonconformity may be created or increased.
2. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this Section.

E. Expansion or Extension of Nonconforming Buildings or Structures.

1. No nonconforming building or structure may be extended on the lot on which it is located, nor may any nonconforming building or structure be moved to a different position upon the lot on which it is located, except to a position in conformity with the current codes.
2. Legal non-conforming residential structures may be expanded up to 100 sq. ft. to allow for necessary accessibility improvements.
3. Whenever a District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming structure of such changed District may be continued, and such use may be extended throughout the structure.
4. Structures that are nonconforming on the effective date of this Ordinance that already encroach on a required setback can extend that encroachment and not be considered an expansion of the nonconforming structure subject to the following:
 - a. The structure is only extended on a parallel plane of the existing nonconforming encroachment and does not extend any closer to a property line.

- b. The extension is no more than 25% of the length of the side of the existing nonconforming structure on the side of the encroachment.
 - c. A determination is made by the applicable Zoning Officer that there is no impact to immediately adjacent property. If any uncertainty exists regarding impacts to immediately adjacent properties, the applicable Zoning Officer may refer the request to the applicable municipal ZHB for an interpretation.
- F. Repairs, Renovation, and Modernization of Nonconforming Buildings or Structures.
- 1. Repairs, renovations and modernization of nonconforming buildings or structures, such as renewal or replacement of outer surfaces, windows, addition of soundproofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure shall be permitted notwithstanding other provisions of this Ordinance.
 - 2. Such repairs, renovations, or modernizations are allowed provided they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.
- G. No increase in the size of or area covered by the nonconforming use or area of the use within the building or structure is allowed except as provided for in this Ordinance. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.
- H. Alterations. A nonconforming building or structure may be altered, improved, or reconstructed provided such work does not exceed 50% of the fair market value, or provided the building structure is changed to a conforming use.
- I. Construction Approved Prior to Legal Enactment of this Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning/building permit has been issued and the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit, and the ground story framework of which shall be completed within four (4) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from the date of legal enactment of this Ordinance.

Section 1004. Nonconforming Lots of Record

- A. In any District in which single-family dwellings are a use by right, notwithstanding the regulations imposed by any other provisions of this Ordinance, a single-family detached dwelling which complies with the yard, space, setback, and bulk requirements of the District in which it is located may be erected on a nonconforming lot adjacent to an improved street. Nothing in the requirements of this Ordinance relating to lot area per dwelling unit shall be held to prohibit the erection of a single-dwelling unit upon a lot having less than the required street frontage or the area of which is less than that prescribed as the lot area per dwelling unit, provided that such

lot, at the time of the passage of this Ordinance, was held under separate ownership from any adjoining lots or provided that, at the time of the passage of this Ordinance, a recorded plan of lots or subdivision of property shows such lot to be a separate and distinct numbered lot.

- B. A nonconforming lot of record may be used for any “permitted use by right” in the District in which it is located if land development approval can be granted in accordance with the provisions of the appropriate municipal SALDO.
- C. District Changes.
 - 1. Whenever boundaries of a District shall be changed so as to transfer an area from one (1) District to another District a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.

Section 1005. Nonconforming Signs

- A. Continuation of Nonconforming Signs. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Ordinance:
 - 1. Alteration or Moving. A nonconforming sign of any type may not be moved to another position or location upon the building, structure or lot on which it is located, nor may the size or area of such nonconforming sign be changed, or its structure or construction changed unless such changes are to change the face of the sign.
 - 2. Damage, Destruction, or Replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this Ordinance. Damage only to the face of a sign shall not be construed to constitute 50% of its market value, and the sign face may be replaced.
 - 3. Abandonment. If use of a nonconforming sign is abandoned or interrupted for a continuous period of more than 180 days, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within fourteen (14) days from the end of the aforesaid period and the use of such sign shall not be resumed except in accordance with the provisions of this Ordinance.
 - 4. Health, Safety, and Welfare. If any sign or supporting structure subject to the regulation of the provisions of this Ordinance constitutes a threat to health, safety, or welfare of the area surrounding said sign or has been constructed, installed, or maintained in violation of any provision of this Ordinance, the applicable Zoning Officer shall give written notice to the person or entity who owns or is maintaining such sign. If the owner or entity maintaining such sign fails to modify the sign to comply with the provisions of this Article within twenty (20) days after the date of said written notice from the applicable

Zoning Officer, then the Zoning Officer and other municipal officials shall take steps as necessary to promptly have said sign brought into compliance with this Ordinance up to and including removal of the sign to comply with this Ordinance.

Section 1006. Registration of Non-Conformity

- A. While administering and enforcing this Ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the applicable Zoning Officer may register nonconforming uses, nonconforming structures, and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures, and lots shall be the burden of the property owner.

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Article XI. Administration and Enforcement

Section 1101. Administration

- A. For the administration of this Ordinance, a Zoning Officer shall be appointed by each municipality to serve for the municipality making said appointment.
 - 1. Each municipal Zoning Officer shall meet the qualifications established by the Joint Planning Commission.
- B. The municipal Zoning Officers shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, and the issuing of zoning, building, occupancy, and any other permits for their applicable municipality. No zoning, building or occupancy permit shall be issued by said Zoning Officers except where the provisions of this Ordinance have been complied with.

Section 1102. Zoning and Building Permits

- A. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the applicable Zoning Officer. All applications for zoning and building permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the applicable municipal ZHB no such zoning and/or building permit shall be issued for any building where said construction, addition, or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- B. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed 100% of the fair market value of the existing structure.
- C. There shall be submitted with all applications for zoning and building permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot, and accessory buildings to be erected, and other such information as may be deemed necessary by the applicable Zoning Officer to determine and provide for the enforcement of this Ordinance.
- D. One (1) copy of such layout or plot plan shall be returned when approved by the applicable Zoning Officer together with the permit to the applicant upon payment of a fee as predetermined from the applicable fee schedule.

Section 1103. Occupancy Permit

- A. Completion of the authorized new construction, alteration, remodeling, change of use of building or land under the provisions of a zoning and/or building permit shall not be occupied until an occupancy permit has been issued by the applicable Zoning Officer. Written request to the applicable Zoning Officer shall be processed within two (2) weeks of receipt of the request for the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable

Ordinances. The applicable Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

- B. Occupancy permits are required for all changes in use and any time a property is sold, as follows:
 - 1. Occupancy of a new building or structure.
 - 2. Occupancy and use of a building hereafter moved or altered to require a zoning and/or building permit.
 - 3. Change in the use of an existing building other than to a use of the same category.
 - 4. Occupancy and use of unimproved or vacant land.
 - 5. Change in the use of land except to another use of the same type.
 - 6. Business located on a property is sold.
 - 7. Any change in use of a nonconforming use.
- C. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this Ordinance and all other applicable Ordinances, that the applicable municipality is deemed to authorize such permit and is required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of this Ordinance.

Section 1104. Enforcement Notice

- A. If it appears to the applicable municipality that a violation of any zoning provision enacted under this Ordinance or prior enabling laws has occurred, the applicable Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state the following:
 - 1. The name of the owner of record and any other person against whom the municipality 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 the Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the applicable municipal ZHB within a prescribed period of time in accordance with procedures set forth in the Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the applicable municipal ZHB, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the applicable municipal ZHB, the municipality shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the applicable municipal ZHB shall be returned to the appealing party by the municipality if the ZHB, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 1105. Causes of Action

- A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted under this act the MPC or prior enabling laws, the applicable Borough Council or Township Board of Supervisors, or with the approval of the applicable Council or Board, an officer of the Boroughs or Townships, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the applicable municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the applicable Council or Board. No such action may be maintained until such notice has been given.

Section 1106. Enforcement Remedies

- A. Any person, partnership or corporation that has violated or permitted the violation of the provisions of any Zoning Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by one of the municipalities as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues

shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the municipality whose Ordinance has been violated.

- B. 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.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the applicable municipality the right to commence any action for enforcement pursuant to this Section.

Section 1107. Amendments

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. The regulations and provisions of this Ordinance and the Official Zoning Map may be amended from time to time, upon recommendation of the Joint Planning Commission, or a Borough Council or Township Board of Supervisors, or by application of an effected party.
 - 1. Petitions for amendment shall be filed with the Joint Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule affixed from time to time by Resolution of the Borough Councils and Township Boards of Supervisors.
 - 2. The Joint Planning Commission shall send copies of the draft Ordinance amendments, together with any recommendations, to each of the Borough Councils and Township Boards of Supervisors for review. Each Council and Board shall review and provide feedback. The governing bodies of the other participating municipalities shall submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment, to the governing body of the municipality within which the amendment is proposed. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendments. Upon receipt of the feedback, the Joint Planning Commission shall hold a public meeting and prepare revisions to the amendment as deemed appropriate. See also MPC §809-A and MPC §303.
 - 3. The Joint Planning Commission shall forward the revised amendment to the applicable Borough Council or Township Board of Supervisors. The Council or Board shall submit a copy of the revised amendment to the County and to each Borough Council and Township Board of Supervisors whose municipality participates in the Joint Planning Commission, for review prior to holding the public hearing. The governing bodies of the other participating municipalities shall submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment, to the governing body of the municipality within which the amendment is proposed no later than the date of the public hearing. Failure to provide comments shall be construed as a

recommendation to adopt the proposed amendments. See also MPC §809-A and MPC §303.

- C. Enactment of Amendments. Zoning amendments procedures shall adhere to the requirements of §609 of the MPC, 53 P.S. §10609, as amended.
- D. Public Hearing. The applicable Borough Council or Township Board of Supervisors shall hold a public hearing on a proposed amendment pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within the municipality or an owner of the mineral rights in a tract or parcel of land within the municipality who has made a timely request in accordance with §109 of the MPC before voting on enactment of an amendment. The public notice shall additionally be posted in the Municipal Building of Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships. In addition, if the proposed amendment involves an Official Zoning Map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the Joint Planning Commission along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 - 1. In addition to the requirement that the notice be posted, where the proposed amendment involves an Official Zoning Map change, notice of the public hearing shall be mailed by the applicable municipality at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- E. Planning Commission Review. In the case of an amendment other than that prepared by the Joint Planning Commission, the applicable Borough Council or Township Board of Supervisors shall submit the amendment to the Joint Planning Commission at least 30 days prior to the hearing on the proposed amendment for recommendations.
- F. County Planning Review. The recommendation of the County planning agency shall be made to the applicable Borough Council or Township Board of Supervisors within 45 days and the proposed action shall not be taken until such recommendation is made. If, however, the County fails to act within 45 days, the applicable Borough Council or Township Board of Supervisors shall proceed without its recommendation.
- G. Landowner Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the applicable Borough Council or Township Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided in accordance with §916.1 of the MPC,

53 P.S. §10609, as amended. All procedures regarding landowner curative amendments shall be conducted in accordance with §609.1 of the MPC, 53 P.S. §10609, as amended.

- H. Municipal Curative Amendments. If the applicable Borough Council or Township Board of Supervisors determines that this Ordinance or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendments provided for in §609.2 of the MPC, 53 P.S. §10609, as amended.

Article XII. Zoning Hearing Board

Section 1201. Establishment of the Board

- A. Fallston and New Brighton Boroughs and Daugherty and Pulaski Townships shall each maintain a separate Municipal Zoning Hearing Board (ZHB), each of whom will be responsible for decisions within their respective municipalities.
- B. The existing ZHB for each municipality shall continue to serve.

Section 1202. Operation of the Board

- A. There is hereby created for the municipality a ZHB in accordance with the provisions of Article IX of the MPC, Act 247, as amended.
- B. The membership of the ZHB shall consist of anywhere from three (3) to five (5) persons, all residents of the applicable municipality, who shall be appointed by the applicable Borough Council or Township Board of Supervisors and may be reappointed upon completion of a term. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Any ZHB shall promptly notify the applicable Borough Council or Township Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the ZHB shall not be an employee of the applicable municipality. Members of the ZHB shall hold no other office in the applicable municipality except that one (1) member may be a member of the Joint Planning Commission.
- C. The applicable Borough Council or Township Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township or Borough to serve as alternate members of the applicable municipal ZHB. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §906 of the MPC, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the ZHB to the same and full extent as provided by law for ZHB members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the MPC and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Joint Planning Commission and applicable Zoning Officer. Any alternate may participate in any proceeding or discussion of the ZHB but shall not be entitled to vote as a member of the ZHB nor be compensated pursuant to §907 of the MPC unless designated as a voting alternate member pursuant to §906 of the MPC.
- D. Any ZHB member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the applicable Borough Council or Township Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- E. The ZHB shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the

taking of any action a quorum shall be not less than a majority of all the members of the ZHB, but the ZHB may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the ZHB as provided in this Ordinance.

- F. The ZHB may make, alter, and rescind rules and forms for its procedure, consistent with applicable municipal ordinances and laws of the Commonwealth of Pennsylvania. The ZHB shall keep full public records of its business, which records shall be the property of the applicable municipality and shall submit a report of its activities to the applicable Borough Council or Township Board of Supervisors as requested by the applicable Council or Board.
- G. Within the limits of funds appropriated by the applicable Borough Council or Township Board of Supervisors, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the ZHB may receive compensation for the performance of their duties, as may be fixed by the applicable Borough Council or Township Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the applicable Council or Board.
- H. Fees. An applicant before the applicable municipal ZHB shall deposit with the applicable Zoning Officer the appropriate filing fee. Fees shall be established by resolution of the applicable Borough Council or Township Board of Supervisors.

Section 1203. Hearing Procedures

- A. The ZHB shall conduct hearings and make decisions in accordance with the following requirements.
- B. Filing Appeals and Requests to the ZHB. Requests for hearings before the ZHB shall be made as follows:
 - 1. An appeal to the applicable municipal ZHB may be filed by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Such appeal shall be taken within the time as stipulated by the MPC and the rules of the ZHB, by filing with the applicable Zoning Officer a notice of appeal specifying the grounds thereof. The appropriate fee, established by resolution of the municipality, shall be paid in advance for each appeal or application. Requests for a variance and special exception may be filed with the applicable municipal ZHB by any landowner or any tenant with the permission of such landowner.
 - 2. Notice. Public notice shall be given pursuant to this Ordinance and written notice shall be given to the applicant, applicable Zoning Officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the applicable Borough Council or Township Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

3. **Timing.** A hearing shall be held within 60 days from the official application date requesting a hearing unless the applicant has agreed to an extension of time. The hearings shall be conducted by the applicable municipal ZHB or said ZHB may appoint any member or an independent attorney as a hearing officer. The decision, or, when no decision is called for, the findings shall be made by the applicable municipal ZHB; however, the appellant or the applicant, as the case may be, in addition to the applicable municipality, may prior to the decision of the hearing, waive decision or findings by the ZHB and accept the decision or findings of the hearing officer as final.
4. **Parties to the Hearing.** The parties to the hearing shall be the applicable municipality, any person affected by the application who has made timely appearance of record before the ZHB, and any other person including civic or community organizations permitted to appear by the ZHB. The ZHB shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the ZHB for that purpose.
5. **Powers of the Chairman.** The Chairman, Acting Chairman, or Hearing Officer, presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. **Rights of the Parties.** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence, and to argue and cross-examine adverse witnesses on all relevant issues.
7. **Exclusion of Evidence.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the ZHB.
8. **Record of the Proceedings.** A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the ZHB. Any party requesting the original transcript, or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.
9. **Communications.** Once a formal application has been duly filed, the ZHB shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Further, the ZHB shall not take notice of any communication unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

Section 1204. Jurisdiction

- A. The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any Land Use Ordinance, except those brought before the applicable Borough Council or Township Board of Supervisors pursuant to §609.1 and 916.1(a)(2) of the MPC, Act 247, as amended.
 2. 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 said Ordinance.
 3. Appeals from the determination of the applicable Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot.
 4. Appeals from a determination by the applicable Borough or Township Engineer or the applicable Zoning Officer with reference to the administration of any Floodplain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.
 5. Applications for variances from the terms of this Ordinance and Flood Hazard Ordinance, or such provisions within a Land Use Ordinance, pursuant to §910.2 of the MPC, Act 247, as amended.
 6. Applications for special exceptions under this Ordinance or Floodplain or Flood Hazard Ordinance, or such provisions within a Land Use Ordinance, pursuant to §912.1 of the MPC, Act 247, as amended.
 7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
 8. Appeals from the applicable Zoning Officer's determination under §916.2 of the MPC, Act 247, as amended.
 9. Appeals from the determination of the applicable Zoning Officer or applicable Borough or Township 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 related to development not involving applications under Article V or VII or the MPC, Act 247, as amended.
- B. The applicable Board of Supervisors or Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, Act 247, as amended.
 2. All applications pursuant to §508 of the MPC, Act 247, as amended, for approval of subdivisions or land developments under Article V of the MPC, Act 247, as amended.

3. Applications for conditional use under the express provisions of this Ordinance.
4. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, Act 247, as amended.
5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, Act 247, as amended.
6. Appeals from the determination of the applicable Zoning Officer or the applicable Borough or Township Engineer in the administration of any Land Use Ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Article V and VII of the MPC, Act 247, as amended. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the applicable Zoning Officer or the applicable municipality Engineer shall be to the ZHB pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Joint Planning Commission, all appeals from determinations under this Section shall be to the Joint Planning Commission and all appeals from the decision of the Joint Planning Commission shall be to court.

Section 1205. Variances

- A. The applicable municipal ZHB shall hear requests for variances where it is alleged that the provisions of this Article inflict unnecessary hardship upon the applicant. The ZHB may by rule prescribe the form of application and may require preliminary application to the applicable Zoning Officer. The applicable municipal ZHB may grant a variance, provided that 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 topographic or other physical conditions peculiar property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance 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 applicant.
 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 that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the applicable municipal ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC, Act 247, as amended.

Section 1206. Information Required on Applications to ZHB

- A. All applications to the applicable municipal ZHB shall be in writing on forms prescribed by the applicable municipal ZHB and provided by the applicable municipality. Every application shall include the following:
1. The name and address of the applicant or the appellant;
 2. The name and address of the owner of the lot to be affected by such proposed change or appeal;
 3. A brief description and location of the lot to be affected by such proposed change or appeal;
 4. A statement of the Section under which the application is made, and reasons why it should be granted, or a statement of the Section governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal; and
 5. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

Section 1207. Stay of Proceedings

- A. Upon filing of any appeal proceeding before the applicable municipal ZHB and during its pendency before the applicable municipal ZHB, all land development pursuant to any challenged ordinance, order or approval of the applicable Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the applicable Zoning Officer or any other appropriate agency or body certifies to the applicable municipal ZHB 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 applicable municipal ZHB or by the court having jurisdiction of zoning appeals, on petition, after notice to the applicable Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the applicable

municipal ZHB by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the applicable municipal ZHB.

- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted, and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

Section 1208. Parties Appellant Before the Board

- A. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council or Township Board of Supervisors pursuant to the MPC); procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or appeals from the determination of the applicable Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township Engineer or the applicable Zoning Officer with reference to the administration of any Floodplain or Flood Hazard Ordinance or such provisions within a 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 PRD may be filed with the ZHB in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the ZHB by any landowner or any tenant with the permission of such landowner.

Section 1209. Expiration of Appeal Decision

- A. Unless otherwise specified by the applicable municipal ZHB, a decision on any appeal or request for a variance or special exception shall expire if the applicant fails to obtain any necessary zoning/building permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

Section 1210. Appeal from Decision of ZHB

- A. Shall be in accordance with Article X of the MPC, Act 247, as amended.

Section 1211. Zoning Appeals

- A. No person shall be allowed to file any proceeding with the applicable municipal ZHB later than 30 days after an application for development, preliminary or final, has been approved by the applicable municipality if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the applicable Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

Section 1212. Zoning Appeals to Court

- A. Appeals to Court.
 - 1. The Courts may act upon appeals from the decisions of the applicable municipal ZHB and findings and conclusions of the applicable municipal ZHB in proceedings to challenge the validity of the Ordinance or other development regulations of the municipalities.
 - 2. The court having jurisdiction shall be the Beaver County Court of Common Pleas.
 - 3. Zoning appeals may be taken to court by any party before the applicable municipal ZHB or any officer or agency of the municipalities.
 - 4. All zoning appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the applicable municipal ZHB.
 - 5. A developer having received approval from the applicable municipalities for his development and faced with an appeal brought by others before the applicable municipal ZHB may petition the Court to order those bringing the appeal to post a bond in an amount established by the Court as a condition of the appeal's continuation before the applicable municipal ZHB. The Court shall hear the petition, determine whether the appeal is frivolous or is designed to delay, and if so, may require the posting of the bond.
- B. If any application for a variance, or appeal from the applicable Zoning Officer is denied by the applicable municipal ZHB, another application for the same request shall not be filed within a period of one (1) year from the date of denial except upon order of the Court or if the application is substantially changed.

- C. Optional validity challenges as provided for in Article I §108 of the MPC, as amended, for procedural or substantive defects or decisions shall be filed consistent with procedures outlined in said §108 of the MPC.

Section 1213. Mediation Option

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the applicable municipal ZHB, in no case shall the applicable municipal ZHB 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 Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

**BOROUGH OF FALLSTON
BEAVER COUNTY, PENNSYLVANIA**

SECTION 1. EFFECTIVE DATE

This Ordinance shall become effective as of the date it has been enacted by all four municipalities: Daugherty Township, New Brighton Borough, Fallston Borough, and Pulaski Township.

ENACTED AND ORDAINED the 19th day of April 2023, by the Borough Council of Fallston Borough, Beaver County, Pennsylvania.

ATTEST:

Barbara R. Pagnini
Secretary

FALLSTON BOROUGH COUNCIL

By: [Signature]
President of Council

APPROVED this 19 day of April, 2023

[Signature]
Mayor

Article XIII. Effective date/Repealer

Section 1301. Effective date

This Ordinance shall become effective as of the date it has been enacted by all four municipalities: Daugherty Township, New Brighton Borough, Fallston Borough and Pulaski Township


Section 1302. Repealer

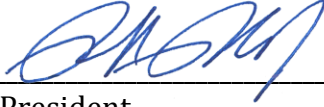
Upon said enactment of this Ordinance by Daugherty Township, New Brighton Borough, Fallston Borough and Pulaski Township, Chapter 27 of the Code of the Borough of New Brighton is repealed and replaced by this Ordinance.

ENACTED AND ORDAINED the 20th day of April 2023, by the Council of New Brighton Borough, Beaver County, Pennsylvania.


Attest:

NEW BRIGHTON BOROUGH COUNCIL

By: 
Borough Manager/Secretary

By: 
President

EXAMINED AND APPROVED this 20th day of April 2023.


Mayor

- C. Optional validity challenges as provided for in Article I §108 of the MPC, as amended, for procedural or substantive defects or decisions shall be filed consistent with procedures outlined in said §108 of the MPC.

Section 1213. Mediation Option

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the applicable municipal ZHB, in no case shall the applicable municipal ZHB 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 Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Article XIII. Effective date/Repealer

Section 1301. Effective date

This Ordinance shall become effective as of the date it has been enacted by all four municipalities: Daugherty Township, New Brighton Borough, Fallston Borough and Pulaski Township

Section 1302. Repealer

Upon said enactment of this Ordinance by Daugherty Township, New Brighton Borough, Fallston Borough and Pulaski Township, Chapter 175 of the Code of the Township of Daugherty is repealed and replaced by this Ordinance.

ENACTED AND ORDAINED the 12th day of April, 2023, by the Supervisors of Daugherty Township, Beaver County, Pennsylvania.

Attest:

By: 

Township Secretary

DAUGHERTY TOWNSHIP BOARD OF SUPERVISORS

By: 

Chairman



**Township of Pulaski
Beaver County, Pennsylvania**

Section 1. Effective date

This Ordinance shall become effective as of the date it has been enacted by all four municipalities: Daugherty Township, New Brighton Borough, Fallston Borough and Pulaski Township.

Section 2. Repealer

Upon said enactment of this Ordinance by Daugherty Township, New Brighton Borough, Fallston Borough and Pulaski Township, Zoning Ordinance #227 is repealed and replaced by this Ordinance.

ENACTED AND ORDAINED the 8th day of May 2023, by the Board of Supervisors
Borough, Beaver County, Pennsylvania.

Attest:

Pulaski Township Board of Supervisors

By: _____

Connie Wagle
Township Secretary

By: _____

Craig Pacheco
Chairman