

North Braddock Zoning Ordinance

Allegheny County, Pennsylvania

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LANDSCAPE ARCHITECTURE | DESIGN | PLANNING

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Article 100. General Provisions

101. Title. This Chapter shall be known and cited as the “North Braddock Borough Zoning Ordinance.”
102. Defined words. Words used in a special sense in this chapter are defined in Article 200.
103. General Purpose. The general purposes, which are the basis for the provisions of this chapter, are set forth in the North Braddock Comprehensive Plan. The zoning regulations and districts set forth in this chapter are made in accordance with the Comprehensive Plan for the general welfare of the Borough and are intended to include but not be limited to achieving the following purposes:
 - A. To implement the policy goals and strategies of the Comprehensive Plan.
 - B. To promote and facilitate coordinated and practical community development phased and located in relation to infrastructure facilities.
 - C. To promote and facilitate provisions for adequate light and air, vehicle parking and loading spaces, transportation, and recreational facilities.
 - D. To promote and facilitate preservation of the natural, scenic and historic values in the environment and conservation of wetlands, steep slopes, and floodplain areas.
 - E. To prevent danger and congestion in travel and transportation, and loss of health, life or property from fire or flood.
 - F. To provide for various dwelling types including single-family and two-family dwellings, and multifamily dwelling and mobile homes and mobile home parks.
 - G. To accommodate reasonable overall community growth in accordance with the Comprehensive Plan.
104. Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued, pursuant to the use of buildings or premises and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this chapter shall control. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough, in favor of the property owner and against any implied extension of the restriction.
105. Application of Requirements.
 - A. The requirements of this chapter shall apply to all zoning districts, lots, structures, land developments, and subdivisions in the Borough.
 - B. No structure or lot shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structural alteration made unless in conformity with this chapter.
106. Severability – If any of the provisions of the zoning ordinance becomes illegal, invalid, or unenforceable, that action shall not affect the validity or enforceability in the Borough of any other provision of the zoning ordinance.

Article 200. Definitions

201. Word usage. The following rules of construction shall apply to this chapter:

- A. The particular shall control the general.
- B. In case of any difference in meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and/or "occupied for."

202. Definitions.

Accelerated Erosion - The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

Accessory Uses - A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

Accessory Structure - A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be an accessory to the use of the principal building. Accessory structures include garages, decks, fences and structures required for urban agriculture.

Adult Entertainment Establishment - Any theater, shop, bookstore, model studio, sexual encounter center, massage, massage parlor, escort service, adult cabaret, adult motel or other establishment which at any time displays motion picture films, videotapes, books, magazines, publications or other forms of adult entertainment of a sexual nature or content including, but not limited to, the display of any motion picture, videotape, book, magazine, dancing or any other form of live theatre production and entertainment which is X-rated, is pornographic or obscene, depicts any live or simulated sex act or includes exposed male or female genitalia. Inclusive in this definition of Adult Entertainment are the following means of representing activities herein described:

- A. Live theatre production – any dramatic, musical or comedic production performed in the presence of a live audience.
- B. Massage – any method of treating superficial soft parts of the human body, for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading, or any similar treatment, accomplished by hand, or any part of the human body, or by the use of any instrument.
- C. Massage Parlor – any building or structure or portion thereof, located within the district, which is opened to members of the general public, with or without the payment of a fee, at which massage services are offered.
- D. Model studio
 1. Any place where there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for person who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the place.
 2. Any place where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude

to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

3. Exception. The words “model studio” do not include:
 - (a) Any studio which is operated by any State college or junior college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or
 4. Any place where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection 1 of this subsection.
- E. Motion Picture Film – shall include any:
 1. Film or plate negative.
 2. Film or plate positive.
 3. Film designed to be projected on a screen for exhibition.
 4. Films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen.
 5. Video tape or any other medium used to electronically reproduce images on a screen.
- F. Nude – shall include:
 1. Completely without clothing.
 2. With the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the breast with less than a fully opaque covering of any portion thereof below the top of nipple, or the covered male genital in a discernibly turgid state.
- G. Obscene Matter – any matter:
 1. Which the average person, applying contemporary standards, would find, when considered as a whole, appeals to the prurient interest;
 2. Masturbation, excretory functions, or exhibition of the genitals or genital areas; and,
 3. Ultimate sexual acts, normal or perverted, actual or simulated.
 4. The matter taken as a whole, lacks serious literary, artistic, political, educational or scientific value.
- H. Publication – shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, motion picture film or internet or computer transmissions which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine, or for any other type of admission or exhibition fee.

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

Applicant - A land owner, or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Array - Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

Assisted living residence - Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in

matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

Automobile Repair – Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment, or cellular telephones.

Automobile Sales - Sales, leasing, rental and related servicing of new and used automobiles, light trucks, vans and sports utility vehicles, boats, off-road vehicles and recreational vehicles limited to a capacity of not more than one-and-one-half (1 ½) tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers and similar items; excluding, however, commercial wrecking, dismantling or junkyard.

Bank and Financial Institution – A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Bar or Tavern - a licensed business selling alcoholic beverages for consumption on the premises.

Basement - A story partly below ground and having one half or more of its height below the average level of the adjoining ground.

Basic Grade - The average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established the actual existing grade of the travelled roadway shall apply.

Bed and Breakfast – A transient lodging establishment, generally in a single-family dwelling or detached guest houses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Billboards - A sign, greater than fifty (50) square feet in area, displaying advertising, whether of a stable or changeable copy nature, which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

BMP (Best Management Practices) - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet State water quality requirements and to promote groundwater recharge.

Board – The Zoning Hearing Board of the Borough.

Borough - The Borough of North Braddock, Allegheny County, Pennsylvania.

Building-integrated System - A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surface of walls, window openings and roofing. A building-integrated system may occur within vertical façades, replacing view glass, spandrel glass or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

Building-mounted System - A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Borough and that is either the principal structure or an accessory structure on a recorded lot or parcel. This system also includes any solar-based architectural elements.

Car Wash – Mechanical facilities for the washing or waxing of private automobiles, light trucks, and vans, but not commercial fleets.

Cell - The smallest basic solar electric device which generates electricity when exposed to light.

Cemetery – Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

Child Day Care – A public, private, non-profit or profit facility regulated and licensed by the Pennsylvania Department of Public Welfare (“DPW”), providing care or supervision to children, excluding (a) care provided by the operator to his or her relatives (child, step-child, grandchild or foster-child) and (b) care furnished in places of worship during religious services. The following are the categories of child day care:

- **Child day care center**—The premises in which care is provided at any one time for seven or more children unrelated to the operator.
- **Large family child day care home/Group child day care home** —The premises in which care is provided at one time for more than six but fewer than 16 older than school-age level children or more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.
- **Small family child day care home**—A home other than the child’s own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

Church, Place of Worship - A building or structure, or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services.

Civic, Social and Fraternal Club – Buildings and facilities, owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated to render a service that is carried on as a business.

Clear Sight Triangle - The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or right-of-way line and the curb of a driveway), each point being that distance from the intersection, and the two intersecting right-of-way lines) (or right-of-way line and a driveway) specified in the accompanying illustration.

Common Open Space - A parcel or parcels of land or an area of water, or 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.

Commonwealth - The Commonwealth of Pennsylvania.

Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, personal communications services (PCS), pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional antennas and directional or panel antennas, owned or operated by any person or entity 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, including ham or citizen band radio antennas.

Communication Antenna (Co-location) - The use of a single mount or tower by more than one (1) carrier for the mounting of communications antennas.

Communication Facilities - A communications tower and all appurtenant communications antennas, communications equipment buildings, accessory buildings and all other structures and devices necessary for the operation of the communications tower and its communications antennas within the required fenced area.

Communications Tower - A structure other than a communications equipment building designed and used to solely support communications antennas.

Community Center - a public, quasi-public or privately maintained institution devoted exclusively to a variety of group activities - civic, social, recreational, educational and/or cultural - and maintaining the premises and facilities appropriate for such activities; provided, however, that the said premises shall not include living quarters for persons other than those engaged in the conduct and/or maintenance of the institution.

Comprehensive Plan - The Comprehensive Plan of the Borough of North Braddock.

Conditional Use - A use permitted in a particular zoning district pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq.

Contractor's Yard – Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Conversion Dwelling - A dwelling unit, two or more of which have been created by the subdivision of any structure or any single dwelling unit whether or not structural alterations or additions are entailed.

Council - The Borough Council of the Borough of North Braddock.

Country Club or Golf Course - A recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, facilities for racquet sports.

Crematorium – A location containing properly installed, certified apparatus intended for use in the act of cremation.

DEP - The Pennsylvania Department of Environmental Protection.

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

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

Drip Line - The outermost edge of a roof including eaves, overhangs and gutters.

Drive-Through Facility - Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Dry Cleaning Processing Facility – A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort using volatile solvents and the processes incidental thereto.

Dwelling Unit - One or more living or sleeping rooms which are arranged, designed, used, or intended for use as living quarters. A dwelling unit shall have permanent sanitary facilities; permanent facilities for sleeping, cooking and eating, and be served by a heating system capable of providing 68 degrees Fahrenheit throughout the unit when outside temperature is 0 degrees Fahrenheit.

Earth Disturbance - A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and moving, disposing, stockpiling or storing of rock or earth materials.

Egress - A continuous and clear path of travel from any point in a building or structure to a public street.

Electronic Changeable Copy Billboards – A billboard that is capable of changing its content through electronic signals.

Electronic Notice – Notice given by the Borough through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Erosion and Sedimentation Control Plan - A plan for the project site which identifies BMP's to minimize accelerated erosion and sedimentation.

Essential Services - The erection, construction, alteration or maintenance of public utilities or municipal or other governmental agencies, underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communication facilities, communications towers and communications antennas, as defined herein.

Family - One (1) or more individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.

Fence - A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

Fitness Club or Gym – An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Floor Area - In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

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

Front Yard Depth - The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right of way.

Funeral Homes and Mortuaries – A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

Garage (private) – A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

Garden Center, Plant Nursery, Landscaping Business or Greenhouse - A commercial activity devoted to the raising and sale of plants and implements for gardening.

Gasoline Service Station - Any premises used for the storage and/or sale at retail of gasoline, petroleum products, and automotive accessories and/or the rendering of services in connection with these products including inspection, greasing, washing, polishing, servicing, and adjustment of vehicles. Automobile car rental service is permitted provided the number of vehicles, visible on the premises at one (1) time does not exceed three (3) vehicles (trucks, cars or trailers). This definition does not include separate automobile laundering or washing facilities commonly known as a "car wash" or "auto spa."

Governing Body - The Borough Council of the Borough of North Braddock, Allegheny County, Pennsylvania.

Ground-mounted 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.

Group Residence - A dwelling unit in a residential area where room and board are provided to six (6) or fewer unrelated persons of any age who are permanent residents, including necessary staff who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit corporation meeting the minimum requirements of the sponsoring agency. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

Halfway House – a group residence for those who have completed treatment at a rehabilitation facility, whether criminal in nature or not, but are not yet ready to return to independent living in the community and where residents participate in structured programs designated to ease successful reintegration into society.

Hearing - An administrative proceeding conducted by a board pursuant to section 909.1 of the PA MPC.

Height - The vertical distance from the average contact ground level at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Home Occupation - An occupation carried on in a dwelling solely by the dwellers therein as a secondary use which may include the employment of only one (1) assistant. The use of mechanical equipment, noticeable noise, odor, or other nuisance, shall be governed by the performance standards of this Chapter. The display, storage, or sale of goods, signs, or advertisement of commodities or services related to the conduct of a retail business is not a home occupation.

Hospital - A building or part thereof used for the medical, psychiatric, obstetrical, or surgical care on a 24-hour basis. The term hospital shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities, which provide in-patient care. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

HVAC - Equipment used to heat, cool or ventilate a structure.

Interconnection - The technical and practical link between the solar generator and the grid providing electricity to the greater community.

Junk – Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage.

Junkyard – Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of junk.

Kennel - A facility for the boarding of animals, the breeding of small animals such as dogs and/or cats, or the boarding, grooming, sale or training of small animals such as dogs and/or cats for which a fee is charged.

Kilowatt (kW) - A unit of electrical power equal to 1000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1000 kW is equal to 1 megawatt (MW).

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.

Library - A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical, or scientific objects.

Loading Space - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Long-term Nursing Care Facility - a facility licensed by the Department of Health that provides skilled or intermediate nursing care or both levels of care to two or more patients, who are unrelated to the nursing home administrator, for a period exceeding twenty-four (24) hours.

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 of Record - Any lot which individually or as a part of a subdivision, has been recorded in the Allegheny County Department of Real Estate.

Lot Coverage - The area of a lot or parcel which is covered by main and/or accessory buildings or structures.

Lot, Depth of - A mean horizontal distance between the front and rear lot lines.

Lot, Area of - The horizontally projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

Lot, Width of - The mean width measured at right angles to its depth.

Lot, Zoning - A parcel of land, fronting on a street, which is or may be occupied by a structure with accessory uses and structures and the open spaces required under this ordinance, including easement areas if any, but not including any public or private street or alley.

Mailed Notice - Notice given by the Borough by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Manufacturing - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

Manufacturing, Light - The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, light-weight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products; but not animal slaughtering, curing, nor rendering of fats.

Marina, Recreational Boat Docking - Any establishment for the launching, mooring, serving and/or storage (wet and dry) of recreational boats and/or other water vessels, including the sale of provisions, supplies and fuel for such boats. Such use may also include a boat and motor sales establishment and live-aboard vessels.

Maximum Extent Feasible - No feasible and prudent alternative exists, and all possible planning to minimize potential harm has been undertaken.

Medical Facilities - a facility for the examination and treatment of ill and afflicted human outpatients provided, however, that patients are not kept overnight except under emergency conditions and includes doctor and dental offices and clinics.

Methadone Treatment Facility – A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

Mineral Extraction - Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource, or other element of economic value by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position.

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

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

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Module - A module is the smallest protected assembly of interconnected PV cells.

Motel, Hotel or Inn – A building, or a group of buildings, having units containing sleeping accommodations which are available for a temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than four (4) transient occupants not normally quartered on the premises shall be considered as a motel facility under the provisions of this Chapter.

Multi-Family Dwelling – A building containing three or more independent dwelling units.

- A. Garden Apartment - A garden apartment is one which is generally located in a structure containing not less than four (4) dwelling units; not exceeding four (4) stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and, frequently exhibiting different facades and design features between structures in a garden apartment complex. Elevators must be provided for all floors above the second floor.
- B. Townhouse - A one family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front or rear wall to be used for access, light, and ventilation.

C. Other structures of 3 or more independent dwelling units.

Municipal Engineer - The appointed professional engineer of the Borough.

Net Metering Agreement - An agreement with a local electrical utility that allows customers to receive credit for surplus electricity generated by certain renewable energy systems.

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

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

Nonconforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Sign - Any lawful sign which does not conform to the applicable sign regulations of the district in which it is located, either on the effective date of this Chapter or as a result of subsequent amendments thereto.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NPDES (National Pollutant Discharge Elimination System) - The Federal government's system for issuance of permits under the Clean Water Act, which is delegated to the DEP in Pennsylvania.

Occupancy Permit - A document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with this Ordinance, that all conditions attached

to the granting of the Zoning Certificate have been met, and that the structure and land may be occupied and used for the purposes set forth in the Zoning Certificate.

Offices, General - All offices related to insurance, real estate service, business services, advertising, duplicating, legal services, any professional offices and similar functions requiring the use of the property for general offices or personal services.

Off Premises Sign - A sign other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered and it may be either freestanding or attached to a surface of a building or other structure. A structure, building wall, or other outdoor surface used by display lettered or pictorial or other matter to publicize and aid the sale of any product, commodity, or service.

PA MPC - The Pennsylvania Municipalities Planning Code, 53 P.S §10101 et seq.

Personal care home —

- A. A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.
- B. The term includes a premise that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

Personal Services - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel including but not limited to barber and beauty shops, dog grooming, tailor, dressmaker, shoe repair, photographer, laundry and the like.

Personal Storage Facility - A building or group of buildings in a controlled access and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

Photovoltaic (PV) - A semiconductor based device that converts light directly into electricity.

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

Planning Commission - The Planning Commission is the planning agency of the Borough of North Braddock, Allegheny County, Pennsylvania.

Private Garage - An accessory building for the storage of one or more private motor vehicles owned and used by the owner or tenant of the premises provided that no business, occupation, or service is conducted nor space therein leased to a non-resident of the premises.

Public Facilities – Any facility, including but not limited to buildings, property, recreation areas, and roads, which are leased or otherwise operated or funded by a governmental body or public entity.

Public Hearing - A formal meeting held pursuant to public notice by the governing body or planning commission, intended to inform and obtain public comment, prior to taking action in accordance with the PA MPC.

Public Meeting - A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

Public Notice - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the borough. Such notice shall state the time and place of the hearing and the

particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Parking Garage – A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking garage structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Public Surface Parking – A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above the parking area.

Rear Yard Depth - The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

Recreation Facility, Indoor – An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, snack bar, restaurant, and retail sales of related sports, health or fitness items, and other support facilities.

Recreation Facility, Outdoor – A recreational land use conducted outside of a building including uses such as athletic fields, miniature golf, skateboard park, swimming, bathing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages, and trampoline facilities.

Research and Development Facility - Any establishment which carried on basic, applied, industrial and/or scientific investigations and/or research, including laboratories and testing facilities, in the natural, physical or social sciences or engineering and development and/or testing as an extension of such research with the objective of creating end products; and which may include pilot manufacturing, as an accessory use. The term also includes medical laboratories where prosthetic devices or medical equipment testing takes place exclusively on written work order of a licensed member of the dental or medical profession, but excludes other medical testing; and further specifically excludes the housing of animals or activities requiring overnight stays by subjects or investigators, biological engineering, gene enhancement and/or biological reengineering.

Restaurant (eating and drinking establishment) - a restaurant is defined as any building, structure of facility in which food is prepared or processed for sale to the general public, and where tables, chairs, and/or counters are provided for the consumption of prepared foods entirely within the walls of the principal structure.

Retail Shop or Establishment – An establishment that offers items for sale and includes building materials, hardware, general merchandise, food products, new and used automobile sales (excluding gasoline service stations), clothing, apparel, and clothing accessories, furniture, home furnishing and similar equipment, sporting goods, drugs, specialty food shops, paint stores, electrical supplies, variety stores, department stores, bakeries, dairy products, household appliances, and similar retail or general commercial outlets.

Rooming House – A residential building with three or more sleeping rooms for lodgers, and wherein no dining facilities are maintained for the lodger.

School - Any public, parochial, or private place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors or teachers, who are certified by the Pennsylvania Department of Education in accordance with such standards as the State Board of Education may establish, which teach those academic subjects that are fundamental and essential in general education, and which provide kindergarten, elementary, or secondary stages of education, or a

vocational school, under the supervision of the Commonwealth or lawfully constituted ecclesiastical governing body and with standards of instruction meeting the requirements of the Commonwealth of Pennsylvania, including intermediate units established by the public school system of the Commonwealth of Pennsylvania, but excluding any privately operated school of trades, vocations, avocations, business, and institutional schools, or drug or alcohol addiction program or foundation.

Screening - Screening relative to this Ordinance shall mean a fence, evergreen hedge or wall at least six feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall.

Seat - A fixed seat in a theatre-, auditorium or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, six square feet of floor space in the seating area.

Security Illumination - Level of illumination in prescribed areas of 0.25 foot candles.

Sediment - Solid material, both mineral and organic, that is in suspension, is being transported or has been removed from its site or origin by air, water, gravity or ice and has come to rest on the earth's surface.

Side Yard Width - The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

Sign - Any surface, fabric or device bearing lettered pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboards, poster panels, or other graphic displays) designed to carry the above visual information.

Single Family Dwelling – A detached building designed for or used exclusively for residential purposes by one family.

Site - A lot, tract or parcel of land or a series of lots, tracts or parcels of land which are adjoining where earth disturbance activities are continuous and performed at the same time.

Site Plan - A map of a final development plan to be officially recorded after approval by the borough.

Slaughterhouse – A facility for the slaughtering and processing of animals and the refining of their byproducts.

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

Solar Photovoltaic (PV) Related Equipment - Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Solar Photovoltaic (PV) System - A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

Special Exception – A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code.

Street - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicle traffic or pedestrian, whether public or private.

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

Subdivision and Land Development Ordinance (SALDO) – The Allegheny County Subdivision and Land Development Ordinance.

Surety Bond - An agreement between a land owner or his agent or a builder or developer and the Borough of North Braddock providing for full payment to the borough for any improvements promised by the land owner builder or developer but not completed within the time prescribed by the promissory agreement.

Surface Waters of the Commonwealth - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface water or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Swimming Pool - A container of water used for swimming or bathing purposes, of any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this Ordinance only if it has at least one dimension greater than fifteen (15) feet, or is more than thirty-six (36) inches in depth. As herein defined the term "Swimming Pool" shall be deemed to be a structure.

Tracking System - A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production either with a single-axis or dual axis mechanism.

Transportation Terminal - Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with other line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

Two-Family Dwelling – A detached building designed for or containing two independent dwelling units.

Unregulated Yard Area - Area not within a building and not in a defined setback or yard area.

Urban Agriculture, Limited (No Animals) – Agricultural Activities intended primarily for the growing of crops and in which no livestock, bees, 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.

Urban Agriculture, Accessory Use – Small scale Agricultural Activities conducted on a lot or site in conjunction with an authorized principal use and where products raised or produced are primarily intended for consumption or use of the occupants of the premises.

Use - The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

Variance - Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the PA MPC.

Warehouse - A building used primarily for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

Wholesale Distribution - An establishment primarily engaged in selling merchandise to retailers, institutional, industrial, commercial or professional business customers or other wholesalers, rather than the general public, or acting as a broker for such merchandise sales. Wholesale distribution

includes the warehousing of merchandise and distribution of such merchandise from the site of the principal business to other wholesale or retail businesses or institutional customers.

Yard - An open, unoccupied space, other than a court, not occupied with a building, open and unobstructed from the ground to the sky, except as otherwise provided herein.

- A. Required Yard - a yard between the lot line and the buildable area, of the dimensions required by this Chapter.
- B. Required Front Yard - a yard across the full width of the lot extending from the front yard line to a line full parallel therewith and a distance therefrom as prescribed in this Chapter.
- C. Required Side Yard - a yard between the required front and rear yards, extending from the side line of the lot to a line parallel therewith and a distance therefrom as prescribed in this Chapter.
- D. Required Rear Yard - a yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

Zoning Permit - A document issued to an applicant by the Zoning Officer certifying that the proposed use of land and structures, the characteristics of the uses, and the approved site plan are in conformance with all pertinent provisions of this ordinance, and authorizing the applicant to proceed with the preparation and development of such land and structure.

Zoning District - A district of the Borough of North Braddock into which the Borough has been divided for the purposes of zoning as set forth in this Chapter.

Zoning Hearing Board - The Zoning Hearing Board of the Borough of North Braddock.

Zoning Officer - The Zoning Officer of North Braddock Borough with such powers and duties as are conferred in this Chapter.

Article 300. Establishment of Zoning Districts and Map

301. The Borough is hereby divided into the following zoning districts and shown by the zoning district boundary lines on the “North Braddock Borough Zoning Map”:
- A. UA Urban Agriculture District
 - B. R-A Low Density Residential District
 - C. R-B Traditional Residential District
 - D. R-C High Density Residential District
 - E. VC Vehicle Oriented Commercial District
 - F. C General Commercial District
 - G. NC Neighborhood Mixed Use Commercial District
 - H. LC Limited Mixed Use Commercial District
 - I. M Manufacturing District
 - J. OU Other Uses District
302. Zoning Map. The boundaries of the zoning districts are shown upon the North Braddock Borough Zoning Map. This map shall be known and commonly referred to as the “Zoning Map.” The map and all the notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested Zoning Map shall be available for examination at the Borough Office and shall be reviewed and amended as deemed necessary by the Borough Council.

303. District Boundaries. The district boundaries on the Zoning Map are intended to follow property lines; center lines of roads, water courses, or railroads; other identifiable physical features; or measured distances from property lines, center lines, or identifiable physical features. When the Zoning Officer cannot determine the location of a zoning district boundary by reference to the Zoning Map, the Zoning Officer shall refuse action; and the Board shall interpret the location of the district boundary with reference to the scale of the Map, the Comprehensive Plan and the purposes set forth in all relevant provisions of this chapter.
304. Zoning District Regulations. The provisions of this part apply to all zoning districts and all lots. Except when stated, all provisions of this part apply to all uses.
305. Split Lot Zoning. Where a zoning district boundary splits a lot, resulting in differing and non-uniform requirements for the lot, the following provisions shall apply:
 - A. Where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require subdivision.
 - B. Where a lot cannot be subdivided in compliance with this chapter and the Subdivision and Land Development Ordinance, the authorized use permitted on the lot is limited to those authorized uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the provisions of this chapter where the largest portion of the lot is located. If this section creates an undue hardship, the Board has jurisdiction to grant such relief as the Board deems necessary.

Article 400. Reserved

Article 500. General Regulations

501. The regulations included in this Article shall apply to all uses in all districts.
502. Steep Slopes Limitations. The maximum percentage of lot area or site area of a development which may be disturbed, graded, and stripped of vegetation during development and construction of the public and private improvements with the exception of incidental grading for structure construction is as follows:
 - A. Residential Development.
 1. If the slope category is 15% to 24.9% slope, 30% of the lot area or site area.
 2. If the slope category is greater than 25% slope, 15% of the lot area or site area.
 3. This restriction shall not apply if disturbance is for nonresidential developments in planned residential developments or single-family lot areas, but the restrictions shall apply to general development site areas for residential uses, i.e., streets, stormwater retention areas, utilities, etc.
 - B. Nonresidential Development. If the slope category is greater than 40% slope, 15% of the lot area or site area.
503. Impervious Surfaces Requirements: All redevelopment projects and earth disturbance activities shall evaluate the feasibility of reducing site impervious area by at least 20%. Where project site conditions prevent the reduction of impervious area, then stormwater BMPs shall be evaluated to

provide qualitative controls for at least 20% of the site's impervious area. Impervious surfaces, including asphalt or concrete paved areas for parking, access driveways, pedestrian access walkways and rock-lined stormwater detention facilities, shall not exceed 85% of the lot area or site area of the lot or parcel upon which said improvements are installed. Wherever there are conflicting standards in any specific zoning district requirements or express standards and criteria for uses allowed by conditional use approval, the zoning district or conditional use standards shall apply.

504. Street Tree Requirements: All new residential and nonresidential developments shall provide street trees, in accordance with the following standards:
- A. Street trees shall be provided along the entire length of the street right-of-way on both sides of the street if the street lies within the development.
 - B. Street trees in residential subdivisions shall be located within five feet of the right-of-way and in nonresidential developments between the right-of-way and the building line. An easement shall be granted to the Borough for the purpose of maintaining the trees and a restrictive covenant shall be placed in the deed for the property prohibiting removal of the trees by the property owner.
 - C. Street trees shall be located so as not to interfere with the maintenance of utilities, required sight distances and visibility of street and traffic signs.
 - D. The species chosen shall be appropriate to the location. Factors such as microclimate, soils, habit of growth, salt, air pollution and disease tolerance, proximity of sidewalks and overhead utility lines, and social conditions (likelihood of soil compaction, vandalism, damage to by dogs, deer, etc.) shall be considered. Tree species shall be selected that do not have root structures that may damage adjacent sidewalks or utilities.
 - E. Street trees shall have the following minimum calipers at the time of planting:
 1. Large trees, defined as those trees whose height will ultimately exceed 40 feet, shall have a minimum caliper of 2.5 to 3.0 inches DBH.
 2. Medium trees, defined as those trees with an ultimate height of 25 to 40 feet, shall have a minimum caliper of 2.0 to 2.5 inches DBH.
 3. Small trees, being those trees whose ultimate height will not exceed 25 feet, shall have a minimum caliper of 1.5 to 2.0 inches DBH.
 - F. Street trees shall be spaced with regard to the ultimate spread of the fully developed canopy. Spacing requirements are as follows:
 1. Large and medium trees shall be spaced at a maximum distance not to exceed the average spread of the fully developed canopy plus five feet.
 2. Small trees shall be spaced a maximum distance of 25 feet on center.
 - G. Tree grates and/or permanent fencing maybe required to protect new street trees in areas of dense development or high use.
 - H. Mature trees, woodlands or other significant vegetation which remains undisturbed adjacent to the street right-of-way may be used in place of or in conjunction with the requirements of this section.
 - I. Pervious pavement shall be utilized where necessary to provide water infiltration to support tree growth.
505. Fencing
- A. No fence, wall or other obstruction, whether open or solid, decorative or otherwise shall be erected in any public right-of-way except by special exception.
 - B. Fence or wall erected in the required front yard setback areas shall be no taller than 4 feet in

height and be at least 50% open.

- C. No fence or wall or other obstruction shall be over six (6) feet in height if erected within any rear or side yard area in any zoning district.
 - D. Any fence in any district shall have its most finished or decorative side facing the adjacent lot or street, with all posts being on the opposite side.
 - E. No person shall connect, construct, attach or maintain or cause to be connected, constructed, attached or maintained any electrical device for the purposes of running a current of electricity through an exposed and uninsulated fence in any zoning districts except UA Urban Agriculture District.
 - F. No person shall connect, construct, attach or maintain, or cause to be connected, constructed, attached or maintained any type of barbed wire fence in any zoning districts.
 - G. Fences shall be submitted to the Building Inspector/Zoning Officer for approval prior to issuance of a zoning permit.
 - H. Fences and walls must be built one (1) foot away from the property line.
506. Off-Street Parking Requirements.
- A. Where conditions include one of the following: lane access to level land or no retaining wall, all buildings and structures erected and all uses of land established after the adoption of this chapter shall be provided with off-street parking spaces as set forth in this chapter. The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.
 - B. Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this section is enlarged to the extent of 50% or more in floor area or number of housing units it shall then and thereafter comply with the full parking requirements set forth herein.
 - C. Off-street parking facilities in existence on the effective date of this section and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section.
 - D. The following regulations shall govern the location of off-street parking spaces and areas:
 - 1. Where conditions include one of the following: lane access to level land or no retaining wall, Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Each required off-street parking area shall have direct access to a public right-of-way.
 - 2. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 300 feet from the principal use.
 - 3. No parking space shall be located in any manner on a public street right-of-way, except where specifically authorized.
 - E. A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 18 feet in length, exclusive of driveways, aisles, and other circulation areas.
 - F. Parking space surface shall be of a slip resistant, dust resistant material, graded to drain properly. Developers are encouraged to provide permeable surfaces.
 - G. Driveways and traffic aisles serving individual parking spaces shall be not less than 22 feet wide for ninety-degree parking, 12 feet wide for parallel parking, 17 1/2 feet for sixty-degree parking and 13 feet for forty-five-degree parking. If parking spaces are indicated by lines with angles other than 90°, then traffic lanes shall be restricted to one-way, permitting head-

in parking. No driveway or street used for interior circulation shall have traffic lanes less than 11 feet in width.

H. Parking Lot Layout.

1. Sidewalks. In all parking lots, sidewalks shall be provided to allow safe pedestrian movement.
 - a. The sidewalks shall provide safe access between buildings, parking lots, adjacent properties, and sidewalks along streets.
 - b. Crosswalks. Where a sidewalk crosses a parking lot drive aisle or other paved surface, it must be distinguished from the paved surface through the use of special pavers, bricks, scored concrete, stamped concrete, or a like alternative.
 - c. Width. Sidewalks and crosswalks shall be a minimum of three feet wide.
2. Internal Streets. All off-street developments with greater than 200 parking spaces shall include an internal street system to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.

I. Common Shared Parking Lots. Common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses may be provided collectively on one lot if the total number of spaces is not less than one half the sum of the spaces required for each use individually.

1. The developer shall provide a parking and access easement agreement between the owners and operators of the facilities generating the need for common shared parking lots.
2. Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such studies.

J. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.

K. All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than 48 hours.

L. Every parcel of land hereafter used as a public or private off-street parking lot capable of accommodating five or more vehicles shall be developed and maintained in accordance with the following requirements:

1. Each off-street parking space shall have direct access to an aisle or driveway, and all off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
2. All off-street parking lots including loading areas and service areas shall be paved with asphalt, concrete, pavers or a fixed permeable surface.

M. For the purposes of this section, the following minimum off-street parking space requirements shall apply. The Borough encourages co-use, sharing of parking, public

transportation and use of bicycles. A parking study may be provided that show that the minimum required parking demand for the proposed use is less than what is required by this ordinance.

Table of Off-Street Parking Requirements

RESIDENTIAL USES	
Single Family Dwelling	1 space per dwelling
Two-Family Dwelling	1 space per dwelling unit
Multi-Family Dwelling	1 spaces per dwelling unit
Conversion Dwelling	1 space per dwelling
Mobile Home Park	1 space per dwelling
Group Residence	1 space per dwelling unit
Home Occupation	1 space if the area occupied by the home occupation is less than 300 sq.ft.; 1 space per 300 sq.ft. if area occupied by home occupation exceeds 300 sq.ft.
Planned Residential Development	1 space/1 BD unit, 2 spaces/2 BD unit, 3 spaces/3 BD unit
No Impact Home Based Business	none
NON RESIDENTIAL USES	
Adult Entertainment Establishment	1 space per 300 sq.ft. of floor area
Agriculture	None except 1 per 200 square feet of gross leasable area of building used for sale of products produced on the premises
Assisted Living Residence	1 space per 2 dwelling units
Automobile Repair	1 space per 200 sq.ft. of floor area
Automobile Sales	1 space per 500 sq.ft. of floor area of the sales and service building(s)
Bank and Financial Institution	1 space per 200 sq.ft. of floor area
Bed and Breakfast	1 space per guest room plus 2 spaces
Billboards and Electronic Changeable Copy Billboards	As determined by Council following a parking needs assessment
Car Wash	1 space per each employee, plus 6 spaces per each bay
Cemetery	2 per employee
Child Day Care Center	1 space per employee plus 1 space per 8 children at capacity
Place of Worship or Assembly	1 space per four (4) seats
Civic, Social and Fraternal Club	1 space per 150 sq.ft. of floor area
College or University	1 per each 4 students based on design capacity of building

Communication Antenna (Co-location)	none
Communication Facilities	As determined by Council following a parking needs assessment
Communications Tower	1 space per tower
Community Center	1 space per 200 sq.ft. of floor area
Contractor's Yard	1 space per employee plus 1 space per 1,000 sq.ft. of floor area
Country Club or Golf Course	1 space per 1.5 members
Drive-Through Facility	Queue line for 5 vehicles, not blocking any parking spaces, in addition to the other applicable requirements of the use
Dry Cleaning Processing Facility	1 space per 300 sq.ft. of floor area
Essential Services	1 space per employee
Fire Station	1 space per employee
Fitness Club or Gym	1 per 300 sq.ft. of floor area
Forestry	none
Funeral Homes and Mortuaries and Crematoriums	4 spaces per viewing room, but not less than 12 spaces
Garden Center, Plant Nursery, Landscaping Business or Greenhouse	1 space per 500 sq.ft. of indoor or outdoor sales or display area
Gasoline Service Station	1 space per 300 sq.ft. of retail area devoted to sales of non-automobile related goods
Halfway House	2 spaces per house plus 1 per guest room
Hospital	1 space per two (2) beds, plus 1 space per staff physician, plus 1 space per two (2) other employees
Internet Café/Video Gaming	1 space per 300 sq.ft. of floor area
Junkyard	2 spaces per employee
Kennel	1 space per 400 sq.ft. of floor area
Large Family Child Day Care Home	1 space per 6 children at capacity plus the spaces required by the residence
Library	1 space per each 600 square feet of floor area open to the public
Long-Term Nursing Care Facility	1 space per three (3) beds
Manufacturing	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.
Manufacturing, Light	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.
Marina, Recreational Boat Docking	1 space per boat slip

Medical Facilities	1 space per 200 sq.ft. of floor area
Methadone Treatment Facility	1 space per 200 sq. ft. of floor area
Mineral Extraction	1 space per employee
Motel, Hotel or Inn	1 space per guest room, plus spaces required per this ordinance for uses in conjunction with the hotel, motel, or inn
Offices, General	1 space per 500 sq.ft. of floor area
Older Adult Daily Living Center	1 space per 300 sq.ft. of floor area and 1 space per each 2 employees
Personal Care Home	1 space per 2 dwelling units
Personal Services	1 space per 200 sq.ft. of floor area
Personal Storage Facility	1 space per 1,000 sq.ft. of storage area
Public Facilities	As determined by Council following a parking needs assessment
Public Parking Garage	As determined by Council following a parking needs assessment
Public Surface Parking	As determined by Council following a parking needs assessment
Public/Private Utility Building	1 space per two (2) employees
Recreation Facility Indoor	As determined by Council following a parking needs assessment
Recreation Facility Outdoor	As determined by Council following a parking needs assessment
Research and Development Facility	1 space per 300 sq.ft. of floor area
Restaurant (eating and drinking establishment)	1 space per 4 seats, plus 1 space per 2 employees
Retail Shop or Establishment	<ul style="list-style-type: none"> •if less than 10,000 sq.ft. - 1 space per 300 sq.ft. of floor area; •if between 10,000 and 20,000 sq.ft. - 1 space per 250 sq.ft. of floor area; or •if greater than 20,000 sq.ft. - 1 space per 175 sq.ft. of floor area
School	1 space per eight (8) classroom seats
Small Family Child Day Care Home	1 space per 6 children at capacity plus the spaces required by the residence
Transportation Terminal	Per parking study
Warehouse	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.
Wholesale Distribution	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.

OTHER USES

507. Performance standards. All uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Council having jurisdiction may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.
- a. Fire Protection: Fire prevention and fire-fighting equipment acceptable to the American Insurance Association shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
 - b. Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
 - c. Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
 - d. Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
 - e. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
 - f. Air Pollution: No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.
 - g. Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
 - h. Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
 - i. Water Pollution: Water pollution shall be subject to the standards established by the State and Federal Governments.

Article 600. District Regulations

601. Four classifications of zoning uses are established in this part which vary in their impact upon the Borough and in the procedures by which the uses are authorized:
- A. Uses by right are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer's review of the application for development if the application for development indicates compliance with this chapter.
 - B. Conditional uses are those authorized uses which are permitted by approval of the Council in accordance with this chapter and specifically Article 800, Conditional Uses.
 - C. Uses by special exception are those authorized uses which are permitted by approval of the Board in accordance with this chapter.
 - D. Planned residential development uses are those authorized uses which are permitted by approval of the Council as a planned residential development in accordance with Article VII of the MPC, 53 P.S. § 10701 et seq., and Article 1300 of this chapter.
 - E. Uses Not Specifically Listed. Uses which are not specifically listed on the summary Tables of Authorized Uses, §602, shall be permitted in the M or OU District as a Conditional Use.
602. Table of Authorized Uses follows:

	UA Urban Agriculture District	R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	VC Vehicle Oriented Commercial	C General Commercial District	NC Neighborhood Mixed Use Commercial	LC Limited Mixed Use Commercial	M Manufacturing District	OU Other Uses	Notes/Additional Standards
RESIDENTIAL USES											
Single Family Dwelling	P	P	P	P	P	P	P	P	N	N	
Two-Family Dwelling	P	N	C	P	N	P	P	P	N	N	808UU
Multi-Family Dwelling	N	N	N	P	N	P	P	P	N	N	808JJ
Conversion Dwelling	P	C	C	N	N	N	N	N	N	N	§808O
Mobile Home Park	N	N	N	C	N	N	N	N	N	N	§808HH
Home Occupation	N	C	C	C	P	N	P	P	N	N	§808Y
No Impact Home Based Business	P	P	P	P	P	P	P	P	N	N	
Planned Residential Development	See Article 1300				N	N	N	N	N	N	§808OO
NON-RESIDENTIAL USES											
Adult Entertainment Establishment	N	N	N	N	N	N	N	N	N	S	§808A
Agricultural Activities (not listed elsewhere)	P	C	C	N	N	N	N	N	N	N	§808B
Assisted Living Residence	N	C	C	C	N	C	C	N	N	N	§808C
Automobile Repair	N	N	N	N	P	N	N	N	P	N	
Automobile Sales	N	N	N	N	P	P	N	N	C	N	§808D
Bank and Financial Institution	N	N	N	N	P	P	P	N	P	N	
Bed and Breakfast	C	C	C	C	C	C	C	C	N	N	§808E
Billboards and Electronic Changeable Copy Billboards	N	N	N	N	N	N	N	N	C	N	§808F
Bowling Allies	N	N	N	N	P	P	P	N	N	N	§808G
Car Wash	N	N	N	N	P	P	N	N	C	N	§808H
Cemetery	N	C	C	C	N	N	N	N	C	N	§808I
Child Day Care Center (Large)	N	N	N	N	N	S	S	N	N	N	§808J

	UA Urban Agriculture District	R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	VC Vehicle Oriented Commercial	C General Commercial District	NC Neighborhood Mixed Use Commercial	LC Limited Mixed Use Commercial	M Manufacturing District	OU Other Uses	Notes/Additional Standards
Child Day Care Center (Small)	N	S	S	S	N	S	S	S	N	N	§808J
Civic, Social and Fraternal Club	N	N	N	N	P	P	C	N	N	N	§808K
College, University, School or Fraternal Club	N	C	C	C	P	P	C	C	N	N	§808L
Communication Antenna (Co-location)	N	N	N	N	P	P	C	N	P	N	§808M
Communication Facilities	N	N	N	N	C	C	C	N	C	N	§808M
Communications Tower	N	N	N	N	C	C	C	N	C	N	§808M
Community Center	N	N	C	C	C	C	C	C	N	N	§808N
Contractor's Yard	N	N	N	N	S	N	N	N	S	N	§808P
Country Club or Golf Course	N	C	C	C	C	C	C	C	N	N	§808Q
Drive-Through Facility	N	N	N	N	P	S	S	N	P	N	§808R
Dry Cleaning Processing Facility	N	N	N	N	N	N	N	N	C	N	§808S
Fitness Club or Gym	N	N	N	N	P	P	P	P	P	N	
Forestry	P	P	P	P	P	P	P	P	P	P	
Funeral Homes and Mortuaries and Crematoriums	N	N	N	N	S	S	N	N	S	N	§808T
Garden Center, Plant Nursery, Landscaping Business or Greenhouse	P	N	N	N	S	N	N	N	P	N	§808U
Gasoline Service Station	N	N	N	N	S	S	S	N	S	N	§808V
Group Residence	C	C	C	C	N	N	C	C	N	N	§808W
Halfway House	C	C	C	C	N	N	C	C	N	N	§808X
Hospital	N	N	N	N	C	C	C	C	N	N	§808Z
Internet Café/Video Gaming	N	N	N	N	P	P	P	N	N	N	
Junkyard	N	N	N	N	N	N	N	N	C	N	§808AA
Kennel	S	N	N	N	N	N	N	N	S	N	§808BB
Library	N	P	P	P	P	P	P	P	P	N	

	UA Urban Agriculture District	R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	VC Vehicle Oriented Commercial	C General Commercial District	NC Neighborhood Mixed Use Commercial	LC Limited Mixed Use Commercial	M Manufacturing District	OU Other Uses	Notes/Additional Standards
Long-Term Nursing Care Facility	N	N	N	S	N	S	S	N	N	N	§808CC
Manufacturing	N	N	N	N	C	N	N	N	C	N	§808DD
Manufacturing, Light	N	N	N	N	C	N	N	N	C	N	§808EE
Medical Facilities	N	N	N	N	P	P	P	P	N	N	
Methadone Treatment Facility	C	N	N	N	C	C	C	C	C	C	§808FF
Mineral Extraction	N	N	N	N	N	N	N	N	C	N	§808GG
Motel, Hotel or Inn	N	N	N	N	P	C	C	N	N	N	§808II
Natural Gas Compressor Station	N	N	N	N	N	N	N	N	C	N	Article 1200
Natural Gas Processing Plant	N	N	N	N	N	N	N	N	C	N	Article 1200
Offices, General	N	N	N	N	N	P	P	P	N	N	
Oil and Gas Development	N	N	N	N	N	N	N	N	C	N	Article 1200
Older Adult Daily Living Center	N	N	C	P	P	P	P	P	N	N	§808KK
Personal Care Home	N	S	S	S	N	S	S	N	N	N	§808LL
Personal Storage Facility	N	N	N	N	P	N	N	N	P	P	§808MM
Place of Worship or Assembly	N	C	C	C	C	C	C	C	C	N	§808NN
Public Facilities and Essential Services	N	C	C	C	P	P	P	P	P	N	§808PP
Public Parking Garage	N	N	N	N	P	P	N	N	P	N	
Public Surface Parking	N	N	N	N	C	C	C	C	N	N	§808QQ
Recreation Facility Indoor	N	C	C	C	C	P	C	C	N	N	§808RR
Recreation Facility Outdoor	N	C	C	C	C	P	C	C	N	N	§808SS
Research and Development Facility	N	N	N	N	N	N	N	N	P	N	
Restaurant (eating and drinking establishment)	S	S	S	S	P	P	P	S	N	N	§808TT
Retail Shop or Establishment	N	N	N	N	P	P	P	P	N	N	
Slaughterhouse	N	N	N	N	N	N	N	N	P	N	

	UA Urban Agriculture District	R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	VC Vehicle Oriented Commercial	C General Commercial District	NC Neighborhood Mixed Use Commercial	LC Limited Mixed Use Commercial	M Manufacturing District	OU Other Uses	Notes/Additional Standards
Theaters	N	N	N	N	P	P	C	C	N	N	§808UU
Transportation Terminal	N	N	N	N	N	N	N	N	C	N	§808WW
Urban Agriculture, Limited	P	C	C	N	N	N	N	N	N	N	§808XX
Urban Agriculture, Accessory Use	P	C	C	N	N	N	N	N	N	N	§808YY
Utility Facilities	N	N	N	N	N	C	C	C	P	N	§808ZZ
Warehouse	N	N	N	N	N	N	N	N	P	N	
Wholesale Distribution	N	N	N	N	N	P	N	N	P	N	
OTHER USES											
Any Principal Use not Specifically Listed	N	N	N	N	N	N	N	N	C	C	§808AAA

P = Permitted Use

C = Conditional Use

S = Special Exception

N or blank = Not Permitted

	Minimum Lot Area (square feet)	Maximum Lot Coverage	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear yard (feet) for Primary Use	Minimum Rear Yard (feet) for Accessory Use	Maximum Height
UA Urban Agriculture District	4,500	30%	10	10 per side	25	10	2 stories
R-A Low Density Residential District	7,500	40%	15	5 per side	25	5	2 stories
R-B Traditional Residential District	3,000	40%	10	3 per side (6 total)	25	1	3 stories
R-C High Density Residential District	3,000	40%	10	2 per side (5 total)	25	1	3 stories
Planned Residential Development	NA	40%	15	5 per side	25	10	3 stories
VC Vehicle Oriented Commercial	2,500	80%	10	10 per side	25	10	2 stories
C General Commercial District	2,000	50%	10	5 per side	25	5	4 stories
NC Neighborhood Mixed Use Commercial	3,000	40%	10	5 per side	25	5	3 stories
LC Limited Mixed Use Commercial	3,000	40%	5	2 per side (5 total)	25	5	3 stories
M Manufacturing District	2,500	40%	15	10 per side	25	10	4 stories
OU Other Uses	1,500	40%	15	5 per side	25	10	2 stories

604. UA Urban Agriculture District

- A. Purpose. The Urban Agriculture district is intended to provide areas for urban farming, agriculture, and related activities.
- B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
- C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
- D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
- E. Signs. Signs requirements for uses in the UA Urban Agriculture District are included in Article 700.
- F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.

605. R-A Low Density Residential District.

- A. Purpose. The purpose of the Low Density Residential District is to preserve the lower density housing areas found in the Borough as well as permit limited commercial businesses and parks, recreation, and school uses that support these neighborhoods.
- B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
- C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
- D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
- E. Signs. Signs requirements for uses in the R-A Low Density Residential District are included in Article 700.
- F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.

606. R-B Traditional Residential District.

- A. Purpose. The purpose of the Traditional Residential District is to preserve the mixture of housing densities found throughout the Borough as well as permit limited commercial businesses and parks, recreation, and school uses that support traditional neighborhoods.
- B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
- C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
- D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
- E. Signs. Signs requirements for uses in the R-B Traditional Residential District are included in Article 700.
- F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.

607. R-C High Density Residential District

- A. Purpose. The purpose of the High Density Residential District is to support the widest variety of residential land uses such as multi-family townhomes and apartments that are consistent with current and future housing demand in the Borough.
- B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
- C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
- D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
- E. Signs. Signs requirements for uses in the R-C High Density Residential District are included in Article 700.
- F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.

608. Planned Residential Development

- A. Purpose. The purpose of the Planned Residential Development is to encourage design creativity by being more flexible with standards normally required by this ordinance.
- B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.

- C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
 - D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
 - E. Signs. Signs requirements for uses in the R-C High Density Residential District are included in Article 1300.
 - F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 1300.
608. VC Vehicle Oriented Commercial District
- A. Purpose. The Vehicle Oriented Commercial District is intended to accommodate commercial uses that cater to patrons arriving by vehicle. The dependence on vehicles necessitates this district being situated along major thoroughfares within the Borough.
 - B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
 - C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
 - D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
 - E. Signs. Signs requirements for uses in the VC Vehicle Oriented Commercial District are included in Article 700.
 - F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.
609. C General Commercial District
- A. Purpose. The General Commercial District is intended to accommodate a full range of commercial uses commonly found in traditional main street areas as well as commercial uses that are typically found along more heavily travelled transportation corridors. The district is also intended to accommodate limited residential uses that are compatible with traditional commercial development.
 - B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
 - C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603
 - D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
 - E. Signs. Signs requirements for uses in the C General Commercial District are included in Article 700.
 - F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.
610. NC Neighborhood Mixed Use Commercial District
- A. Purpose. The Neighborhood Mixed Use Commercial District is intended to accommodate commercial uses commonly found in traditional main street areas as well as commercial uses that serve the surrounding neighborhood. The district is also intended to accommodate residential uses that are compatible with traditional commercial development.
 - B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
 - C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603
 - D. Off-street Parking. Off-street parking shall be provided in conformance with §505.

- E. Signs. Signs requirements for uses in the NC Neighborhood Mixed Use Commercial District are included in Article 700.
 - F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.
611. LC Limited Mixed Use Commercial District
- A. Purpose. The Limited Mixed Use Commercial District is intended to accommodate a limited range of commercial uses that are compatible with traditional residential neighborhoods with narrow transportation corridors and limited vehicular access. The district is also intended to accommodate residential uses that are compatible with the surrounding residential neighborhood.
 - B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
 - C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
 - D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
 - E. Signs. Signs requirements for uses in the LC Limited Mixed Use Commercial District are included in Article 700.
 - F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.
612. M Manufacturing District
- A. Purpose. The Manufacturing District is intended to accommodate a wide range of commercial and industrial uses. The regulations of this district are intended to minimize the impacts, including noise, odor, light, and vibration, of these uses.
 - B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
 - C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
 - D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
 - E. Signs. Signs requirements for uses in the M Manufacturing District are included in Article 700.
 - F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800 with the exception of Natural Gas Regulations. Those conditions are described in Article 1200 Natural Gas Regulations.
613. OU Other Uses District
- A. Purpose. The Other Uses District is intended to accommodate those land uses within the Borough that present the most negative impacts on the surrounding community. The regulations of this district are intended to minimize these impacts, including traffic, noise, odor, light, and vibration.
 - B. Authorized Uses. Authorized uses by right, conditional use, special exception, and planned residential development are included in §602.
 - C. Dimensional Requirements. Density, area, dimensional, lot coverage, and height requirements are included in §603.
 - D. Off-street Parking. Off-street parking shall be provided in conformance with §505.
 - E. Signs. Signs requirements for uses in the OU Other Uses District are included in Article 700.

- F. Express standards and criteria for uses authorized by conditional use or special exception are included in Article 800.

Article 700. Signs

- 701. Purpose. Control of signage associated with various land uses is an essential part of protecting the health, safety and welfare of borough residents. The purpose of the following sections is to establish minimum regulations for the display of signs. The provisions contained herein are not intended to regulate any type of speech and shall be applied to all advertising displays regardless of their content.
- 702. Scope and Applicability. In all zoning districts within the borough, signs may be erected, altered, maintained, used, removed or moved only when in compliance with the provisions of this Article and any and all other ordinances and regulations of the borough relating to the erection, alteration, maintenance, use, removal or moving of signs or similar devices.
- 703. Permit Required.
 - A. Except as otherwise provided in §705 and §706, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Article and in accordance with a sign permit issued by the borough Zoning Officer. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
 - B. Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.
 - C. Unless specifically exempted in this Article, a separate permit shall be required for the erection, structural repair or alteration of any sign regulated in this Article. Each application for a sign permit shall be accompanied by a drawing to scale showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination, the exact location of the sign in relation to the building and property and details and specifications for construction. A fee in accordance with the Borough Fee Schedule, as amended, and a certificate of insurance shall accompany each application.
- 704. Prohibited Signs.
 - A. No sign shall be erected in the Borough that:
 - 1. Obstructs the sight-triangle distance at an intersection along a public right-of-way.
 - 2. Tends by its location, color, shape, message, or nature to be confused with or obstruct the view of traffic signs or traffic signals by motorists or pedestrians.
 - 3. Uses admonitions such as stop, go, slow, danger, etc., which might be confused with traffic signals.
- 705. Exempt Signs. The following signs are exempt from regulation under this Article unless more specific provisions in this Article indicate otherwise:
 - A. One residential sign not exceeding two square feet in area that is customarily associated with residential use.
 - B. Signs erected on behalf of or pursuant to the authorization of a government body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.
 - C. Official signs of a noncommercial nature erected by public utilities.
 - D. Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.

- E. Signs directing and guiding traffic on a public property that do not exceed four square feet in area each.
 - F. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within fifteen days following the holiday.
 - G. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
 - H. Any sign inside a structure not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the lot or site on which such sign is located.
 - I. Works of art that do not include a commercial message.
 - J. Memorial signs or tablets denoting the date of erection of a building.
 - K. Auctions, garage, or yard sale signs provided that they do not exceed five square feet and are removed as soon as the event or activity has occurred, and provided that they shall not be permitted to be erected more than seven days prior to the event and only permitted at the site at which the event will take place.
 - L. Signs and banners erected by a governmental body or under the direction of such body.
 - M. Temporary event signs and banners announcing a nonprofit event of a civic organization for noncommercial purposes, where such sign does not exceed thirty-two (32) square feet in area and for a period not to exceed thirty (30) days prior to the start of the event and removed within three days after the conclusion of the event.
 - N. Political signs announcing candidates seeking public office.
 - O. No trespassing or no hunting signs, without limitation on number or placement, limited in area to two square feet.
706. Temporary Signs: Permit Exemptions Subject to Additional Regulations.
- A. The following temporary signs are permitted without a permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter:
 - 1. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent. Such signs shall be removed immediately after sale, lease or rental.
 - A. In residential zones, such signs may not exceed sixteen (16) square feet in area.
 - B. In non-residential zones, such signs may not exceed thirty-two (32) square feet in area and eight (8) feet in height. There shall not be more than one (1) temporary commercial real estate sign for each lot or site except that where a lot abuts two (2) or more streets, an additional sign oriented to each abutting street shall be permitted. Such signs shall only be located upon the premises for sale, lease or rent or for which they are advertising. Such signs shall be located a minimum of ten (10) feet from any street right of way and adjacent property lines.
 - 2. Construction site identification signs not exceeding thirty-two (32) square feet in area erected on the site during the period of construction which announce the name of the owner or developer, contractor, architect, landscape architect, planner or

engineer. Such signs shall not be illuminated and shall be removed upon completion of construction.

3. Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than thirty-five percent (35%) of the surface area of the transparent portion of the window or door to which they are attached.
4. One (1) bulletin board and sign for a church, school, community or other public or semipublic institution building on the property on which the use is located, provided that the area of such bulletin board or sign shall not exceed fifteen (15) square feet in area, nor be located closer than twenty-five (25) feet to any property line.
5. Temporary sign of mechanics, painters and other artisans, provided that such sign shall be erected only on the property where such work is being performed, shall not exceed four (4) square feet and shall be removed promptly upon completion of the work.
6. Temporary signs shall be permitted to remain on the lot for no more than three thirty-day periods in any calendar year.

707. Determining Number of Signs.

- A. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.
- B. A two-sided or multisided sign shall be regarded as one (1) sign so long as:
 1. With respect to a V-type sign, the angle of the V shall not exceed thirty degrees (30°); and
 2. With respect to double-faced (back-to-back) signs, the distance between the backs of each face of the sign shall not exceed two (2) feet.

708. Computation of Sign Area.

- A. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing 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 or bracing that is clearly incidental to the display itself.
- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, except air space, shall be included in the computation of the sign area.
- C. With respect to two-sided, multisided or three-dimensional signs, the sign surface area shall be computed as described in Subsections 1 and 2 by including the total of all sides designed to attract attention or to communicate information that can be seen at any one (1) time by a person from one (1) vantage point. Without otherwise limiting the generality of the foregoing:
 1. The sign surface of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such sign does not exceed two (2) feet.

2. The sign surface area of a double-faced sign constructed in the form of a V shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference), so long as the angle of the V does not exceed thirty degrees (30°) and at no point does the distance between the backs of such sides exceed five (5) feet.

D. Signage on gas canopies will be computed as part of the allowable freestanding sign area.

709. General Requirements Applicable in All Districts.

A. Permitted signs associated with a land use shall be situated entirely on the same zoning lot as the land use.

B. No sign attached to a building “wall sign” may project outward more than twelve (12) inches from the building wall, except for projecting signs.

C. No sign or supporting structure may be located in or over any public right-of-way, except for the following:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.

2. Bus stop signs erected by a public transit company.

3. Informational signs of a public utility regarding its poles, lines, pipes or facilities.

4. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

5. Projecting signs permitted under §710.

6. Any signs erected in violation of this provision shall be deemed a hazard and shall be removed without notice at cost to the owner.

D. No sign which emits smoke, visible vapors or particles, sound or odor shall be permitted.

E. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this chapter in the zoning district in which the property to which the sign relates is located.

F. Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive requirements of the state or federal government relating thereto.

G. All distances provided for this Article shall be measured along straight lines between signs and from the near edge to near edge of the sign or sign structure.

H. Signs, whether permanent or temporary, other than municipal, county or state signs or official traffic control devices, shall not be erected within or overhang any approved site easements, nor shall any sign be located so as to constitute a traffic hazard.

I. Advertising signs, except temporary real estate signs and legally nonconforming business signs, shall not be permitted in any residential district in the borough.

J. Signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which it is located.

710. Permitted Signs; Sign Area, Height, and Setback Requirements. Sign requirements are as described on the table that follows:

Zoning District	UA Urban Agriculture District	R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	NC Neighborhood Mixed Use Commercial District	LC Limited Mixed Use Commercial District	VC Vehicle Oriented Commercial District	C General Commercial District	M Manufacturing District	OU Other Uses District	Additional Standards
Number of signs permitted per principal use (total)	1	1	1	1	2	2	2	2	2	2	
Maximum sign area for all signs associated with a principal use (square feet)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	
Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	No	No	Yes	Yes	Yes	Yes	*only permitted if principal use is a non-residential
Maximum sign area (square feet)	15	15	15	15	-	-	35*	35*	35*	35*	May be increased 20% (Max. 42 square feet) if
Maximum sign height (feet)	6	6	6	6	-	-	20	20	20	20	
Minimum sign setback (feet)	20	20	20	20	-	-	equal to sign height	equal to sign height	equal to sign height	equal to sign height	
Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	No	No	Yes	Yes	Yes	Yes	*only permitted if principal use is a non-residential
Additional Criteria required to permit this sign type	-	-	-	-	-	-	frontage >200'	frontage >200'	frontage >200'	frontage >200'	
Maximum sign area (square feet)	15	15	15	15	-	-	35*	35*	35*	35*	*may be increased 20% (Max. 42 square
Maximum sign height (feet)	6	6	6	6	-	-	20	20	20	20	
Minimum sign setback (feet)	20	20	20	20	-	-	equal to sign height	equal to sign height	equal to sign height	equal to sign height	
Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	Yes	Yes	Yes	Yes	Yes	Yes	*only permitted if principal use is a non-residential
Maximum sign area (square feet)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	15% of façade area (50 sq.ft. max.)*	15% of façade area (50 sq.ft. max.)*	15% of façade area (50 sq.ft. max.)*	15% of façade area (50 sq.ft. max.)*	15% of façade area (50 sq.ft. max.)*	15% of façade area (50 sq.ft. max.)*	* for corner lots: wall sign(s) may be placed on
Maximum sign height (feet)	main cornice of the building	main cornice of the building	main cornice of the building	main cornice of the building	main cornice of the building	main cornice of the building	main cornice of the building	main cornice of the building	main cornice of the building	main cornice of the building	
Sign permitted in this zoning district? (yes or no)	No	No	No	No	Yes	Yes	Yes	Yes	No	No	
Maximum sign area (square feet)	-	-	-	-	15	15	15	15	-	-	
Maximum extension from building wall (feet)	-	-	-	-	6	6	6	6	-	-	Projecting signs shall not extend into adjacent
Minimum sign height (feet)	-	-	-	-	12	12	12	12	-	-	
Sign height (feet)	-	-	-	-	Maximum height: top of first floor or 15 feet, whichever is less	Maximum height: top of first floor or 15 feet, whichever is less	Maximum height: top of first floor or 15 feet, whichever is less	Maximum height: top of first floor or 15 feet, whichever is less	-	-	
Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	Yes	Yes	Yes	Yes	Yes	Yes	*only permitted if principal use is a non-residential
Maximum sign area (square feet)	4	4	4	4	4	4	4	4	4	4	
Maximum sign height (feet)	6	6	6	6	6	6	6	6	6	6	
Minimum sign setback (feet)	10	10	10	10	10	10	10	10	10	10	

Zoning District	UA Urban Agriculture District	R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	NC Neighborhood Mixed Use Commercial District	LC Limited Mixed Use Commercial District	VC Vehicle Oriented Commercial District	C General Commercial District	M Manufacturing District	OU Other Uses District	Additional Standards
Number of signs permitted per principal use (total)	1	1	1	1	2	2	2	2	2	2	
Maximum sign area for all signs associated with a principal use (square feet)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	10% of façade area (40 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	1 sq.ft. per foot of frontal width of structure (100 sq.ft. max.)	
Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	Yes	Yes	Yes	Yes	Yes	Yes	*only permitted if principal use is a non-residential
Maximum sign area (square feet)	24	24	24	24	24	24	24	24	24	24	
Additional requirements	Temporary signs may be erected a maximum of two (2) times during a twelve (12) month period for up to two (2) weeks at a time.										
Sign permitted in this zoning district? (yes or no)	No	No	No	No	Yes	Yes	Yes	Yes	No	No	Allowed on sidewalk immediately in front of the business during hours of operation. A certificate of insurance naming the Borough of
Maximum sign area (square feet)	-	-	-	-	10	10	10	10	-	-	
Additional requirements	-	-	-	-	1 sign allowed per business. 5 feet of clear pedestrian passage on the sidewalk must be maintained.				-	-	
Sign permitted in this zoning district? (yes or no)	Yes	Yes	Yes	Yes	No	No	No	No	No	No	
Maximum sign area (square feet)	4	4	4	4	-	-	-	-	-	-	
Minimum sign setback (feet)	10	10	10	10	-	-	-	-	-	-	
Sign permitted in this zoning district? (yes or no)	No	No	No	No	No	No	No	No	Yes	No	Allowed as a Conditional Use
Maximum sign area (square feet)	-	-	-	-	-	-	-	-	-	-	
Maximum sign height (feet)	-	-	-	-	-	-	-	-	-	-	
Sign permitted in this zoning district? (yes or no)	No	No	No	No	No	No	No	No	Yes	No	Allowed as a Conditional Use
Maximum sign area (square feet)	-	-	-	-	-	-	-	-	-	-	

711. Sign Illumination; Signs Containing Lights.

- A. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.
- B. Reserved.
- C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- D. Except as herein provided, internally illuminated signs are not permissible in any residential districts, and where permissible, internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. This subsection shall not apply to the following types of signs:
 1. Signs that constitute an integral part of a vending machine, telephone booth, device that only indicates the time, date or weather conditions or similar device whose principal function is not to convey an advertising message.

2. Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
 - E. Illuminated tubing or strings of lights that outline property lines, sales areas, rooflines, building walls or corners, doors, windows or similar areas are permitted.
 - F. Subject to Subsection G, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except those portions of a sign indicating the time, date or weather conditions.
 - G. Subsections F shall not apply to temporary signs erected in connection with the observance of holidays.
712. Miscellaneous Restrictions and Prohibitions.
- A. No sign may be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
 - B. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. The restriction of this subsection shall not apply to signs indicating the time, date or weather conditions.
 - C. No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
 - D. Freestanding signs shall be securely fastened to the ground or to some other supportive structure.
 - E. Electronic changeable copy signs are permitted, with the following restrictions:
 1. Electronic changeable copy signs are limited to 50% of the total area of the sign, or 25 square feet in area, whichever is more restrictive;
 2. Messages shall not change at a frequency of more than once every 15 minutes (time, temperature, and date signs may change more frequently, but must do so on a separate portion of the changeable copy area of the sign). The time interval used to change from one complete message to another complete message or display shall be a maximum of one (1) second. There shall not be any appearance of a visual dissolve or fading, in which any part of one electronic message or display appears simultaneously with any part of a second message or display.
 - F. A-frame or sandwich board signs are permitted to be placed on public sidewalks in the NC, C, and VC districts during hours that the business or enterprise advertised by such sign is open for business or in operation. The sign shall not exceed ten (10) square feet in area and shall maintain a three (3) foot wide, or Americans with Disabilities Act (ADA) compliant, clear pedestrian passage on the sidewalk. The business shall provide a certificate of insurance naming the Borough of North Braddock as an additional insured to the borough prior to erecting a sandwich-board sign. A-frame or sandwich board signs shall be limited to one per business. Permits shall be renewed annually from the date of issue.
713. Maintenance of Signs; Permits
- A. All signs and all components thereof, including, without limitation, supports, braces and anchors, shall be kept in a state of good repair.
 - B. If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within one hundred eighty (180) days after such abandonment, be removed.
 - C. If the message portion of a sign is removed, leaving only the supporting shell of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the

property where the sign is located or other person having control over such sign shall, within one hundred eighty (180) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of § 208-2502, which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

- D. A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice from the borough to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

714. Removal or Abandonment of Signs.

- A. Removal of sign. The Zoning Officer may order the removal of any sign erected or maintained in violation of this Article. He shall give thirty (30) days notice, in writing, to the owner of such signs or of the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance. Upon failure to comply with this notice, the Zoning Officer or duly authorized representative may remove the sign at cost to the owner. The Zoning Officer may remove a sign immediately and without notice, at cost to the owner, if, in his opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public.

- B. Abandoned signs.

1. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Officer shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Zoning Officer or his duly authorized representative may remove the sign at cost to the owner.
2. Where a successor to a defunct business agrees to maintain the signs as provided in this Article, this removal requirement shall not apply.

715. Political Signs.

- A. Freestanding political signs shall not exceed six (6) square feet in area nor shall these signs exceed six (6) feet in height and shall be setback from the street right-of-way a minimum of ten (10) feet.
- B. Signs shall not be placed in any public right-of-way.
- C. Signs shall be removed within one week following the conclusion of the election.

Article 800. Conditional Uses

- 801. Intent. The intent of this Article is to allow certain important authorized uses in the Borough by conditional use procedure so that the Borough Council can attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this chapter as the Council may deem necessary to implement the purposes of this chapter.
- 802. Authority. The Borough Council shall hear and decide requests for conditional uses in accordance with the provisions of this chapter and the procedures, regulations, and standards and criteria of this Article.
- 803. Relationship to the Subdivision and Land Development Ordinance. All provisions of the Subdivision and Land Development Ordinance which are not specifically modified by the Council in approving a conditional use, shall apply to any conditional use involving subdivision or land development.
- 804. Application Procedure.

- A. An application for conditional use approval shall be filed with the Zoning Officer, on forms prescribed by the Borough, at least thirty (30) days prior to the date of the regular meeting of the Planning Commission. A conditional use application shall not be considered to be complete until all items required by this Chapter, including the application fee and/or deposit, have been received by the borough.
- B. Within five days of receipt of an application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to: the Borough Solicitor; the Borough Engineer; and any borough professional consultant deemed necessary by the Borough Manager.
- C. The Zoning Officer shall submit one copy of an application and any materials submitted therewith to each member of the Borough Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.
- D. The Planning Commission shall review the application and forward its recommendation to the Borough Council.
- E. The Borough Council shall hold a public hearing, pursuant to public notice, mailed notice and electronic notice within the time periods and procedures required by the MPC. The public hearing shall commence within 60 days of the date of the filing of an application unless the applicant has granted an extension. Hearings shall be conducted and held in accordance with the applicable provisions of the MPC.
- F. The Borough Council shall render a written decision on the conditional use application within 45 days of the last public hearing. Where the application is contested or denied, the Borough Council decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- G. In granting a conditional use pursuant to this Chapter, the Borough Council may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter, the North Braddock Borough Code of Ordinances, as amended, and all other ordinances of the borough, and as it otherwise deems necessary to implement the purposes of this Chapter and the MPC.
- H. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date.
- I. All development, construction and use shall be in accordance with the approved conditional use decision and plan, unless a revised conditional use application is submitted, approved and filed. The approved conditional use plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Borough Council, and the conditions attached by the Borough Council. Any development contrary to the approved conditional use decision and plan shall constitute a violation of this Chapter.
- J. Deemed Decisions – Where the Council fails to render the decision within 45 days after the last hearing or fails to commence, conduct or complete the required hearing as provided in the MPC, the decision shall deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. The Council shall give public notice of said decision as required by the MPC.

805. Application Content.

- A. All applications for conditional use approval shall demonstrate compliance with the: general standards and criteria of this Article; the applicable express standards and criteria of this Article; and the applicable lot and yard requirements of the zoning district in which the use is proposed.
- B. All applications for conditional use approval shall be submitted to the Zoning Officer and contain the following items:

1. One full scale copy and nine half-scale copies of all required plans, maps and drawings;
 2. Ten copies of all other application materials.
- C. An application for conditional use approval shall not be considered administratively complete until all items required by this Chapter, including the application fee and and/or deposit, have been received by the Zoning Officer.
- D. All applications for conditional use approval shall contain the following:
1. A development plan, as defined by this Chapter;
 2. A legal document verifying applicant's legal interest in the subject property (i.e. deed, sales agreement, lease);
 3. The application fee and/or deposit in an amount set from time to time by resolution of the Borough Council; and
 4. Construction plans, where renovations or modifications of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.
806. Expiration of Approval. The grant of a conditional use shall expire two years after the date of the Borough Council written decision unless: (1) the applicant has applied for and obtained a building permit and commenced construction; or (2) in a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use approval. Expiration of the conditional use approval under this Article shall require the applicant to re-apply for conditional use approval.
807. General Standards and Criteria:
- A. Before approving a conditional use application, the Borough Council shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this Chapter for a specific type of use or development:
1. The proposed use shall conform to the district and Conditional Use Provisions and all general regulations of this Ordinance.
 2. The proposed use shall meet all special standards which may be applied to its class of Conditional Use as set forth in this Article.
 3. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards set forth in §506.
 4. The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.
 5. The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.
 6. The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.
 7. The proposed use will not impede the normal and orderly development and improvement of surrounding property as permitted by this Ordinance.
 8. The proposed use will be adequately served by existing storm and sanitary drainage facilities, public water, access streets and other necessary facilities.
 9. The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan for North Braddock.
- B. The Borough Council shall grant a conditional use only if it finds adequate evidence presented by the applicant that the proposed conditional use is duly authorized under provisions of this chapter, that the application falls within the terms of the specific provisions allowing for conditional use

and that the proposed use complies with all other requirements of this chapter. The Borough Council shall refuse an application for conditional use where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and general welfare of the community at large. The Borough Council, in granting a conditional use, may attach such reasonable conditions and safeguards other than those related to offsite transportation or road improvement, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the MPC and the zoning ordinance, except that conditions of approval shall not include those related to off-site transportation or road improvements.

808. Express Standards and Criteria for Each Use Authorized by Conditional Use Procedure.

A. Adult Entertainment Uses.

1. Location.

A. No permit will be issued for any adult entertainment establishment which intends to be located within the below listed distances of such institutional or residential property lines:

1. any other adult-oriented establishment whether such use is situated in North Braddock or otherwise - five hundred (500) feet.
2. public or private pre-elementary, elementary, or secondary school property - eight hundred (800) feet.
3. public library - six hundred (600) feet.
4. child day care or nursery school - eight hundred (800) feet.
5. public playground or park - eight hundred (800) feet.
6. child-oriented business - eight hundred (800) feet.
7. commercial recreation uses - six hundred (600) feet.
8. residential uses or zones - six hundred (600) feet.
9. public transit stop - two hundred fifty (250) feet.
10. place of worship or assembly – six hundred (600) feet.

B. Measurement shall be from the closest point on one lot to the closest point on the other lot.

2. No such establishment shall be open for or permit access to by any person under the age of eighteen (18) years.
3. The establishment shall include a double-door entrance, with inner door area containing a notice of no less than four square feet that those choosing to enter will be potentially exposed to obscene matters or materials.
4. An adult-oriented establishment may be open for business only Monday through Saturday from 9:00 AM to 12:00 Midnight prevailing time. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.
5. No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
6. Signs shall contain only the name of the business and the words “adult entertainment” or other term of like import.
7. This subpart may be found to apply to any uses not contemplated by this subject and subject to conditional use approval.

B. Agriculture Activities

1. The minimum lot size is 2000 square feet for keeping five or fewer small farm animals, such as chickens or other birds or mammals weighing less than twenty pounds. No roosters are permitted.
2. The minimum lot size is 2 acres for keeping one medium sized farm animal such as a goat or a pig, and .5 acres for each additional large animal.
3. The minimum lot size is 3 acres for keeping one large farm animal such as a cow or a horse and .5 acres for each additional large animal.
4. The minimum lot size is 2000 square feet for keeping two apiaries and 1000 square feet for each additional apiary. No apiary shall be kept in a front yard and must be set back 10 feet from any side or rear lot line.
5. Killing or dressing of animals raised on the premises shall not be permitted;
6. Poultry birds, livestock, and domestic small farm animals shall be kept within a securely fenced and enclosed area.
7. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.
8. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
9. Primary use and accessory use structures are to be located as required in the Table of Dimensional Requirements in §603.

C. Assisted Living Residence

1. The assisted living residence shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
2. The facility shall have direct access to an arterial roadway.
3. The assisted living residence shall be the sole occupant of the lot.
4. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
5. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

D. Automobile Sales

1. The use shall not be located on lots of less than 15,000 square feet, shall have yards of not less than fifteen (15') feet, and shall place any tank for the storage of flammable or otherwise hazardous material according to the requirements of the Allegheny County Fire Marshall.
2. The business shall include a permanent building on the lot for office, display and repair use of not less than one thousand (1,000) square feet floor area.
3. Areas of the lot displaying vehicles for sale and for customer parking shall be paved with an all-weather surface and such areas shall be set back at least fifteen (15) feet from adjacent street curbs or edges of road pavements.
4. Displayed or parked vehicles and sign posts or other posts shall not be located closer than ten (10) feet to the curb or paved edge of an adjacent street or such further distance as may be necessary to create maximum sight distance lines for motorists entering and leaving the lot.
5. Automobile Sales uses shall not employ outdoor loudspeaker paging systems.

6. All repair work shall be done entirely within an enclosed building, vehicular access to which shall be oriented away from the street across the front of the lot, and screened by a hedge or fence if facing adjacent residential lots.
7. External lighting shall be reduced in intensity by 50% at the close of each business day. Lighting of the lot using strings of bare bulbs shall not be permitted.
8. Areas of lot not occupied by buildings or paved shall be landscaped and maintained.

E. Bed-and-breakfast.

1. The facility shall be the primary residence of the owner-operator.
2. The maximum length of stay for any guest shall be 30 consecutive days.
3. No cooking facilities shall be permitted in any of the rented rooms.
4. Breakfast shall be served to overnight guests only from the residential kitchen. No kitchen remodeling for commercial restaurant operation or restaurant operation shall be permitted.
5. Tandem parking is permitted with the limit of two vehicles per tandem space, subject to §505, Off-street parking requirements.
6. The maximum number of rooms which may be rented is four, unless it can be shown that the structure and/or parcel is of sufficient size to contain more rooms while meeting the purpose of this chapter.
7. One sign shall be permitted, not to exceed sixteen (16) square feet in area in residential districts.
8. Prior to the operation of the facility, approval by the Fire Department must be obtained.
9. A bed-and-breakfast facility must comply with all other provisions of the zone in which it is located and must comply with other ordinances of the Borough.

F. Billboards and Electronic Changeable Copy Billboards

1. A billboard shall be permitted as a use by conditional use or special exception subject to the following express standards and criteria:
 - A. Location. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented.
 1. The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
 2. A billboard shall be considered a structure and shall be included in the calculation of maximum lot coverage. The maximum lot coverage calculation shall be cumulative, including the billboard and any other structures and buildings on the same lot therewith.
 3. 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 or residential or non-residential structure or to limit or reduce the light and ventilation requirements regulated by borough provisions for building construction and fire prevention.
 4. 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.
 5. Billboards shall maintain a lateral minimum spacing of seven hundred fifty (750) feet between billboard structures. Required spacing shall be measured from a point perpendicular to the centermost point of the

billboard structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented.

6. Billboards may not be mounted on the roof, wall or other part of a building or any other structure.
- B. Size and height. A billboard shall have a maximum allowable gross surface area of two hundred (200) square feet. A billboard shall have a maximum of two (2) sign faces. The height of a billboard shall not exceed fifty (50) feet above the level of the abutting public right-of-way.
1. The billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.
 2. A billboard face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
 3. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
 4. The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
 5. Landscaping shall be maintained by the billboard owner in an attractive and healthy manner in accordance with accepted conservation practices.
 6. Permanent landscaping shall form a base and/or backdrop to the billboard when practical in the opinion of the Zoning Officer.
 7. No bare earth cuts are permitted on a hillside.
 8. All earth cuts or fills are to be permanently seeded or planted.
 9. An off premises sign with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of one and one half (1.5) upon the adjoining property.
 10. Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time. All lighting shall be in accordance with the provisions of this Chapter.
 11. No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
 12. The use of colored lighting is not permitted.
- C. Maintenance.
1. Annual inspections of the billboard shall be conducted by the borough to determine compliance with the provisions of this Chapter.
 2. Billboards found to be in violation of this Chapter shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by the borough. Failure to comply shall be a violation of this Chapter.
 3. 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.
- D. Permits. Prior to submission of an application for a building permit, the applicant for a billboard use shall obtain and submit with the application approvals from the

County of Allegheny and the Pennsylvania Department of Transportation (PennDOT).

- E. Application fees. Said application shall be accompanied by an application fee in an amount equal to that set by resolution of the Borough Council.
2. An electronic changeable copy billboard shall be permitted as a use by conditional use or special exception subject to the following express standardized criteria:
- A. Electronic changeable copy billboards shall be programmed so that the message or image on the sign changes no more often than once every five (5) seconds.
 - B. There shall be no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.
 - C. Changes of image shall be instantaneous as seen by the human eye, and shall not use blinking, fading, scrolling, shading, dissolving, or similar effects as part of the change.
 - D. Any illumination intensity or contrast of light level shall remain constant.
 - E. Location. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the center line of the roadway to which the electronic changeable copy billboard is oriented.
 - 1. The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the electronic changeable copy billboard is to be located shall apply to each electronic changeable copy billboard structure.
 - 2. An electronic changeable copy billboard shall be considered a structure and shall be included in the calculation of maximum lot coverage. The maximum lot coverage calculation shall be cumulative, including the electronic changeable copy billboard and any other structures and buildings on the same lot therewith.
 - 3. No electronic changeable copy billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or non-residential structure or to limit or reduce the light and ventilation requirements regulated by borough provisions for building construction and fire prevention.
 - 4. No electronic changeable copy 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.
 - 5. Electronic changeable copy billboards shall maintain a lateral minimum spacing of one thousand (1,000) feet between electronic changeable copy billboard structures or billboards. Required spacing shall be measured from a point perpendicular to the centermost point of the electronic changeable copy billboard structure along the front lot line parallel to the center line of the roadway to which the electronic changeable copy billboard is oriented.
 - 6. Electronic changeable copy billboards may not be mounted on the roof, wall or other part of a building or any other structure.
 - F. Size and height. An electronic changeable copy billboard shall have a maximum allowable gross surface area of two hundred (200) square feet. An electronic changeable copy billboard shall have a maximum of two (2) sign faces. The height

of an electronic changeable copy billboard shall not exceed fifty (50) feet above the level of the abutting public right-of-way.

1. The electronic changeable copy billboard structure may have sign faces placed back to back or in a V-shaped configuration.
 2. An electronic changeable copy billboard face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
 3. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
 4. The entire base of the electronic changeable copy billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
 5. Landscaping shall be maintained by the electronic changeable copy billboard owner in an attractive and healthy manner in accordance with accepted conservation practices.
 6. Permanent landscaping shall form a base and/or backdrop to the electronic changeable copy billboard when practical in the opinion of the Zoning Officer.
 7. No bare earth cuts are permitted on a hillside.
 8. All earth cuts or fills are to be permanently seeded or planted.
- G. No electronic changeable copy billboard shall be mounted, affixed or attached to any vehicle, motor vehicle or trailer operated, maneuvered or towed on or upon any street, avenue, alley, road, or right of way with the borough. This prohibition shall include vehicles, motor vehicles or trailers designed, built, or used specifically for and as mobile electronic changeable copy billboards.
- H. Existing conforming billboards may be converted to accommodate electronic changeable copy billboards subject to the provisions of this Chapter. The conversion of any existing conforming billboard shall require a permit issued by the Zoning Officer.
- I. Permitting. All electronic changeable copy billboards, including the conversion of any existing conforming billboard to digital technology, shall require permits as follows:
1. Application for a building permit shall be made to the Zoning Officer, and shall be accompanied by such drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint borough personnel with the proposed sign and sign location. The application shall be accompanied with the deed, lease, or other agreement by which the applicant has the right to erect, use or maintain the proposed sign at the stated location. Further, said application shall contain the following information: distance from proposed sign to closest billboard on the same side of the street and on the opposite side of the street; distance from proposed sign to closest electronic changeable copy billboard on the same side of the street and on the opposite side of the street; distance from proposed sign to closest residentially zoned (see Part 3 of this Chapter) property; location of all other electronic changeable copy billboards

within a radius of one mile of the proposed location; and written certification from the sign manufacturer certifying that the light intensity of the sign has been preset to remain constant as established by this Ordinance, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.

2. The permit shall become null and void unless construction of the sign has been substantially completed within five (5) months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of five (5) months, the permittee shall be required to reapply for a permit for that site and pay another permit application fee. If, however, the permittee provides evidence that good cause prevented substantial commencement within the five (5) months, and such evidence is accepted by the Zoning Officer, then said permit may be extended one time for an additional three (3) months.
3. A permit application fee as set from time to time by the Borough Council shall be paid by each person or corporation seeking a permit under this section. This fee shall be in addition to, and not in lieu of, any other fees or licenses required.

J. Non-conforming billboards may not be converted to electronic changeable copy billboard.

K. For each electronic changeable copy billboard erected or for each conversion of a conforming billboard to an electronic changeable copy billboard, the applicant must remove four (4) of its non-conforming billboards within six (6) months of the issuance of the permit for said electronic changeable copy billboard.

L. Maintenance.

1. Any electronic changeable copy billboard that malfunctions, fails or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this Chapter within twenty-four (24) hours.
2. Every ten (10) years, the owner of the electronic changeable copy billboard shall have a structural inspection made of the electronic changeable copy billboard by an engineer or an architect and shall provide to the borough a certificate from the engineer or architect certifying that the electronic changeable copy billboard is structurally sound.
3. Annual inspections of the electronic changeable copy billboard shall be conducted by the borough to determine compliance with the provisions of this Chapter.
4. Electronic changeable copy billboard found to be in violation of this Chapter shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by the borough. Failure to comply shall be a violation of this Chapter.

G. Bowling Alleys

1. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
2. All facilities shall abut a public road and have a permanent access thereto.

H. Car Washes

1. All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
2. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
3. A stacking area shall be required on the lot for automobiles accessible to the end of the washing equipment. Such stacking area shall be able to accommodate the number of vehicles equal to the maximum hourly processing capability of the aforesaid car wash. Such information shall be provided to the borough as part of the application for the conditional use.
4. An area beyond the exit end of the washing equipment sufficiently large enough to accommodate one fourth (1/4) of the maximum hourly processing capability provided in above for the aforesaid vehicular car wash.
5. The facility shall be connected to public sanitary sewer.
6. Any car wash which also dispenses gasoline shall meet all applicable requirements of §808.U governing gasoline stations.

I. Cemeteries

1. A minimum site of ten (10) acres is required.
2. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
3. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application
4. All maintenance equipment shall be properly stored in an enclosed building when not in use.
5. Burial sites shall comply with the setbacks required for principal structures in the zoning district and burial structures shall not be located within one hundred (100) feet of any property line adjoining residential use or Residential zoning district.

J. Child Day Care Centers, Small Family Child Day Care Home, and Large Family Child Day Care Home.

1. A minimum site of 3,000 square feet is required
2. Proof of a valid license to operate child day care facilities issued by the Pennsylvania Department of Public Welfare shall be provided to the borough prior to the issuance of an occupancy permit by the borough for the use.
3. All child day care facilities shall provide a minimum area for indoor play at a ratio of forty (40) square feet per child.
4. All child day care facilities shall provide outdoor play space at a minimum ratio of sixty-five (65) square feet per child using the outdoor play facility or 400 square feet, whichever is larger. Long, linear configurations shall be avoided to assure the functionality of the space as a play area. .
 - A. The outdoor play area shall adjoin the building where the child day care facility is located.
 - B. The outdoor play area shall be no closer than thirty (30) feet to a private/public street right-of-way, or ten (10) feet to any other property lines. Small family child day care homes are excluded from this requirement.
 - C. The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the Council. Any outdoor play area potentially susceptible to encountering

vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area.

- D. Non-yielding surfaces, such as concrete, asphalt, gravel, etc., are prohibited beneath any piece of permanently installed play equipment. Certain rubber padding may be permissible over hard surfaces when approved by the Council. Non-yielding surfaces shall not exceed one quarter (1/4) of the required outdoor play space.

- 5. Safe vehicular access and off-street areas for the discharge and pick-up of children shall be provided. Discharge and pick-up areas shall be so located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the discharge and pick-up without obstructing or interfering with the use of any public right-of-way, any parking space, or parking lot aisle. Small family child day care homes are excluded from this requirement.

K. Civic, Social or Fraternal Club

- 1. No outdoor active recreation area shall be located nearer to any lot line than one hundred (100) feet.
- 2. Sufficient screening shall be provided so as to protect the neighborhood from inappropriate noise and other disturbance.

L. College, University, School or Fraternal Organization

- 1. The school shall be the sole occupant of the lot and, other than an elementary school, shall have access directly to an arterial or collector street.
- 2. Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.
- 3. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- 4. Recreational areas shall be located no closer than thirty (30) feet to an abutting street or ten (10) feet to other lot lines.
- 5. The school's course of instruction or other activities on the lot shall not create noise, dirt, glare, dust or other nuisances on adjacent properties.
- 6. Parking Lot Lighting shall be shielded so that there is not lighting glare on adjacent residential properties and no foot-candle spill off the property being developed.
- 7. If a parking lot is adjacent to a residential property, there must be a solid screen wall or evergreen vegetation at least 6 feet high at time of occupancy that obstructs the parking lot.

M. Communication Facilities, Towers, and Co-locations

- 1. Standards Applicable to All Communications Towers.
 - A. A communications tower may not be located on a lot occupied by other principal buildings and structures but may occupy a leased parcel within a lot meeting bulk and area requirements for the applicable zoning district and the requirements of this Section.
 - B. Interference Prohibited. Communications Antennas shall not cause radio frequency interference with any other communications facility located in the borough.
 - C. Omnidirectional Antennas. Omnidirectional Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - D. Directional or Panel Antennas. Directional or Panel Communications Antennas shall not exceed five (5) feet in length and three (3) feet in width.

- E. Communications towers are not permitted to be located in any front yard.
- F. Setbacks. The foundation and base of any communications tower shall be set back from any abutting residential district at least one hundred and fifty (150) feet and shall be set back from any other property line, or a lease line, if applicable, at least fifty (50) feet. In the event that a communications antenna located on a communications tower extends further than the foundation and base of the communications tower, the setback shall be measured from the furthest extended edge of the communications antenna. To the extent that a greater setback is required by any other applicable section of this Chapter, the greater setback shall apply.
- G. Maximum Height. In the I-1 and I-2 Industrial Districts, the maximum height of any communications tower shall be one hundred and fifty (150) feet. The height may be increased to no more than two hundred (200) feet, provided that the required setbacks from adjoining property lines, or lease lines, if applicable, are increased by one (1) foot per each one (1) foot in height in excess of one hundred and fifty (150) feet.
- H. Communications Equipment Buildings. Communications equipment buildings associated with the use of a communications tower or with communications antennas mounted on a communications tower shall comply with the required yards and height requirements of the applicable zoning district.
- I. Access. Access shall be provided to the communications tower and any associated communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
- J. Parking. Parking shall be provided as required by §603 of this Part.
- K. Fencing. Notwithstanding §607 of this Chapter, the site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
- L. Guy Wires. All guy wires associated with guyed communications towers shall be located within the facility's fenced enclosure.
- M. Signs and Lights. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction, other than those needed to identify the property or warn of any danger or for other safety reasons.
- N. Maintenance. Communications towers shall be protected and maintained in accordance with the requirements of the Borough's Building Code, as well as federal and state regulations.
- O. Landscaping and Screening. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- P. Aviation Regulations. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.
- Q. Removal.

1. If a communications facility, communications tower, communications equipment building and/or communications antenna remains unused for a period of six (6) consecutive months, the owner or operator shall dismantle and remove it within six (6) months of the expiration of such six (6) month period. Costs of removal to be paid by the owner or operator.
2. The owner of the real property on which the communications tower, communications equipment building and/or communications antenna is located shall be responsible for removal in the event that the owner or operator fails to remove in accordance with this Chapter.
3. If an owner or operator or the property owner fails to remove the communications tower, communications equipment building and/or communications antenna in accordance with this Chapter, the borough shall have the authority to enter the subject property and remove the communications tower, communications equipment building or communications antenna.
4. All costs of removal shall be borne by the owner or operator or the property owner, including the event of the borough's removal of the tower.

2. Additional Standards for Communications Facilities.

- A. Communications facilities proposed or permitted by conditional use shall meet all standards set forth above, and must comply with the following additional requirements.
- B. Lapse. Any grant of use by conditional use will automatically lapse if the owner or operator's FCC license ever expires, lapses or is revoked.
- C. Additional Landscaping and Camouflage Requirements for Communications Facilities. Communications facilities as conditional use or special exceptions shall be camouflaged behind an effective year-round landscape buffer that is compatible with the uses of the neighboring properties.

3. Application Procedures for All Communications Facilities.

- A. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence covering the communications facilities, communications tower, communications antennas and communications equipment buildings.
- B. The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the current structural standards for material type antenna towers and antenna supporting structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough's Building Code, as well as federal and state law.
- C. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all

applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

4. Additional Application Procedures for Communications Facilities.

- A. Conditional Use Permit Granting Authority. The North Braddock Borough Council shall have the authority to grant a permit for use as a conditional use for communications facilities, communications towers and communications antennas.
- B. Pre-Application Conference. Prior to submission of an application for use as a special exception, the applicant is strongly recommended to meet with the Zoning Officer to discuss the proposed communications facility, tower or antenna in general terms and to clarify the filing requirements. The applicant is encouraged to prepare sufficient preliminary drawings to inform the Zoning Officer of the location of the proposed facility, as well as its overall design.
- C. Application Filing Requirements. The following shall be included with an application for a use as a conditional use for all communications facilities and communications towers:
 1. General Filing Requirements to Zoning Officer.
 - i. Name, address and telephone number of the applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - ii. Co-applicants may include the landowner of the subject property, licensed carriers and tenants of the communications tower.
 - iii. A licensed carrier shall be either an applicant or co-applicant.
 - iv. Original signatures of the applicant and all co-applicants applying for the use by special exception.
 2. Location Filing Requirements to Zoning Officer.
 - i. Identification of the subject property including the property address.
 - ii. Tax map and parcel number of the subject property.
 - iii. Zoning district designation.
 - iv. A borough-wide map showing the other existing communications facilities or communications towers in the borough.
 - v. The proposed locations of all existing and future communications towers in the borough for this carrier.
 3. Filing requirements to the Borough Council.
 - i. Any applicant proposing construction of a new communications tower as a use by conditional use shall demonstrate that a good-faith effort has been made to obtain permission to mount the communications antennas on an existing communications tower or other structures (co-locate). A good-faith effort shall require that all owners of potentially suitable existing communications towers within a two (2) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such location apply:
 1. The proposed antennas and related equipment would exceed the structural capacity of the existing communications tower and its reinforcement cannot be accomplished at a reasonable cost.

2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing communications tower, and the interference cannot be prevented at a reasonable cost.
 3. Such existing communications towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such communications tower exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such or communications tower.
- ii. In the event that co-location is not feasible, a written statement for the reasons for the unfeasibility shall be submitted to the borough. The borough may retain an RF engineer to verify if co-location at the site is not feasible. The cost for such an engineer will be at the expense of the applicant. The borough may deny a permit if the applicant has not demonstrated a good-faith effort to provide for co-location.
4. Site plan filing requirements to be submitted to the Planning Commission.
 - i. An applicant proposing construction of a new communications tower as a use by conditional use shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
 - ii. A site plan diagram drawn to scale at one (1) inch equals forty (40) feet showing the following:
 1. Property lines for the subject property.
 2. Property lines for all properties adjacent to the subject property and within three hundred (300) feet.
 3. Zoning district designation of all adjacent properties.
 4. Tree cover for the subject property and adjacent properties, by dominant species and average height, as measured by or available from a verifiable source.
 5. Outline of all existing buildings, including those on the subject property and within three hundred (300) feet.
 6. Proposed location of the communications tower and communications equipment buildings.
 7. Proposed fencing including a description of such fencing and showing the point of entry to the facility.
 8. Location of all roads, public and private, within three hundred (300) feet of the proposed facility, including driveways.

9. Distances at grade from the communications tower facility to each building on the site plan.
 10. Contours at two (2) feet intervals.
 11. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 12. Representations, dimensioned and to scale, of the proposed communications towers, communications antennas, communications equipment buildings, cable runs, parking areas and any other construction on the property.
 13. Lines representing the sight line showing the viewpoint and visible point.
- iii. Sight lines and photographs as described below:
1. Sight Line Representation. A sight line representation shall be drawn from any public road within three hundred (300) feet and the nearest facade of each residential building within three hundred (300) feet to be the highest point of the communications tower. The profiles shall show all intervening trees and buildings.
 2. Existing Condition Photographs. Each sight line shall be illustrated by one (1) color photograph of what can currently be seen from any public road within three hundred (300) feet.
 3. Proposed Condition Photographs. Each existing condition photograph shall have superimposed on it the proposed facility as seen from any public road.
- iv. Design filing requirements to be submitted to the Planning Commission.
1. Landscape plan including existing trees and shrubs, identified by size and species.
 2. A balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the borough at least fourteen (14) days prior to the test.

N. Community Center

1. Lot coverage, including structures, parking lots, and buildings, shall not exceed fifty percent (50%) of the lot.
2. The facility area and lot boundaries shall be landscaped as required by the Borough Council to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
3. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
4. All facilities shall abut a public road and have a permanent access thereto.
5. Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises.

6. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
 7. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
 8. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
 9. The proposal shall be compatible with the neighborhood and will not adversely affect adjoining lots.
 10. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
- O. Conversion Dwellings shall have side yards of not less than fifteen (15) feet, and shall not be approved unless plans for such conversion prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided for, that each dwelling shall have separate kitchen and bath facilities, and that each unit shall be functional, convenient and private.
- P. Contractor's Yard
1. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
 2. All facilities shall abut a public road and have a permanent access thereto.
- Q. Country Club or Golf Course
1. The course shall be designed so that golf balls will not be driven over or across any building, building lot, road, access drive, driveway or parking lot. In addition, the golf course design shall minimize the cart path crossing of streets.
 2. A minimum separation distance shall be maintained between the golf course and adjoining properties. The following minimum distances shall be measured from the centerline of the golf course to the adjacent property line.
 - A. Seventy five (75') feet minimum distance from the centerline of the tee box to the adjacent property line.
 - B. One hundred-fifty (150') feet minimum distance from the centerline of the landing area to the adjacent property line.
 - C. One hundred (100') feet minimum distance from the centerline of the green to the adjacent property line.
 3. The area between the edge of the course and the property line shall be utilized for planting, as appropriate, to preserve and protect adjoining properties and views from and of the golf course. Planting areas shall be delineated on the preliminary land development plan. The planting scheme (size, type and location of landscaping) shall be shown on the landscape plan submitted with the final land development plan.
 4. All golf course buildings and structures shall be set back two hundred fifty (250') feet from any exterior lot line.
 5. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
 6. No outdoor storage of golf carts or maintenance equipment shall be permitted.
 7. A golf course may include the following accessory uses:
 - A. A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.

- B. Golf cart maintenance and equipment storage and service facilities.
- C. Practice putting greens and driving range, without outdoor lighting.
- R. Drive-Through Facility
 - 1. Minimum Stacking Space Requirements.
 - A. All uses which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive service shall provide on-site stacking spaces in order to alleviate traffic congestion.
 - B. Stacking spaces shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
 - C. All stacking areas shall be separate from other vehicular and pedestrian circulation aisles and parking spaces. It is recommended that stacking lanes be separated through the use of landscaped islands bounded by concrete curbing.
 - D. The number of stacking spaces required shall be determined by the following schedule:
 - 1. Restaurant, Fast Food: a minimum of five (5) spaces as measured from the drive-thru window.
 - 2. Car washes: a minimum of four (4) spaces per car wash bay as measured from the bay.
 - 3. Financial institutions: a minimum of four (4) spaces for one (1) drive-thru window, plus three (3) spaces for each additional drive-thru window or automated teller machines (ATM).
 - 4. Other Uses With Drive-Thru Windows or Similar Characteristics: for uses not provided herein, the Planning Commission shall determine the appropriate number of stacking spaces based on a use listed above that most closely approximates the proposed use, or through information provided by the developer or owner of the proposed use, or through consultation with other communities containing uses similar to the one proposed, or through a combination of these methods.
 - 2. Drive-in facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
 - 3. Exterior microphone/speaker system shall be arranged or screened to prevent objectionable noise impact on adjoining properties.
 - 4. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
- S. Dry Cleaning Processing Facility
 - 1. All materials and equipment shall be stored within a completely enclosed building.
 - 2. The use shall comply with all performance standards specified in this Ordinance.
 - 3. The storage or manufacture of hazardous or potentially hazardous materials which are not listed on file with the borough shall not be permitted.
- T. Funeral Home or Mortuary or Crematorium
 - 1. The minimum lot area shall be 40,000 square feet.
 - 2. The site shall have direct vehicular access to an arterial or collector street.
 - 3. Crematoriums are permitted as an accessory use to these land uses.
- U. Garden Center, Plant Nursery, Landscaping Business or Greenhouse
 - 1. Commercial greenhouse heating plants shall be at least one hundred (100) feet from any property line.

2. For commercial greenhouses and garden centers, the retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.

V. Gasoline Stations, Automobile Repair, or Automobile Body Shop

1. The minimum lot area shall be 10,000 square feet.

2. Minimum side yards shall be ten (10) feet.

3. No tank for the storage of flammable or otherwise hazardous material shall be installed except in accordance with the requirements of the Allegheny County Fire Marshall.

4. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

5. All accessory car washing areas shall discharge into public sanitary sewers.

6. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence inside of a row of shrubs or evergreens with a minimum height of four (4) feet.

7. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.

W. Group Residences, Group Care Facilities and Institutional Facilities shall not be located on lots of less than 8,000 square feet, shall have side yards of not less than fifteen (15) feet, shall not be located within one-quarter of a mile from any other such facility, and shall not be approved unless plans prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility.

1. A License or Certification shall be obtained from the Commonwealth of Pennsylvania, County of Allegheny, or other federal, state or local agency prior to approval; or if there be no appropriate licensing or certifying agency, the applicant shall submit evidence that the proposal satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.

2. The sponsor shall file annually with the Zoning Officer information that the facility continues to satisfy the conditions of original approval.

3. The sponsoring agencies shall be notified by mail of the annual filing date thirty (30) days prior to such date. Ten days (10) after the filing date, an advertisement will be placed in the local newspapers for one day listing those agencies that have applied for recertification and requesting comments from residents and community organizations within thirty (30) days of the advertisement. Individuals or organizations wishing to file complaints should do so in writing to the Zoning Officer.

4. Change of ownership or of any conditions of original approval shall constitute a new use and the full procedure for obtaining approval of the conditional use shall be required.

X. Halfway House

1. Halfway house must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the borough prior to beginning the use.

2. A Halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.

3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.

4. The residents of the halfway house shall reside on-premises to benefit from the services provided.
5. Necessary permits for water supply and sanitary waste disposal must be obtained.
6. The halfway house shall not be located within one thousand (1,000') feet of any the following uses:
 - A. Child care facility;
 - B. Places of worship or assembly;
 - C. Community center;
 - D. Library;
 - E. Museum;
 - F. Park;
 - G. Playground;
 - H. school;
 - I. Other lands where minors congregate;
7. The halfway house shall not be located with one thousand (1,000) feet of another halfway house.
8. Each application shall be accompanied by a statement describing the following:
 - A. The character of the half-way house;
 - B. The policies and goals of the half-way house, and the means proposed to accomplish those goals;
 - C. The characteristics of the residents and number of residents to be served;
 - D. The operating methods and procedures to be used; and
 - E. Any other facts relevant to the proposed operation of the half-way house.
9. Any use permit granted for the half-way house shall be bound to the type and number of offenders listed on the application.

Y. Home Occupation

1. The employees of a home occupation (other) may include the residents of said dwelling and a maximum of one (1) non-resident.
2. A home occupation shall not be permitted to be conducted in any accessory structure.
3. The use shall not create any additional environmental impact other than those impacts, including but not limited to road infrastructure, traffic, garbage, water and sewage, normally resulting from residential use.
4. The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for an average residence in the neighborhood.
5. The use shall not require internal or external alterations or construction features which change the fire rating of the structure.
6. 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.
7. There shall be no storage of materials or equipment outside an enclosed building.
8. The conduct of any home occupation, including but not limited to the storage of goods or equipment, shall not reduce or render unusable areas required for enclosed parking for the dwelling unit.
9. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
10. All needs for parking generated by the conduct of a home occupation shall be provided for on the lot.

11. The home occupation shall not involve the use of vehicles in excess of one (1) ton capacity or nine thousand (9,000) pounds gross vehicle weight for delivery of materials to or from the premises, and such vehicles shall not be parked on the premises.
12. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery. The home occupation shall not involve the use of advertising signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number.
13. The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as permitted uses, conditioned uses or uses by special exception:
 - A. Veterinary services.
 - B. Automobile sales, rental, service and repair shops.
 - C. Beauty shops and barbershops containing more than one (1) chair.
 - D. Hospitals, nursing homes, group living facilities.
 - E. Kennels.
 - F. Funeral homes.
 - G. Private clubs.
 - H. Private instruction to more than three (3) students at a time.
 - I. Restaurants.
 - J. Keeping/boarding of horses for commercial enterprise.
14. Small Family Child Day Care Homes, as defined by this Chapter, shall be considered a home occupation, provided that:
 - A. All of the foregoing standards for a small family child day care home (§808.I) are met.
 - B. All standards and criteria of §808.X are met.
15. Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.
16. Normal hours of operation shall be a maximum of 7 am to 9 pm for customer/client traffic.

Z. Hospital

1. The facility operator shall meet all state and federal rules and regulations for hospital facilities.
2. Minimum lot area - five (5) acres.
3. Minimum street frontage - three hundred (300') feet.
4. Public/community sewer and public/community water shall be used.
5. The subject property shall have frontage along an arterial roadway as defined in the North Braddock Borough Comprehensive Plan, as amended.
6. All height, area, setback and coverage standards within the underlying district shall apply.
7. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.
8. The institution shall submit a copy of its emergency operations plan (EOP) to the borough. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials

and wastes will be accomplished in a manner that compiles with state and federal regulations. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable state or federal agency.

AA. Junkyard

1. Maximum lot area shall be five (5) acres.
2. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8') foot high opaque fence which shall be set back at least fifty (50') feet from all property lines and one hundred (100') feet from residentially-zoned or existing residential properties.
3. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
4. All completely-enclosed buildings used to store junk shall be set back at least fifty (50') feet from all property lines.
5. No material may be stored or stacked so that it is visible from adjoining properties and roads.
6. All additional federal and state laws shall be satisfied. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable state or federal agency.
7. All junk shall be stored or arranged so as to permit access to firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8') feet.
8. No oil, grease, tires, gasoline, or other similar material shall be burned at any time. No hazardous materials as defined by state and federal regulations shall be stored or burned at any time.
9. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, and not to cause the breeding or harboring of rats, flies, mosquitoes, or other vectors of disease.
10. No junkyard shall be located on land with a slope in excess of eight (8%) percent, prime agricultural soils, sinkhole prone soils, wetlands, woodlands, or floodplains.

BB. Kennel

1. All animals shall be confined to the property.
2. Adequate methods for sanitation and sewage disposal shall be provided.
3. Outdoor runs shall be located a minimum of 200 feet from any dwelling not located on the same lot.
4. Outdoor runs shall be screened with a solid fence to reduce the potential for inciting dogs to bark due to external influences.
5. A site plan, drawn to scale, shall accompany the application indicating the location of existing and/or proposed parking facilities, buildings, runs and other physical features.

CC. Long-Term Nursing Care Facility

1. The long-term nursing care facility shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Health.
2. The facility shall have direct access to an arterial or collector street.
3. The long-term nursing care facility shall be the sole occupant of the lot.
4. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
5. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

6. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Chapter.

DD. Manufacturing.

1. All materials and equipment shall be stored within a completely enclosed building.
2. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
3. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Borough Council to determine the appropriateness of the proposed activity in the location proposed.
4. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.
5. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
6. The Borough 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 insure that there is no adverse impact upon the functioning of the district or adjacent parcels.
7. 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.

EE. Manufacturing, Light. See “Manufacturing.”

FF. Methadone Treatment Facility – Not established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility. Refer to §621 of the MPC for additional requirements and rights of council to allow methadone treatment facilities within 500 feet of facilities described in this paragraph.

GG. Mineral Extraction. Extraction of minerals may be a conditional use by the Borough Council in those areas of the Borough where the underlying district permits mining according to the following standards and criteria:

1. The applicant for a mining or processing conditional use permit shall submit the following information to the Zoning Officer:
 - A. Evidence of compliance with all state and federal laws applicable to the process for which the conditional use permit is sought.
 - B. 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.
2. 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.
3. Measures which will be taken to insure that any loss, diminution or pollution of water supplies in areas affected by mining will be corrected or replaced.
4. Measures which will be taken to insure that the performance standards contained in all sections of this chapter shall be met.

5. 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 Borough which are used to transport minerals and to repair any damages which may result from the use of roads for loads and volumes of traffic which are in excess of their use by vehicles associated with permitted uses in the concerned district.
6. 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.
7. In deciding upon an initial application for a conditional use permit for extraction or processing, the Borough Council shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve granting of a permit only if they find that:
 - A. The scale, pace and duration of the proposed activity are reasonable in relationship to the ability of other portions of the community to maintain normal patterns of activity while mining activities are ongoing.
 - B. Adequate safeguards are provided to insure that damage will not be done to property elsewhere in the Borough or to the natural environment.
 - C. The proposed plan for reclamation and reuse of land is acceptable. If the proposed reclamation plan is for agriculture, forestry or other undeveloped use, grading, drainage and vegetation are compatible with other such use areas in the Borough. 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.
8. In deciding upon an application for any expansion or change in a mining or processing application, the Borough Council shall consider all of the factors listed above and in addition shall grant a conditional use permit only if the following conditions are met:
 - A. The performance of the applicant to date has been in conformance with all of the agreements made at the time of the initial conditional use approval.
 - B. 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.
9. In no case shall a conditional use permit granted by the Borough Council 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.
10. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

HH. Mobile Home Park

1. A mobile home park shall only include mobile homes of single width or multiple widths, but shall not include travel trailers or motor homes.
2. The tract of land to be developed for a mobile home park shall be in single and separate ownership.
3. Any parcel to be used as a mobile home park shall have a minimum size of twenty-five (25) acres.
4. Any site proposed for a mobile home park shall not be subject to any nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odors or glare.

5. Every area to be used as a mobile home park must be served exclusively by an approved public or community water supply system and waste disposal system. In the case of community systems a maintenance and ownership agreement shall be required.
6. Density - The total number of lots in a mobile home park shall not exceed a maximum density of eight (8) lots per acre
7. Yard and Area Regulations - The following yard setback and lot area regulations shall apply to all mobile home parks developed pursuant to this Section.
 - A. setback from tract Boundary - No mobile home, auxiliary park buildings and other park structures may be located closer than seventy-five feet (75') to any boundary of a mobile park regardless of whether that boundary abuts a lot, water body, road or other right-of-way.
 - B. lot area - All mobile home lots in a mobile home park, regardless of tenure, shall have a minimum lot size of five thousand (5,000) square feet.
 - C. lot width - No individual mobile home lot shall be less than fifty (50') feet in width at the building setback line.
 - D. No individual mobile home lot shall be less than twenty-five feet (25') in width at the right-of-way line or the edge of the pavement of a private street, measured fifty feet (50') from the center line of a public or private street or right-of-way, as applicable.
 - E. building Area - The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures, including covered patios or decks, shall not exceed forty percent (40%).
 - F. Minimum structure setbacks -
 1. front yard - In no case shall the long side of a mobile home be located closer than thirty feet (30') from the edge of the street right-of-way; provided, however, that the short side (ends of unit) of a mobile home may be located no closer to the street right-of-way than twenty-five feet (25').
 2. No more than six (6) mobile homes in a row shall have the same setback distance; where varied setbacks are implemented, the difference shall be at least four feet (4').
 3. Side and rear yards - No mobile home or accessory building may be located closer than ten feet (10') to any side or rear lot line of an individual mobile home lot.
 - G. Distance Between structures - mobile homes and roofed structures of areas attached thereto shall be separated from each other, and from other buildings, other than accessory structures, at their closest points by a minimum of twenty feet (20'); provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than twenty-five percent (25%) of the length of either the minimum distance between the two mobile homes shall be thirty feet (30').

II. Motel, Hotel or Inn

1. Developments related to a hotel/motel or hotel-office complex shall not exceed sixty (60) feet in height and a hotel-office complex must be integrated into one (1) contiguous structure. In those cases where the lot or parcel of ground to be developed is irregular in shape and bordered on at least two (2) sides by non-accessible highways,

the Council may deviate from otherwise applicable lot area coverage provisions and setback requirements of this chapter.

2. Parking shall be as required by the Council and shall be based on the single or combined use or uses of the property. Requirements for parking shall take into consideration the established number of parking spaces set forth in Article 900 but such section shall not be binding on the Council.
3. Fire safety precautions shall be as finally determined by the Council upon recommendation of the Fire Marshal's office.
4. All entrances to motel or hotel rooms shall be through an interior hallway. No exterior door access shall be permitted from hotel or motel rooms.

JJ. Multi-family dwelling

1. Garden Apartment - A garden apartment is one which is generally located in a structure containing not less than four (4) dwelling units; not exceeding four (4) stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and, frequently exhibiting different facades and design features between structures in a garden apartment complex. Elevators must be provided for all floors above the second floor. Individual apartments shall not be less than 1600 sq. ft. in area for the first four units and not less than 1200 sq. ft. for additional units. The primary entrance to the apartment building will be off a public street.
2. Townhouse - A one family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front or rear wall to be used for access, light, and ventilation.
 - a. Shall not have a lot size of less than 3000 sq. ft. per unit for the first two units nor less than 2500 sq. ft. for the third and each additional unit.
 - b. All off street parking shall be incorporated into the building. One parking space shall be provided per unit for guest parking and shall not be located more than 300 feet from the unit being served.
 - c. All dumpsters and/or waste collection areas shall be located a minimum of 50 feet from any residential unit and be enclosed with a solid masonry screen.
 - d. The maximum number of contiguous units shall be ten.
 - e. The primary entrance into the Townhouse development will be off a public street.
3. Other structures of 3 or more independent dwelling units shall meet the requirements of Garden Apartments above.

KK. Older Adult Daily Living Center

1. The older adult daily living center shall meet all requirements of the PA Code Title 6 Aging, Part 1 Department of Aging, Chapter 11 Older Adult Daily Living Centers, Subchapter A Licensure and Operation Requirements.
2. The facility shall have direct access to an arterial or collector street.
3. The maximum impervious surface ratio shall be 50%.
4. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
5. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

LL. Personal Care Home

1. The personal care home shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
2. The personal care home shall be the sole occupant of the lot.

3. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
4. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
5. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Chapter.

MM. Personal Storage Facility

1. The storage of hazardous materials such as toxic or explosive substances is prohibited.
2. Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
3. The maximum size of the individual storage units shall be five hundred (500) square feet.
4. 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.
5. The lot shall have direct ingress/egress to a public collector or arterial road, as defined by this Chapter, and points of ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is one-family dwellings.
6. Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the lot has frontage.
7. All one-way driveways shall have a minimum of one (1) ten (10)-foot parking lane, plus one (1) fifteen (15) foot travel lane.
8. All two-way driveways shall provide a minimum of one (1) ten (10)-foot parking lane, plus two (2) twelve (12)-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
9. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
10. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eighty (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
11. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
12. The maximum length of any storage building shall be two hundred (200) feet.
13. Maximum lot coverage by all buildings shall be forty percent (40%).
14. Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.
15. Storage shall occur completely within enclosed buildings.
16. Storage units shall not be equipped with water or sanitary sewer service.
17. No business activity other than rental of storage units shall be conducted on the premises.

NN. Place of Worship or Assembly

1. No minimum lot size. The lot must be of adequate size to include required off-street parking facilities, access driveways, landscaping and stormwater management facilities.
2. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.
3. Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.

4. Parking areas shall be screened from view of neighboring houses or those directly across a street from the lot.
 5. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
 6. A day care may be operated in the church on the same lot provided that the conditions provided in §808.H are met.
- OO. Planned Residential Development (PRD)
1. See Article 1300.
- PP. Public Facilities and Essential Services
1. The storage of maintenance and emergency vehicles and related apparatuses shall be within wholly enclosed buildings in all zoning districts.
- QQ. Public Surface Parking
1. Meet the design standards for non-residential parking facilities as described in section 780-520 of Article V Design Standards of the Allegheny County SALDO.
- RR. Recreation Facility Indoor (Private and Semi-Private). A public, private and semi-private recreation facility shall be permitted as a use by conditional use or special exception subject to the following express standards and criteria:
1. Lot coverage, including structures, parking lots, and buildings, shall not exceed fifty percent (50%) of the tract.
 2. The facility area and lot boundaries shall be landscaped as required by the Zoning Hearing Board to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
 3. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
 4. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
 5. All facilities shall abut a public road and have a permanent access thereto.
 6. Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises.
 7. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
 8. The Zoning Hearing Board may limit hours of operation based on the use and location of the facility in order to minimize negative impacts on surrounding residential neighborhoods. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.
 9. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
 10. Fences for other types of facilities shall be as prescribed by the Zoning Hearing Board.
 11. The developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.
 12. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
 13. Any proposal for development on a two-lane highway shall include road widening to provide turning lanes for traffic in both directions.
 14. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.

- SS. Recreation Facility, Outdoor (Private and Semi-Private). A public, private and semi-private recreation facility shall be permitted as a use by conditional use or special exception subject to the following express standards and criteria:
1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Chapter.
 2. Lot coverage, including structures, parking lots, and buildings, shall not exceed fifty percent (50%) of the tract.
 3. The facility area and lot boundaries shall be landscaped as required by the Zoning Hearing Board to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
 4. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
 5. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
 6. All facilities shall abut a public road and have a permanent access thereto.
 7. Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises.
 8. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
 9. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Zoning Hearing Board may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.
 10. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
 11. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
 12. Fences for other types of facilities shall be as prescribed by the Zoning Hearing Board.
 13. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
 14. Any proposal for development on a two-lane highway shall include road widening to provide turning lanes for traffic in both directions.
 15. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.
- TT. Restaurant
1. Submit screening, hours and appearance of the building(s) for review by Council.
 2. Provide parking in accordance with §505
 3. Provide signs in accordance with Article 700.
- UU. Theater
1. The proposed use shall have direct access to an arterial or collector street.
 2. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- VV. Two-family dwelling
1. Each unit must have a separate entrance to the outside.
 2. Each unit must be at least 800 sq. ft.
 3. A screened space for garbage collection must be provided
- WW. Transportation Terminal
1. The proposed use shall have direct access to an arterial street.

2. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
3. Maximum lot coverage by all building shall be forty percent (40%).
4. Shall not be located on lots of less than two acres, shall have side yards of not less than twenty-five (25') feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than forty (40) feet to any property line.

XX. Urban Agriculture, Limited (No Animals)

1. The sale of agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall not be permitted in residential zoning districts.
2. The keeping of poultry birds, bees, livestock, or other farm animals is not permitted.
3. No processing of products grown on the site is permitted.
4. All structures shall be subject to any required setbacks of the zoning district, but shall in all cases be a minimum of ten (10) feet from any property line;
5. All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure
6. Signage shall not be permitted.

YY. Urban Agriculture, Accessory Use

1. The sale of agricultural and farm products that are grown, used, produced on-site shall not be permitted
2. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
3. Keeping of Poultry Birds requires a minimum lot size of two-thousand (2,000) square feet. Lots or properties that meet the minimum lot size are permitted three (3) poultry birds. For every additional two-thousand (2,000) square feet of property above the minimum requirement, the owner is permitted one (1) additional poultry bird.
4. All structures related to the housing of poultry birds shall be at least 6 Sq. Ft. in size and a minimum of 2 Sq. Ft. per additional poultry bird.
5. Roosters are not permitted.
6. The hen house and/or pen shall be properly designed and constructed to provide adequate security from rodents and predators. Sufficient ventilation and suitable shelter for hens must be provided. The hen house may not be taller than six (6) feet and must be easily accessible for cleaning and maintenance. Any windows must be screened with chicken wire to protect the hens from predators.
7. For property with a minimum of two-thousand (2,000) square feet in size, the property owner is permitted to keep two (2) beehives. For every additional two-thousand (2,000) square feet of property, the owner is permitted two (2) additional beehives.
8. All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, and shall otherwise be set back at least ten (10) feet from any property line.
9. Ground mounted beehives shall be located no higher than six (6) feet from grade.
10. Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance;

11. Roof mounted beehives shall be located on principal and accessory structures no lower than ten (10) feet from grade and shall not be within the required setback.
12. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.
13. Outdoor roaming areas for poultry birds shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas; and
14. The keeping of poultry birds or honeybees shall be permitted as an accessory use only where there is an occupied residence.
15. The keeping of livestock or other farm animals shall not be permitted as an accessory use.

ZZ. Utility Facilities

1. A solid fence shall be required to completely screen the structure. A six foot high row of shrubs or evergreens shall be planted around the exterior of the fence.
2. The architectural design, landscaping, and site development must be in keeping with the character of the area in which the public utility facilities are to be located, consistent with the nature of the public utility facilities and the public need or convenience in having the public utility facilities.
3. Sufficient off-street parking and loading space shall be provided consistent with the requirements of this chapter and the nature of the utility facilities.
4. Provision must be made for proper storage of all materials and equipment when not in use.

AAA. Any Principal Use not Specifically Listed

1. Uses which are not specifically listed as permitted or conditional uses in any zoning district may be authorized in the M or OU District by the North Braddock Borough Council as conditional uses.
2. In order to obtain a conditional use under this Section, the applicant bears the burden of establishing the following to the satisfaction of the Council:
 - a. The proposed use must be fully consistent and in harmony with the purpose of the district in which it will be located.
 - b. The impact of the use on the environment and adjacent streets is equal to or less than any use specifically permitted as a permitted or conditional use in the subject district.
 - c. In determining the impact on the environment and adjacent properties, the Council shall consider such development characteristics as the number of employees, the floor area of the proposed building devoted to the proposed use, the type of products involved, the materials, equipment or services involved, the magnitude of walk-in trade, traffic generation, parking demand, environmental impacts, and any other information that Council determines will aid in determining the impact of the use.
 - d. The proposed use shall comply with the expressed standards and criteria of the zoning district in which the use is to be located and all other requirements of this Chapter.
 - e. The proposed use shall be in accordance with the community development objectives of this Chapter and the Comprehensive Plan, as adopted and amended.
3. Prior to the hearing before the Borough Council, the applicant shall submit all studies, documents and testimony which the applicant wishes to be considered in connection with

the conditional use application, for review and recommendation by the Borough Planning Commission.

4. When granting a conditional use pursuant to this Section, the Council may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter.

Article 900. Special Exceptions

901. Intent. To allow certain authorized uses in the Borough to be permitted by special exception procedure so that the Borough can provide specific criteria and standards for selected developments.
902. Procedure. The Board shall hear and decide requests for special exceptions in accordance with the procedures of Part 1100, Administration and Enforcement.
903. General Standards and Criteria:
 - A. Before approving a special exception application, the Zoning Hearing Board shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this Chapter for a specific type of use or development:
 1. The proposed use shall conform to the district and Special Exception Provisions and all general regulations of this Ordinance.
 2. The proposed use shall meet all special standards which may be applied to its class of Special Exception Use as set forth in this Article.
 3. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards set forth in §505.
 4. The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.
 5. The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.
 6. The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.
 7. The proposed use will not impede the normal and orderly development and improvement of surrounding property as permitted by this Ordinance.
 8. The proposed use will be adequately served by existing storm and sanitary drainage facilities, public water, access streets and other necessary facilities.
 9. The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan for North Braddock.
 - B. The Board shall grant a special exception only if it finds adequate evidence presented by the applicant that the proposed special exception is duly authorized under provisions of this chapter, that the application falls within the terms of the specific provisions allowing for special exception and that the proposed use complies with all other requirements of this chapter. The Board shall refuse an application for special exception where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and morals or general welfare of the community at large. The Board, in granting a special exception, may attach such reasonable conditions and safeguards other than those related to offsite transportation or road improvement, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the MPC act and the zoning ordinance, except that conditions of approval shall not include those related to off-site transportation or road improvements.

904. Express Standards and Criteria for Each Use Authorized by Special Exception Procedure.

A. These shall be the same requirements as §807 and §808.

Article 1000. Nonconforming Lots, Structures, Uses, and Signs

1001. Intent and Purpose.

- A. If, within the zoning districts established by this chapter or due to amendments that may later be adopted, there exist lots, structures or uses of lots which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments, it is the intent of this chapter to permit those nonconformities. Such uses are declared by this chapter to be incompatible with authorized uses in the zoning districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other signs, structures or uses prohibited elsewhere in the same zoning district.
- B. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual construction has been diligently commenced. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing structure has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

1002. Nonconforming Lots. The following regulations shall apply to all nonconforming lots, as defined by this Chapter, in any zoning district:

- A. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article.
- B. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot. Private garages, storage sheds, swimming pools and similar structures shall be located to the rear of the permitted principal structure and may be permitted in the rear yard, provided that they are no closer than 10 feet from the rear property line and are not located on any easements or rights-of-way.

1003. Nonconforming Use of Lots. Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. 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 chapter, unless the Board shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the effective date of adoption or amendment of this chapter.

- C. If any such nonconforming use of a lot ceases for any reason for a period of more than 12 consecutive months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such lot shall conform to the regulations specified by this chapter for the zoning district in which such lot is located.
1004. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the requirements of this chapter, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- A. Structural alterations of 100 square feet or less are permitted. For those alterations that exceed 100 square feet, the Planning Commission will review and recommend to Council if an undue hardship exists and may authorize a reasonable modification of such structure.
 - B. Should such structure be destroyed by any means, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months of the date of damage.
 - C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
1005. Nonconforming Use of Structures. If a lawful use of a structure or of a structure and lot in combination exists at the effective date of adoption or amendment of this chapter that would not be allowed in the zoning district under the terms of this chapter, the lawful use may be continued, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this chapter in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or otherwise have any structural alterations made to it except in changing the use of the structure to an authorized use in the zoning district in which it is located, unless the Board shall interpret that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use.
 - B. Any nonconforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any lot or portion of a lot outside such structure, except on a lot or portion of a lot owned at the time the use became nonconforming.
 - C. Any structure or structure and lot in combination in or on which a nonconforming use is superseded by an authorized use shall thereafter conform to the regulations for the zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - D. When a nonconforming use of a structure or structure and lot in combination ceases for a period of more than 12 consecutive months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such structure or structure and lot in combination shall conform to the regulations specified by this chapter for the zoning district in which such lot is located.
 - E. Where nonconforming status applies to both the use and the structure on the lot, removal or destruction of the nonconforming structure shall eliminate the nonconforming use on the lot.
 - F. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the sign area computed in accordance with §708 of this chapter.
 - G. Nonconforming signs may not be enlarged, added to, or replaced by another nonconforming sign, use or structure, except that interchange of poster panels shall be permitted.
1006. Repairs and Maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the populace.

Article 1100. Administration and Enforcement

1101. Zoning Approval for Structural Alteration or Erection of Structures.

- A. Compliance Required. No structure shall be erected, added to or otherwise have any structural alterations made to it until zoning approval has been issued by the Borough. No zoning approval shall be issued for any structure where said construction, addition, structural alteration or use thereof would be in violation of any of the provisions of this chapter, except after such written order from the Board or the Council as this chapter may require. No zoning approval for structural alteration and erection of structures shall be issued until prior approvals and requirements of this chapter and the Subdivision and Land Development Ordinance, have been complied with, including but not limited to conditional use, use by special exception, planned residential development, and recording of the final plat of a subdivision or land development. Any zoning approval issued in conflict with the provisions of this chapter shall be null and void.
- B. Application Content. All applications for development for zoning approval for structural alteration or erection of structures shall be in the form set forth in this chapter; Subdivision and Land Development Ordinance if applicable; and in the Building Code. The application for development for zoning approval for structural alteration or erection of structures shall include the following:
 1. Two copies of application form, provided by the Borough and completed by the applicant.
 2. For authorized uses by right that are not land developments: two copies of site plan of the site clearly and legible drawn at a scale of one inch being equal to not more than 50 feet, or less, showing the following:
 - a. Name of applicant and landowner.
 - b. Name of development, if any.
 - c. Evidence of preparation by an architect, landscape architect, engineer, or surveyor.
 - d. Graphic and written scale.
 - e. North arrow.
 - f. Dates of preparation and revisions of site plan.
 - g. A site location map.
 - h. Property lines for the entire lot or site and adjacent parcels, and lot width.
 - i. Site or lot area and net site or net lot area, lot coverage, impervious surfaces and percentage of impervious surfaces.
 - j. Location and dimensions of existing and proposed public and private streets, driveways, sidewalks and other pedestrian ways, and other impervious surfaces on the lot or site and within 100 feet of the perimeter of the lot or site.
 - k. Existing and proposed structures with proposed density and approximate height of structures indicated for each proposed type of structure and use, existing and proposed gross floor area and building area.
 - l. Proposed location and dimensions of all yards and open spaces.
 - m. Topography, showing existing and proposed contours at vertical intervals of two feet if the general slope is less than 10% and at intervals of five feet if the general slope is 10% or greater and indications of compliance with steep slope limitations set forth in §502.
 - n. General proposals for the disposition of stormwater runoff.
 - o. Proposals for the disposition of sanitary wastes and the provision of water supplies.

- p. Delineation of any portion of the lot or site in mature woodlands or other woodlands showing delineation and percentage of each that will remain uncut and undisturbed during construction or development.
 - q. Delineation of any portion of the lot or site in identified floodplain areas or wetlands.
 - r. If any proposed construction or development is located entirely or partially within any identified floodplain area, the following additional information:
 - 1. Information pertaining to the floodway.
 - 2. The flow of water including direction, pressures, velocities, impact and uplift forces, and elevation of the one-hundred-year flood.
 - 3. Lowest floor elevation of any existing or proposed structures.
3. For uses authorized by conditional use, special exception, or planned residential development and for uses that are land developments - two copies - final site development plans containing the information required for a site plan in accordance with §1101.B.2. for uses by right, and in addition, information demonstrating conformity with the conditional use, special exception, planned development, or land development approved by the Borough Council.
 4. Two copies - construction plans as required by the Building Code.
 5. Such other information as lawfully may be required by the Zoning Officer to determine conformance with this chapter, and the Subdivision and Land Development Ordinance, including but not limited to the names of all the legal or beneficial owners of the applicant if the applicant is a corporation or a partnership, and
 6. Required fee.
- C. In approving an application for development the Zoning Officer may require such changes in plans for construction, addition, structural alteration or use of such structures or lots as may be necessary to assure compliance with this chapter.
 - D. Zoning approval for any structure or use may be revoked and withdrawn by the Zoning Officer if the holder of the zoning approval has failed to comply with the requirements of this chapter or with any conditions attached to the issuance of the zoning approval; and the holder of the zoning approval may be subject to penalties as provided by this chapter.
 - E. Expiration and Extension.
 1. Temporary Structures. Erection of temporary structures shall be completed within 30 days of issuance of zoning approval for structural alteration and erection of structures. Upon written request from the applicant, the Zoning Officer may extend the zoning approval.
 2. Other Structures. If no application for a grading or building permit to undertake work described in an application for zoning approval for structural alteration or erection of structures other than temporary structures, has been submitted within 12 months of issuance of zoning approval for structural alteration or erection of structures, said zoning approval shall expire automatically without written notice to the developer unless the Borough Council, in their sole discretion, extend the zoning approval upon written request of the developer received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

1102. Zoning Approval for Occupancy and Use.

- A. It shall be unlawful to use or occupy any structure or lot or part thereof until zoning approval has been issued by the Borough. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this chapter. Any change in use category shall require the requisite approval as set forth in §602, Table of Authorized Uses.

- B. No nonconforming structure, use or lot shall be maintained, renewed, changed, or otherwise have any structural alterations made to it or extended until a zoning approval has been issued by the Borough.
- C. Where zoning approval for occupancy and use is necessary to allow an occupancy permit to be issued pursuant to the Building Code, and where a building permit has been issued, zoning approval for occupancy and use shall be applied for within 10 working days after the erection of the structure or structural alteration has been completed.
- D. Temporary Zoning Approval. Temporary zoning approval may be granted by the Zoning Officer upon filing of a written application for development for temporary zoning approval for occupancy and use when a temporary or permanent occupancy permit is authorized and is eligible for approval under the Building Code or when all work described in the application for development is not complete, and subject to the following:
 - 1. The applicant shall post an acceptable financial security to the Borough to guarantee completion of the work described in an application for development for zoning approval and of all conditions attached to zoning approval within a specified time period.
 - 2. There shall be no violations of applicable zoning district regulations.
- E. Where zoning approval for occupancy and use is necessary in order to allow an occupancy permit to be issued pursuant to the Building Code for a new or changed use of a lot and where no building permit is required, zoning approval for occupancy and use shall be made directly to the office of the Zoning Officer.
- F. Zoning approval under this section shall be issued or a written notice stating why a zoning approval cannot be issued shall be given to the applicant.
- G. Temporary Structures. During the time of construction of a structure for which zoning approval has been granted and a building permit has been issued, the Zoning Officer may issue zoning approval for occupancy and use of a temporary structure for a period not to exceed 12 months. Zoning approval for a temporary structure may be extended upon reapplication at the discretion of the Zoning Officer. Zoning approval for a temporary structure shall be canceled upon written notice by the Zoning Administrator if construction of the permanent structure is not diligently pursued.
- H. Failure to obtain zoning approval shall be a violation of this chapter and may be subject to penalties as provided by this chapter.
- I. The Zoning Officer shall maintain a record of all zoning approvals issued.

1103. Financial Security

- A. Prior to granting zoning approval for structural alteration and erection of structures or zoning approval for occupancy and use or any other approval required by this chapter wherein the developer is required or has agreed, as a condition of approval, to remove or demolish any structure or to provide certain public and private improvements, the developer shall provide financial security in accordance with the provisions of the Subdivision and Land Development Ordinance. Financial security shall not be required for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945, known as the "State Highway Law," 36 P.S. § 670-101 et seq.

1104. Zoning Officer.

- A. Appointment. The Zoning Officer shall be appointed by Borough Council and shall administer and enforce this Ordinance.
- B. Duties of the Zoning Officer. In order to administer and enforce this Ordinance, the Zoning Officer shall:

1. Administer and enforce the provisions of this ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
2. Receive all applications for Building Permits, Zoning Certificates and Occupancy Permits and maintain records thereof.
3. Receive, file and forward to the Borough Council all applications for conditional uses and maintain records thereof.
4. Issue Building Permits, Zoning Certificates and Occupancy Permits for all applications that have been reviewed and approved according to the provisions of this chapter and other applicable ordinances.
5. Maintain a permanent file with all zoning certificates, occupancy permits, and applications as Public Records.
6. Receive, review and issue permits for fences, accessory uses, signs and temporary uses.
7. Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for variances and maintain records thereof.
8. Inspect buildings, structures, and uses of land to determine compliance with the provisions of this chapter.
9. Issue enforcement notices for violation of any provision of this chapter.
10. Initiate civil enforcement proceedings for failure to comply with enforcement notices unless the Borough Council, after receipt of the enforcement notice, directs to the contrary by motion or resolution.
11. Initiate, with approval or at direction of the Borough Council, appropriate equitable enforcement action to prevent, restrain, abate or correct any violation of this Chapter.
12. Revoke any order or zoning use or occupancy permit issued under a mistake of fact or contrary to the provisions of this Chapter.
13. The Zoning Officer may make and maintain accurate and current records of all legal nonconformities under this Chapter
14. The Zoning Officer may identify and register all nonconforming uses and structures as required by law. A zoning certificate shall then be issued to the owner of said use or structure.

1105. Zoning Hearing Board.

- A. Membership. The membership of the Zoning Hearing Board shall consist of three (3) residents appointed by the Borough Council by resolution. Their 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. The Board Chairman shall promptly notify Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the borough, nor shall any member be an employee of the borough.
- B. Alternate Members.
 1. Appointment of Alternate Members. The Borough Council may appoint at least one (1) but no more than three (3) residents of the borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1105.B, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall

have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the borough, nor shall any alternate be an employee of the borough. Any alternate may participate in any proceedings or discussion of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §1105.B of this Chapter. Designation of an alternate pursuant to this subsection shall be made by the Chairman of the Zoning Hearing Board on a case-by-case basis in rotation according to declining seniority among all alternates.

2. Participation by Alternate Members. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case.

- C. Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the Borough Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.
- D. Organization of the Zoning Hearing Board. The Zoning Hearing Board shall elect its officers from its own membership, 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 two members, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearings on its behalf. In such a case, the parties may, prior to the decision, waive a decision by the Zoning Hearing Board and accept the decision of the hearing officer as provided in the MPC, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the borough and the laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the borough, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
- E. Expenditures for Services. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board and alternates to the Zoning Hearing Board, when designated pursuant to §1105.A and B, may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.
- F. Conduct of Hearings. A hearing shall commence within 60 days of the filing of an administratively complete application. Public notice, mailed notice and electronic notice and as defined herein, of the hearing, shall be advertised and posted as required by the MPC, and in addition thereto the Zoning Hearing Board shall post at least one copy of the notice on the affected property. Hearings shall be conducted in accordance with the applicable provisions of the MPC.
- G. Zoning Hearing Board Decisions.
 - 1. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a decision or, when no decision is called for, make written findings on the application in accordance with the requirements of the MPC and within 45 days after the last hearing

before the Zoning Hearing Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Chapter, or any other land use ordinance, rule or regulation or any provision of the MPC shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that the hearing officer's decision or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer.

2. A copy of the final decision or, when no decision is called for, of the findings, shall be delivered personally or mailed to the applicant not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

H. Deemed Decisions – Where the Council fails to render the decision within 45 days after the last hearing or fails to commence, conduct or complete the required hearing as provided in the MPC, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. The Council shall give public notice of said decision as required by the MPC.

I. Jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications on the following matters:

1. Substantive challenges to the validity of this Chapter, except those challenges brought before the Borough Council pursuant to §609.1 and §916.1(a)(2) of the MPC.
2. Appeals from the determination of the 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.
3. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
4. Appeals from the zoning officer's determination under section 916.2. of the MPC.
5. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving a subdivision and land development or planned residential development application.
6. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance must be made pursuant to section 912.1 of the MPC.

J. Variances.

1. Application. The Board shall hear requests for variances where it is alleged that the strict application of the provisions of this Chapter inflict unnecessary hardship upon the applicant. Application for a variance shall be made in writing on the prescribed form

obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine the time and place of the hearing.

2. Who May Apply – The landowner or any tenant with the written permission of such landowner may apply for a variance.
3. Standards for Variances. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district which the property is located.
 - b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter; and that authorization of a variance is therefore necessary to enable the reasonable use of property.
 - c. That such unnecessary hardship had not been created by the applicant.
 - d. 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.
 - e. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.
4. Review by Planning Commission. The Zoning Hearing Board may request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record.
5. Conditions. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the MPC.
6. Expiration. The grant of a variance shall expire one (1) year after the date of the Zoning Hearing Board's written decision unless (a) the applicant has applied for and obtained a building permit and commenced construction, or (b) in the case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.

K. Time Limitation.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor interest.
2. Any appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within ten (10) days after receipt of the enforcement notice.

L. Stay of Proceedings.

1. Upon filing of any proceeding referred to in §919.3 and subsequent MPC references to §909.1 of the MPC and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or the Allegheny County Court of Common Pleas, on petition, after notice to the Zoning Officer or other appropriate agency or body.
2. 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 Zoning Hearing Board by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board, pursuant to provisions of the MPC.

1106. Special Exceptions.

- A. Board's Function. Where this chapter, in accordance with the Tables of Authorized Uses in §602 for the zoning district in which a property is located, allows uses by special exception granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and general criteria set forth in Articles 800 and 900.
- B. Who May Apply. The landowner or any tenant with the permission of such landowner may apply for a special exception.
- C. Conditions. In granting any special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and the purposes of the MPC.
- D. If the Board determines that the application for special exception meets all the requirements of this chapter and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the spirit and intent of this chapter, it shall direct the Zoning Officer of issue zoning approval for such special exception.
- E. Expiration. A special exception approval granted by the Board shall expire automatically without written notice to the applicant if no application for a zoning approval, building permit, or grading permit to undertake the work described in the decision granting the special exception has been submitted within 12 months of said decision, unless the Board, in its sole discretion extends the special exception upon written request of the applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one twelve-month extension. A special exception granted by the Board prior to the adoption of this section shall be subject to the provisions of this section; however, the twelve-month period shall begin with the date of adoption of this section.
- F. Application Content.
 1. All applications for conditional use approval shall demonstrate compliance with the: general standards and criteria of this Article; the applicable express standards and criteria of this Article; and the applicable lot and yard requirements of the zoning district in which the use is proposed.

2. All applications for conditional use approval shall be submitted to the Zoning Officer and contain the following items:
 - a. One full scale copy and nine half-scale copies of all required plans, maps and drawings;
 - b. Ten copies of all other application materials.
3. An application for conditional use approval shall not be considered administratively complete until all items required by this Chapter, including the application fee and and/or deposit, have been received by the Zoning Officer.
4. All applications for conditional use approval shall contain the following:
 - a. A development plan, as defined by this Chapter;
 - b. A legal document verifying applicant's legal interest in the subject property (i.e. deed, sales agreement, lease);
 - c. The application fee and/or deposit in an amount set from time to time by resolution of the Borough Council; and
 - d. Construction plans, where renovations or modifications of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.

1107. Conditional Uses.

- A. See Article 800.

1108. Appeals.

- A. Appeals may be made to the Board by any aggrieved person, firm or corporation or by any officer or department of the Borough affected by any decision of the Zoning Officer or Municipal Engineer relative to the interpretation of this chapter. Such appeal shall be made within 30 days from the date that a notice of violation is delivered to such aggrieved party by the Zoning Officer in accordance with the requirements of the MPC by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds therefor. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action was appealed. For time limitations for Appeals of Variances, see §1105K.

1109. Amendments. Amendments of this Chapter may be initiated by Borough Council, by the Planning Commission, or by a petition of a landowner within the borough in accordance with the following provisions:

- A. Petitions for amendment by landowners, other than curative amendments under §1110 of this Chapter, shall be filed in writing with the Zoning Officer, and the petitioner, upon such filing, shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of Borough Council.
- B. Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review at least forty-five (45) days before the public hearing. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council and to the petitioner. These recommendations will include a statement as to whether or not the proposed action is in accordance with the objectives of the formally adopted comprehensive plan as required by the MPC, §303.
- C. In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one (1) member of the Borough Council, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the County Planning Agency at least forty-five (45) days prior to the public hearing in accordance with the requirement of the MPC.

- D. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon 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 Borough or an owner of the mineral rights in a tract or parcel of land within the Borough who has made a timely request in accordance with MPC §109.
 - E. If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the borough at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one (1) week prior to the date of the hearing.
 - F. Notice of any proposed Zoning Map change shall also be mailed by the borough at least thirty (30) days prior to the public 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 borough. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.
 - G. If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the Borough Council shall hold another public hearing pursuant to Public Notice , mailed notice and electronic notice, before proceeding to vote on the amendment.
 - H. The Borough Council shall act on a proposed amendment to this Chapter within ninety (90) days of the date of the meeting at which the public hearing on the amendment is closed. If the Borough Council fails to so act within the said ninety (90) day period, then the proposed amendment shall be deemed denied.
 - I. Within thirty (30) days after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the County Planning Agency.
 - J. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.
1110. Landowner Curative Amendments. Any landowner who wishes to challenge, on substantive grounds, the validity of this Chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the Borough Council, in the form he/she proposes it be adopted, together with a written request that the challenge and proposed amendment be heard and decided in accordance with the requirements of the MPC. The Borough Council shall hold a public hearing, pursuant to public notice, on the matter within 60 days of receiving an administratively complete curative amendment request. Public notice of the public hearing shall be given by the borough in accordance with the requirements of the MPC. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC. The Borough Council shall comply with all applicable requirements of the MPC regarding the conduct of hearings and decisions related thereto.
- A. Referral to Planning Commission and County Planning Agency. The curative amendment and challenge shall be referred to the Planning Commission and the County Planning Agency or its designee at least 30 days prior to the public hearing for review and comment.
 - B. Declaration of Invalidity by the Court. If the borough does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
 - C. Evaluation of Merits of Curative Amendment. If the Borough Council determines that a validity challenge has merit, then the Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged

defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the Zoning Map.
3. The suitability of the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and natural features for the intensity of the proposed uses.
4. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

1111. Municipal Curative Amendments. If the Borough Council determines that this chapter or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendment provided in §609.2 of the MPC.

1112. Enforcement Notice

- A. If it appears to the Borough that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the Borough 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 at least the following:
 - 1 The name of the owner of record and any other person against whom the Borough intends to take action.
 - 2 The location of the property in violation.
 - 3 The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of 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 zoning hearing board 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 zoning hearing board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the zoning hearing board the Borough shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the Borough if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

1113. Schedule of Fees, Charges and Expenses.

- A. The Borough Council shall by ordinance or resolution adopt a schedule of fees, charges and expenses and a collection procedure for zoning approvals, planned residential development,

conditional uses, uses by special exception, special encroachment permits, variances, zoning amendments and other matters pertaining to this chapter. The schedule of fees shall be duly recorded in the ordinance or resolution Book of the Borough and posted in the office of the Zoning Officer. The schedule of fees and changes may be altered or amended only by ordinance or resolution adopted by the Borough Council.

- B. No application for any zoning approval, planned development, conditional use, special encroachment permit, zoning amendment, use by special exception, variance or other matter shall be considered unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board unless or until the preliminary charges or fees have been paid in full.
- C. The Borough Council may waive or modify fees where unusual circumstances warrant such relief.

1114. Jurisdiction – District justices shall have initial jurisdiction over proceedings brought under this section.

1115. Validity of Ordinance; Substantive Questions

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
 - 1 to the zoning hearing board; or
 - 2 to the governing body, together with a request for a curative amendment under section 1111.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the zoning hearing board for a decision .
- C. The submissions referred to in subsections A. and B. shall be governed by the following:
 - 1 In challenges before the zoning hearing board, the challenging party shall make a written request to the board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under section 1111, his application to the governing body shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
 - 2 If the submission is made by the landowner to the governing body under subsection A.2., the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
 - 3. If the submission is made to the governing body, the municipal solicitor shall represent and advise it at the hearing or hearings.
 - 4. The governing body may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
 - 5. Based upon the testimony presented at the hearing or hearings, the governing body or the zoning board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by a governing body is found to have merit, the governing body shall proceed as provide in section 609.1 of the MPC. If a challenge heard by a zoning hearing board is found to have merit, the decision of the zoning hearing board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the zoning hearing board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

- a. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - b. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - c. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - d. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - e. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- 6 The governing body or the zoning hearing board, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.
- 7 If the governing body or the zoning board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph 6, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- D. The zoning hearing board or governing body, as the case may be, shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. The challenge shall be deemed denied when:
- 1. the zoning hearing board or governing body, as the case may be, fails to commence the hearing within the time limits set forth in subsection D;
 - 2. the governing body notifies the landowner that it will not adopt the curative amendment;
 - 3. the governing body adopts another curative amendment which is unacceptable to the landowner; or
 - 4. the zoning hearing board or governing body, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Borough.
- G. Where, after the effective date of this act, a curative amendment proposal is approved by the grant of a curative amendment application by the governing body or a validity challenge is sustained by the zoning hearing board or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.
- H. Where municipalities have adopted a multimunicipal comprehensive plan but have not adopted a joint municipal ordinance and all municipalities participating in the multimunicipal comprehensive

plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating Borough involving a proposed use, then the zoning hearing board or governing body, as the case may be, shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the Borough whose zoning ordinance is being challenged.

- I. A landowner who has challenged on substantive grounds the validity of a zoning ordinance or map either by submission of a curative amendment to the governing body or to the zoning hearing board shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn: Provided, however, that if after the date of the landowner's original challenge the Borough adopts a substantially new or different zoning ordinance or zoning map, the landowner may file a second substantive challenge to the new or different zoning ordinance or zoning map under subsection A.

Article 1200. Natural Gas Regulations

1201. Intent. To regulate natural gas exploration and extraction in the Borough with the purpose of protecting quality of life, public health, safety and welfare.

1202. Definitions

Drilling Pad - The area of surface operations surrounding the surface location of a well or wells.

Hydraulic Fracturing (Fracking) - The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Natural Gas Compressor Station - A compressor engine facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells for continued delivery of oil and gas to a transmission pipeline, distribution pipeline, processing facility, or storage facility or field.

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

Oil and Gas - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and Gas Development or Development - 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 oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil and Gas Well - A bore hole drilled under a permit issued by the Department of Environmental Protection for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such.

Oil or Gas Well Site - The location of facilities, structures, materials and equipment, whether temporary or permanent, and necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

Pad Drilling - The drilling of multiple wells from a single location.

Storage Well - A well that is used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

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

1203. Conditional Use. Oil and gas development activity is a conditional use in M Manufacturing District, and is a non-permitted use in other Borough districts.

1204. Conditions.

- A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within the Borough of North Braddock unless a zoning permit under this ordinance has been issued by the Borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established in the Borough of North Braddock fee schedule.
- C. When multiple wells are located on the same well pad, a separate permit for each well is required.
- D. In addition to the other requirements to this Chapter the applicant shall provide to the Borough of North Braddock 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, the number of wells to be drilled including DEP permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.
 2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
 3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
 4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Borough of North Braddock and all applicable Emergency Responders as determined by the Borough. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all applicable Emergency Responders as determined by the Borough of North Braddock.
 5. A site plan of the oil or gas well site showing the drilling pad, planned access roads, the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the oil or gas well site configured such that the normal flow of traffic on public streets shall be undisturbed.
 6. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the oil or gas well site. The plan will identify, but not be limited to gathering lines, natural gas compressor stations, and other midstream and downstream facilities located within the (Borough) and extending 800 ft. beyond the (Borough) boundary.
 7. A site plan of the natural gas compressor station or natural gas processing plant including any major equipment and structures and all permanent improvements to the site.
 8. A narrative and map describing the planned access routes to the well sites on public roads including the transportation and delivery of equipment, machinery, water, chemicals and

other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.

9. Operator shall comply with any generally applicable bonding and permitting requirements for North Braddock roads that are to be used by vehicles for site construction, drilling activities and site operations.
10. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the Borough of North Braddock 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.
11. A statement that the applicant will make the operation's Preparedness, Prevention and Contingency Plan available to the Borough and all Emergency Responders at least 30 days prior to drilling of an oil or gas well and at least annually thereafter while drilling activities are taking place at the oil or gas well site.
12. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all applicable Emergency Responders as determined by the Borough. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple wells/well pads are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last 12 months shall be accepted. Site orientation for each well/well pad shall still be required for the appropriate Emergency Responders, as determined by the Borough.

E. Access.

1. Vehicular access to a natural gas well, oil well or well pad solely via a residential street is not permitted
2. Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.
3. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
4. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit Approval. Prior to initiating any work at a drill site, the Borough of North Braddock shall be provided a copy of the Highway Occupancy Permit.
5. Access directly to Borough / County roads shall require a Driveway Permit/Highway Occupancy Permit prior to initiating any work at a well site.

F. Height.

1. Permanent structures associated with an oil and gas well site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
3. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, pad drilling and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well or pad drilling.

G. Setbacks/Location.

1. Drilling rigs and equipment shall be located a minimum setback distance of one (1) foot for every foot of height of equipment from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
2. Natural gas compressor stations and natural gas processing plants shall comply with all general setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.

3. Well pads shall be set back a minimum of 500 feet from any residential property.
4. Well heads shall be located 800 feet from any residential property
5. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with North Braddock residents' enjoyment of their property and future development activities as authorized by the Borough's applicable ordinances.

H. Screening and Fencing.

1. Security fencing shall be required at oil or gas well sites during the initial drilling, or redrilling operations
2. 24-hour on-site supervision and security are required during active drilling operations.
3. Upon completion of drilling or redrilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
4. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary.
5. First Responders shall be given means to access oil or gas well sites in case of an emergency. Applicant must provide the County 911 Communications Center necessary information to access the well pad in the event of an emergency.
6. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
7. In construction of oil or gas well sites, the natural surroundings should be considered and attempts made to minimize impacts to adjacent properties.

I. Lighting.

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.
2. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

J. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:

1. Prior to drilling of an oil or gas well, the operator shall establish a continuous 72- hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the zoning officer within three business days of such a request.
3. The noise generated during drilling and hydraulic fracturing activities shall not exceed the average ambient noise level (as determined by the 72-hour evaluation as identified in subsection 1) or default level, whichever is higher:

- a. During drilling activities, by more than 10 decibels during the hours of 7:00 a.m. to 9:00 p.m.
- b. During drilling activities, by more than 7 decibels during the hours of 9:00 p.m. and 7:00 a.m. or by more than 10 decibels during hydraulic fracturing operations. The operator shall inform the (Borough) of which level (average ambient noise level or default level) is being used.
- 4. All permanent facilities associated with oil and gas well sites, including, but not limited to, natural gas compressor stations and natural gas processing plants, shall meet the general noise requirements of this Chapter. Where a conflict exists the more stringent requirements shall apply.
- 5. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
- 6. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.
- 7. If a complaint is received by the Borough regarding noise generated during construction, drilling, or hydraulic fracturing activities, or for natural gas compressor stations, natural gas processing plants or midstream facilities, the operator shall, within twenty-four (24) hours following receipt of notification, begin continuous monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Borough of North Braddock and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
- K. As a condition of approval, applicant shall provide all permits and plans from the Pennsylvania Department of Environmental Protection and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the Borough.
- L. Temporary housing for well site workers on the site is not permitted.

Article 1300. Planned Residential Development (PRD)

1301. Purpose. The purpose of the planned residential development regulations include:

- A. Encourage innovations in residential development to meet the growing demand for housing.
- B. Encourage greater variety in type, design and layout of residential dwellings.
- C. Conserve open space and encourage a more efficient use of land and public services.
- D. Insure increased flexibility of land development regulations.
- E. Accommodate changes in land development technology.
- F. Provide a procedure to relate the type, design and layout of residential development to the characteristics of a particular lot.

1302. Authority. The provisions of this Part are enacted pursuant to Article VII of the MPC, 53 P.S. §10701 et seq., as amended, the procedures and requirements of which are incorporated herein by reference.

1303. Compliance.

- A. A planned residential development shall be permitted within the specific zoning districts specified in §608, subject to compliance with the provisions of this Article and all applicable Borough ordinances.
- B. No planned residential development may be approved or recorded, no lot shall be sold or any structure built, altered, moved, or enlarged in any planned residential development, unless and until a development plan has been approved and recorded and until the improvements required in

connection therewith have either been constructed or guaranteed, as herein provided. In addition to the requirements of this Article, applicants and developers must also apply for and obtain any and all permits required by the Borough. Failure to comply with the provisions of this Article with respect to a recorded development plan shall be deemed to constitute a violation of this Ordinance.

1304 Pre-Application Conference.

- A. Prior to filing an application for tentative plan approval under this Article, a prospective applicant should attend a pre-application conference between the prospective applicant, the Borough Solicitor, and the Zoning Officer and/or Borough Engineer to discuss the applicable regulations governing proposed development and the feasibility and timing of the applications for approval. The pre-application conference requires no formal application or fee. This opportunity is afforded to the prospective applicant to obtain information and guidance from the Borough staff before entering into binding commitments or incurring substantial expenses for plan preparation.

1305. Tentative Plan Application and Approval Procedure.

- A. Tentative Plan Application Procedure.
1. An application for tentative plan approval of a PRD shall be filed with the Zoning Officer, on forms as prescribed by the Borough. The tentative plan application shall not be considered complete and properly filed unless or until all items required by subsection 1305B, including the application fee, have been received.
 2. The Zoning Officer shall review the application to determine whether all materials required by subsection 1305B of this Section and any other relevant Borough ordinances have been submitted by the applicant.
 3. Within 5 days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the following entities for review: the Borough Solicitor; the Borough Engineer; each member of the Borough Council; the County Planning Agency or its designee; and any other appropriate Borough personnel or professional consultants.
 4. The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the Borough Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.
- B. Tentative Plan Application Content.
1. The application for tentative plan approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the Borough, with no fewer than:
 - (a) Three full scale copies and 15 half-scale copies of all required plans, maps and drawings.
 - (b) Fifteen copies of all other application materials.
 2. The application for tentative plan approval shall contain the following:
 - (a) The existing topography of the land prepared by a licensed surveyor at not less than two (2) foot contour intervals.
 - (b) The existing land uses and approximate location of buildings and other structures.
 - (c) The character and approximate density of existing dwellings.
 - (d) The existing street system and plot lines.
 - (e) The location, size, and nature of the PRD proposed to be developed.
 - (f) The proposed topography of the land.
 - (g) The proposed street system, plot lines and plot design.
 - (h) The density of land use to be allocated to parts of the site to be developed.
 - (i) Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public and semi-public uses.
 - (j) The location and size of the perimeter buffer-yards and common open space, the location, size and type of improvements proposed within the perimeter buffer-yards and common open space, and the proposed ownership and maintenance arrangements for the common open space.
 - (k) The use and the approximate height, bulk and location of buildings and other structures.

- (l) The feasibility of proposals for water supply and the disposition of sanitary waste and storm water.
- (m) The substance of covenants, grants of easements, rights-of-way or other restrictions proposed to be imposed upon the use of the land, common open space, buildings and structures including proposed easements or grants for public utilities.
- (n) The provisions for parking of vehicles and the location and width of proposed streets.
- (o) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.
- (p) The location and design of all screening, buffer yards and landscaping indicating the type, location and height of all plantings.
- (q) Renderings of proposed dwellings.
- (r) A typical elevation and perspective drawing of proposed structures and improvements (except single-family residences) and any unusual accessory buildings. These drawings need not be the result of final architectural decisions and need not be in detail.
- (s) The extent to which the proposed development plan deviates from the otherwise applicable Borough land use, zoning and subdivision and land development regulations.
- (t) In the case of development plans which call for development over a period of years, a phasing plan and a schedule showing the proposed times within which applications for final approval of all phases of the development plan will be filed. This schedule must be updated annually, by the anniversary of its previous approval, until the development is completed and accepted.
- (u) A written statement submitted by the developer and/or landowner which sets forth:
 - (1) The reasons why the proposed development plan is in the public interest and is consistent with the purposes and requirements of this Ordinance, other Borough ordinances and the Borough Comprehensive Plan.
 - (2) An explanation of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
 - (3) A generalized statement of proposed financing for the entire area.
 - (4) A statement of the present ownership of all of the land included within the planned development.
 - (5) Any expected development problems which might cause construction delays.
 - (6) The disposition of common open space lands and the provisions for their maintenance, ownership and control.
 - (7) The purpose, location and amount of common open space within the development plan, the reliability of the proposal for maintenance and conservation of such common open space, and the adequacy or inadequacy of the amount and purpose of such common open space land as related to the proposed density and type of development.

C. Staff Review.

- 1. The Zoning Officer and any other Borough personnel or professional consultant, as directed by the Borough Council or its designee, shall review the tentative plan application documents to determine if they are in compliance with this Ordinance, other applicable Borough ordinances, the Borough Comprehensive Plan and the Borough planning objectives. These personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Borough Council or its designee.

D. Planning Commission Review and Recommendation.

1. The Planning Commission shall review the tentative plan application and associated documents and forward its recommendation to the Borough Council.
 2. If the tentative plan is deemed to have outstanding comments or unaddressed concerns, the developer shall resubmit revised drawings, supporting reports, documents and other similar material for review by the Borough staff, professional consultants and the Borough Planning Commission.
 3. The Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the tentative plan application.
- E. Public Hearing.
1. The Borough Council shall hold a public hearing, pursuant to public notice, on the tentative plan application within the time periods and procedures required by the MPC. The public hearing shall commence within 60 days of the filing of an administratively complete tentative plan application. The public hearing may be continued from time to time; provided, however, that the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
 2. Public hearings shall be conducted in accordance with the requirements of §908 of the MPC.
- F. Tentative Plan Approval Criteria. The Borough Council shall grant tentative approval to a tentative plan if the applicant establishes that each of the following criteria are met:
1. The tentative plan complies with all applicable purposes, standards, criteria and conditions of this Ordinance and preserves the community development objectives.
 2. Where the tentative plan departs from this Ordinance and other ordinance regulations otherwise applicable to the subject property, such departures are in the public interest and promote the public health, safety and welfare.
 3. The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space are adequate with respect to the purpose, use and type, of proposed residential development.
 4. The physical design of the tentative plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment. The tentative plan organizes vehicular ingress, egress and parking to minimize traffic congestion in the surrounding neighborhood.
 5. The total environment of the tentative plan is harmonious and consistent with the neighborhood in which it is located. The tentative plan is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds within the development and to the buildings and grounds of adjacent properties. The tentative plan shall, to the fullest extent possible, preserve the scenic, aesthetic and historic features of the landscape.
 6. The tentative plan affords a greater degree of protection of natural watercourses, topsoil, trees and other features of the natural environment, and the prevention of erosion, landslides, siltation and flooding than if the subject property was developed in accordance with the provisions of this Ordinance, the County's SALDO and the other ordinances which would otherwise apply.
 7. The tentative plan will be fully served by public utilities, public water systems, and a public sewer system without reducing the level of service to the remainder of the Borough.
 8. The tentative plan shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other lot or persons.
 9. The relationship of the proposed planned development is not adverse to the neighborhood in which it is proposed to be established.
 10. In the case of a tentative plan which proposes development over a period of years, the terms and conditions shall be sufficient to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- G. Borough Council Action.
1. The Borough Council shall render its decision on the tentative plan application, in writing by certified mail, within 60 days following the conclusion of the public hearing provided for in this Article or within 180 days after the date of the filing of an administratively

- complete application, whichever occurs first.
2. The Borough Council shall either:
 - (a) Grant tentative approval of the development plan as submitted.
 - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted.
 - (c) Deny tentative approval to the development plan.
 3. The Borough Council shall not act on a tentative plan application unless the Borough has received written review of the application by the County Planning Agency or its designee, or unless at least 30 calendar days have passed since the date of referral to the County Planning Agency.
 4. The written decision granting or denying tentative plan approval shall set forth with particularity findings of fact and conclusions of law related to the following:
 - (a) The manner in which the development plan would or would not be in the public interest.
 - (b) The manner in which the development plan is or is not consistent with the Comprehensive Plan.
 - (c) The extent to which the development plan departs from the requirements of this Ordinance and the County Subdivision and Land Development Ordinance otherwise applicable to the subject property including, but not limited to, density, bulk and use, and the reasons why such departures are not deemed to be in the public interest.
 - (d) The purpose, location and amount of the common open space in the proposed development plan, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
 - (e) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - (f) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established.
 - (g) In the case of a tentative plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
 5. In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the written decision the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than 3 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.
 6. The applicant shall accept or reject the conditions attached to the tentative plan approval by giving written notice to the Zoning Officer within 30 calendar days of the date of the Borough Council decision. If the applicant fails to give written notice to the Zoning Officer regarding acceptance or rejection of the conditions attached to preliminary approval within the required 30 calendar days, then the conditions shall be deemed accepted by the applicant.
 7. If the Borough Council approves the tentative plan application subject to certain conditions, then the developer shall not file a final plan application until all such conditions are addressed and complied with in a manner acceptable to the Borough.
 8. Approval of a tentative plan application shall only constitute authorization to proceed with

preparation and filing of a final plan application once all conditions of approval have been addressed and complied with in a manner acceptable to the Borough.

- H. Status of Plan after Tentative Approval.
 - 1. The official written communication shall be certified by the Borough Secretary and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
 - 2. Approval of a tentative plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits.
 - 3. In the event that a development plan is given tentative approval and thereafter, prior to final approval, the developer and/or landowner elect to abandon the development plan by written notification to the Borough, or in the event the developer and/or landowner fail to file application(s) for final approval within the required time period(s), the tentative plan approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been granted shall be subject to the otherwise applicable Borough ordinances.

1306 Final Plan Application and Approval Procedure.

- A. Prerequisites for Filing Final Plan Application. An application for final plan approval can be submitted provided that:
 - 1. The Borough Council has granted tentative plan approval to the development plan.
 - 2. All conditions imposed by the Borough Council on the tentative plan approval have been complied with in a manner acceptable to the Borough.
- B. Final Plan Application Procedure.
 - 1. An application for final plan approval of a PRD shall be filed with the Zoning Officer, on forms as prescribed by the Borough. The final plan application shall not be considered complete and properly filed unless or until all items required by subsection 1306C, including the application fee, have been received.
 - 2. The Zoning Officer shall review the application to determine whether all materials required by subsection 1306C and any other relevant Borough ordinances have been submitted by the applicant.
 - 3. Within 5 days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the following entities for review: the Borough Solicitor; the Borough Engineer; each member of the Borough Council; the County Planning Agency or its designee; and any other appropriate Borough personnel or profession consultants.
 - 4. The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.
 - 5. Any plan revisions, supplements or other amendments to an administratively complete application shall be filed with the Zoning Officer, provided that the Borough shall have at least 19 days to review these plan revisions, supplements or other amendments prior to a Planning Commission and/or Borough Council meeting.
 - 6. The final plan may be submitted in phases or sections as shown on the approved tentative plan and phasing schedule pursuant to §1305.
- C. Final Plan Application Content.
 - 1. The application for final plan approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the Borough, with no fewer than:
 - (a) Three full scale copies and 15 half-scale copies of all required plans, maps and drawings.
 - (b) Fifteen copies of all other application materials.
 - 2. The application for final plan approval shall contain the following:
 - (a) All information and data required for a final plan as specified in County SALDO.
 - (b) Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open spaces.

- (c) The use and number of families to be housed in each structure.
- (d) Renderings of proposed dwellings.
- (e) Landscaping plan, including the location of sidewalks, trails and buffer yards.
- (f) The substance of covenants, grants of easements, rights-of-way or other restrictions proposed to be imposed upon the use of the land, common open space, buildings and structures including proposed easements or grants for public utilities.
- (g) Provisions for the maintenance, ownership and operation of common open spaces and common recreation facilities.

D. Staff Review.

- 1. The Zoning Officer and any other Borough personnel or professional consultant, as directed by the Borough Council or its designee, shall review the final plan application documents to determine if they are in compliance with this Ordinance, other applicable Borough ordinances, the Borough Comprehensive Plan and the Borough planning objectives. These personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Borough Council or its designee.

E. Planning Commission Review and Recommendation.

- 1. The Planning Commission shall review the final plan application and associated documents and forward its recommendation to the Borough Council.
- 2. If the final plan is deemed to have outstanding comments or unaddressed concerns, the developer shall resubmit revised drawings, supporting reports, documents and other similar material for review by the Borough staff, professional consultants and the Borough Planning Commission.
- 3. The Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the final plan application.

F. Borough Council Action.

- 1. In the event an administratively complete application for final plan approval has been filed in accordance with this Article and the relevant tentative plan approval decision letter, the Borough Council shall render its decision on the final plan application, in writing by certified mail, within 45 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application; provided, that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said 45-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Borough Engineer shall be made a part of the record at the said Borough Council meeting.
- 2. If the development plan as submitted contains variations from the development plan granted tentative approval, the Borough Council may refuse to grant final approval. The Borough Council must forward written notice of such refusal to the landowner and/or developer within 45 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application; provided that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said 45-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. This written notice of refusal shall set forth the reasons why one or more of the said variations are not in the public interest. In the event of such refusal, the landowner and/or developer may either:
 - (a) Refile the application for final plan approval without the objected variations.
 - (b) File a written request with the Borough Council to hold a public hearing on the application for final approval. This public hearing shall be held within 30 days of the Borough's receipt of the request and the hearing shall be conducted in accordance with the procedures for hearing on tentative plan applications. Within

30 days after the conclusion of the public hearing, the Borough Council shall issue a written decision either granting or denying final plan approval, said decision shall be in the form required for tentative approval.

Either of these actions shall be taken at any time during which the landowner and/or developer is entitled to apply for final approval or shall be taken within 30 days of receiving the written notice of refusal if the time for filing the final plan application has already passed. In the event that the landowner and/or developer have failed to take any of these actions within the time specified, he shall be deemed to have abandoned the development plan.

1307. Recording. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in §508 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10508, of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of §513(a) of the MPC, 53 P.S. §10513(a), and post financial security in accordance with §509 of the MPC, 53 P.S. §10509, and in accordance with the Borough's subdivision regulations.

1308. Abandonment and Revocation. The final approval of a development plan shall be revoked if the landowner and/or developer provides the Borough with written notice of his intention to abandon the plan, or if the landowner and/or developer fails to commence and carry out the PRD in accordance with the time provisions referenced in §508 of the MPC, 53 P.S. §10508, and/or the final plan approval decision. Upon the occurrence of such a revocation, no further development shall occur on the property that is the subject of the revoked development plan until after the said property is reclassified by enactment of an amendment to the Zoning Ordinance in the manner prescribed for such amendments in MPC Article VI.

1309. Fees. At the time of filing an application for preliminary development plan approval, the applicant shall make payment to the Borough a fee in amount as established from time to time by resolution of Borough Council for filing and review costs, and to cover advertising costs. This fee shall also cover costs of reclassifying the subject area after approval of all final plans, to the Planned Residential Development (PRD) which shall be recorded on the official zoning map of the Borough, within ten (10) days after final approval.

1310. Design Standards.

A. All improvements within the proposed PRD shall be designed and constructed in accordance with the requirements of this Article, and any other applicable Borough ordinance. If the provisions of this Article are inconsistent with any other provision of a Borough ordinance, then the provisions of this Article shall govern. Each PRD shall be planned as an entity, and such planning shall include a unified site plan, consideration of land uses and usable open spaces, site related vehicular and pedestrian circulation systems, and preservation of significant natural features. The plan may consider a multiplicity of housing types as well as nonresidential uses when integrated to serve the residents of the PRD.

B. All PRDs shall comply with the following requirements:

1. Use Regulations for Planned Residential Developments.

(a) In any Planned Residential Development, land, buildings, or premises shall be used only for one (1) or more of the following after review by the Borough Planning Commission and after review and approval by the Borough Council. In

the evaluation of such, the approval of location, the site plan, general and detailed character of the use or development, and such other standards as listed herein or as may be required by the Borough Council, shall be provided before approval:

- (1) Single-family dwelling (detached), Two-family, Multi-family, or multiple family dwellings, places of worship, public or private schools conducted primarily to serve the educational needs of the Borough when not conducted for profit or gain; public parks, playgrounds, municipal recreation areas and open space reservation; private or semi-private recreation areas when not operated for gain or profit; municipal buildings, public libraries and other public buildings; signs when erected and maintained in accordance with provisions of this Section; and,
- (2) Retail and service commercial uses designed to serve the Planned Residential areas, including but not limited to, those permitted as follows: stores of less than 5000 square feet for the retailing of food, drugs, confectionery, hardware, bakery products, clothing, household appliances, flowers or house plants; personal service shops, including barbers, beauty parlors, tailors, shoe repair and dry cleaning; banks, business and professional offices; restaurants, tea rooms, cafes and other places serving food and beverages; medical and dental clinics and laboratories; and any public recreation use; only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold, or displayed on the premises, shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Article 700; and, golf course, country club and similar recreation areas. At least eighty percent (80%) of the total planned dwelling units of the total project must be physically constructed prior to any non-residential use construction.
- (3) Accessory Uses. All accessory uses located on the same lot that are customarily incidental to any of the above permitted uses, including private garages, shall be permitted.

2. Area and Bulk Regulations. The following regulations shall be observed (all of the following must be served by public sewer and water facilities).

- (a) The minimum size of a planned development shall be two acres (2.0) acres.
- (b) Yard and Lot Area Controls. The average or overall density for all types of combined dwelling units shall not exceed eighteen (18) dwelling units per gross acre for the entire Planned Residential area. A minimum five thousand (3,000) square foot lot area shall be provided for each residential unit. Building and paving coverage shall not exceed forty (40%) percent of the gross site or partial site being developed.

- (1) Yard Controls. Yard controls shall be flexible for all types of dwelling units proposed with the following minimum regulations being observed.
 - (i) Single-family and Two-family Dwellings:
 - a. Rear yard shall not be less than twenty (20) feet.
 - b. Side yard shall not be less than ten (10) feet each or a total of twenty (20) feet per dwelling.
 - c. Front yards shall not be less than shown below for various topographic areas and slope areas:

Average Lot Slope	Minimum Front Yard
0 - 5%	30 feet
5% - 10%	25 feet

10% - 15%	20 feet
15% and over	15 feet

- (ii) All Dwellings Other than One-family. A total of thirty (30) feet for both front and rear yards with a minimum front or rear yard of ten (10) feet each; side yards for ends of structures shall not be less than the height of structure or in no case less than thirty-five (35) feet.
- (c) Open Space.
 - (1) The net difference between designated lots for building purposes and net site acreage (gross site area less streets and rights-of-way) shall be proposed for residual open space to be maintained by a homeowners corporation and/or made available for dedication to the Borough. In any case, fifteen (15%) percent of the gross site area shall be designated for public and/or private recreation and open space area.
 - (2) The amount, location, and proposed use of all open-space land within the site must be clearly shown. Of the gross area of open-space land, fifty (50%) percent must be suitable for active recreational purposes and access to these open-space lands must be convenient to all residents. For purposes of calculation, such areas as parking lots are not considered as open space land. In addition, land lying within twenty (20) feet of any townhouse or apartment dwelling shall not be considered as open-space land.
- (d) Non-Residential (Supporting Commercial) Uses. Supporting commercial uses shall be confined to five (5%) percent of the gross PRD site acreage and shall meet all regulations of this Ordinance.
- (e) Supplemental Design Standards.
 - (1) Buildings shall be so designed as to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings.
 - (2) Streets shall be so designed as to discourage through traffic on the site.
 - (3) Signs shall be permitted and are limited by Article 700.
 - (4) The Planning Commission may require such additional standards as are applicable to the proposed site and any development thereon such as grading, parking, landscaping.
- (f) Buffer Areas. If within the Planned Residential area, a proposal is made to construct Single-family dwellings adjacent to multiple-family dwelling of any type, a minimum one hundred (100) foot buffer zone, exclusive of streets or rights-of-way, shall be provided between such differing types of dwelling units. Said buffers shall be densely landscaped to differentiate between the differing housing types.
- 3. Height Regulations. No building, shall be erected to a height in excess of thirty-six (36) feet, except as provided otherwise in this ordinance.
- 4. Off-Street Parking Regulations. As required by §505.
- 5. Water Supply. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned residential development, applicants shall present evidence to the Borough Council that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

- 1311. Deviation by Waiver Prior to Final Plan Approval.** Prior to final plan approval of the PRD, the Borough Council may approve deviations from the requirements of this Article. Requests for deviations from the requirements of this Article shall be subject to the application and approval procedures, requirements and standards for waivers under the Subdivision and Land Development Ordinance.
- 1312. Enforcement and Modification of Provisions of a Final Approved PRD Plan.** Enforcement and modification of provisions of a final approved PRD plan shall be in accordance with Article VII of the MPC, 53 P.S. §10701 et seq.
- 1313. Nonseverability.** The provisions of this Article are not severable. In the event any portion of this Article shall be declared invalid and unenforceable, it is the intention of the Borough that the PRD Planned Residential Development be eliminated in its entirety, with the zoning classification of property within the PRD reverting to the underlying zoning district.

Article 1400. Solar Systems

- 1401 Purpose - It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots and parcels. This ordinance seeks to:
- A. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs.
 - B. Reduce overall energy demands within the community and to promote energy efficiency.
 - C. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
- 1402 Applicability
- A. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
 - B. Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
 - C. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Article.
- 1403 Permitted Zoning Districts
- A. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this Article and as elsewhere specified in this Ordinance.
 - B. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.
- 1404 Locations Within a Lot

- A. Building-mounted systems are permitted to face any rear, side and front yard or an unregulated yard area as defined by this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- B. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

1405 Design and Installation Standards

- A. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.
- C. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

1406 Setback Requirements - Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

1407 Height Restrictions

- A. Notwithstanding the height limitations of the zoning district:
 - (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, 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.
 - (2) For a building-mounted system 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.
- B. Notwithstanding the height limitations of the zoning district:
 - (1) 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.
- C. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where solar PV system is to be installed.
- D. Any solar installation approved after the date of this Ordinance and that exceeds the maximum building height of the zoning district, shall not constitute a non-conformity so long as it complies with other provisions of this Ordinance.

1408 Screening and Visibility

- A. Building-mounted systems on a sloped roof shall not be required to be screened.
- B. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a 50 foot radius of the property, exclusive of an alley as defined by this Ordinance, at a level of five (5) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with

architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a 50 foot radius at a level of five (5) feet from the ground.

1409 Impervious Lot Coverage Restrictions - The surface area of any ground-mounted system, 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. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

1410 Non-conformance

A. Building-mounted systems:

- (1) If a building-mounted system is to be installed on any building or structure that is a non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system may be granted an administrative approval by the Zoning Officer so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.
- (2) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system may be granted administrative approval by the Zoning Officer so long as there is no expansion of any setback or lot coverage non-conformity.

B. Ground-mounted systems: If a ground-mounted system is to be installed on a lot that is a non-conforming because the required minimum setbacks are exceeded, the proposed system may be granted an administrative approval by the Zoning Officer so long as the proposed installation does not increase the setback non-conformance of the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates any other district requirements not mentioned herein, a variance must be obtained for the proposed installation.

1411 Signage or Graphic Content - No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

1412 Performance Requirements - All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in this Article of this Zoning Ordinance.

1413 Vacation, Abandonment and/or Decommissioning

- A. Discontinuation and/or abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six (6) continuous months without being connected to a battery system 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 Municipality.
- B. A solar PV system including its solar PV related equipment must be removed within twelve (12) months of the date of discontinuation and/or abandonment or upon termination of the useful life of the solar PV system.

- C. 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.
- D. If an owner fails to remove or repair the vacated, abandoned or decommissioned solar PV system within six (6) months, the Borough reserves the right to enter the property, remove the system and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense.
- E. Any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar PV system shall constitute a lien upon the lot 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 the property tax liens.

1414 Permit Requirements - Before any construction or installation on any solar PV system shall commence, the Applicant shall obtain a Permit to document compliance with this Ordinance as issued by the Borough.