

**BOROUGH OF WAYNESBURG**

**ORDINANCE NO. 1 - 2011**

**AN ORDINANCE OF THE BOROUGH OF WAYNESBURG, GREENE COUNTY,  
PENNSYLVANIA, AMENDING CERTAIN PROVISIONS OF BOROUGH ORDINANCE  
NO. 1- 1995, COMMONLY KNOWN AS THE ZONING ORDINANCE OF  
WAYNESBURG BOROUGH AND ADOPTING A NEW ZONING ORDINANCE OF  
THE BOROUGH OF WAYNESBURG.**

**WHEREAS**, the Borough Council of the Borough of Waynesburg has established the  
Waynesburg Borough Zoning Ordinance through its enactment of Ordinance No. 4-1969, and  
Ordinance No. 1-1995, as amended, and the Borough Council now wish to further revise and  
update said Zoning Ordinance and adopt a new Zoning Ordinance in its entirety; and

**WHEREAS**, the Council find, for the reasons hereafter set forth, that the adoption of the new Ordinance in this matter significantly promotes the health, safety, morals, convenience, and general welfare of the present and future inhabitants of the Borough of Waynesburg.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Waynesburg, Greene County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

**ZONING ORDINANCE OF THE  
MUNICIPALTY OF WAYNESBURG  
GREENE COUNTY, PENNSYLVANIA**

**ARTICLE ONE**

**GENERAL PROVISIONS**

1-101      SHORT TITLE

This Ordinance shall be known and may be cited as the “Waynesburg Zoning Ordinance,” and the zoning district map shall be known and may be cited as the “Official Waynesburg Zoning Map.”

1-102      STATEMENT OF PURPOSES

The fundamental purpose of this Ordinance is to promote the safety, health, convenience and general welfare; to encourage the most appropriate use and reuse of land throughout the Municipality; to conserve and stabilize the value of property; to prevent overcrowding of land and buildings; to avoid under

concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open spaces for light and air; to facilitate adequate provision of roads, water, sewerage, drainage and other public facilities; to conserve life, property and natural resources; and to conserve the expenditure of funds earmarked for public improvements.

1-103 COMMUNITY DEVELOPMENT OBJECTIVES

The following Statement of Community Development Objectives identifies short and long-term land use and development objective for the Municipality and provides a legal basis for the specific provisions of this Ordinance.

103.1 Community Development Objectives

1. Continue efforts to preserve, enhance and upgrade the established residential neighborhoods and to prevent the intrusion of incomplete land uses into these areas.
2. Provide for a diversity of housing types to meet the needs of various age and income groups.

3. Preserve the small town character of the community.
4. Preserve the historic quality of the existing historic structures.
5. Make provisions for personal care homes within certain zoning districts.
6. Support and encourage continued development and improvement of the downtown business district.
7. Ensure adequate off-street parking and loading areas for business district.
8. Improve the quality of landscaping around parking lots, mobile home parks and within existing parks themselves.
9. Ensure that all portions of the community are properly served by police, fire and other emergency services.

1-104 APPLICATION OF THE REGULATIONS

104.1 Uniformity of Regulations and Exceptions:

The regulations established by this Zoning Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except that additional classifications may be made within any district for the purposes of: (1) making transitional provisions at or near the boundaries of districts; (2) regulating nonconforming uses and structures; (3) regulating, restricting or prohibiting uses and structures at or near major thoroughfares, their intersections and interchanges, natural or artificial bodies of water; places of relatively steep slope or grade; public buildings and grounds; places having unique historical or patriotic value or interest; floodplain areas and other places having a special character or use affecting or affected by their surroundings. Among several classes of zoning districts, the provisions for permitted uses may be mutually exclusive, in whole or in part.

104.2        Compliance: No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all applicable provisions of this Ordinance. No changes shall be made in the contour of the land; no grading; excavation; removal or destruction of topsoil, trees or other

vegetative cover of land shall be commenced until the zoning certificate has been issued in compliance with the terms of this Ordinance.

104.3 Future Annexations: All territory which may hereafter be annexed to the Municipality shall be considered to be in the R-1 Residential District until otherwise classified.

104.4 Reclassification of Public Facility If Use Ceases: In the case that any public building, facility or land area, such as a school, recreation area, community center or municipal building, shall cease to be used according to its intended function, the Planning Commission shall study the existing zoning classification of the property on which the said use is located and shall make recommendations to the Governing Body on any necessary zoning changes to ensure a suitable reuse of the parcel. This study and recommendation shall be made by the Governing Body within 90 days of the notification by the appropriate public entity of the intent to terminate the existing use of the property.

104.5 Preservation of Other Regulations: Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any federal, state or county law or regulation.

Currently, the Municipality does not have a Subdivision/Land Development Ordinance and these provisions, must be met by the Greene Co. Subdivision Ordinance.

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

However, any building permit which was issued subsequent to the first public hearing on this Ordinance built prior to the Ordinance's effective date shall be declared void at the time of adoption of this Ordinance, if the structure or use does not conform to the provisions of this Ordinance and if no substantial construction has begun or contract(s) let.

104.7 Public Utility Corporations: The provisions of this Ordinance shall not apply to any existing or proposed building as stated in Section 619 of the Pennsylvania Municipalities Planning Code.



1-105 INTERPRETATION

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

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

1-106 REPEAL OF CONFLICTING ORDINANCES

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

1-107 VALIDITY

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

1-108 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Governing Body.

## **ARTICLE TWO**

### **DEFINITIONS**

#### 2-201 RULES OF INTERPRETATION

201.1 For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows.

Words used in the present tense shall include the future.

Words in the singular shall include the plural.

The word “person” includes a corporation, company, partnership and association, as well as an individual.

The word “lot” includes the words “plot” or “parcel.”

The term “shall” is always mandatory.

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

The word “building” includes the word “structure.”

201.2 The particular shall control the general.

201.3 Whenever a measurement of distance is called for by this Ordinance, it shall be taken from the principal entrance or access of one use or structure to the principal entrance/access of another along the most direct line or route on, along or across public streets.

In addition to the following definitions, diagrams illustrating key lot, area and dimensional terms appear at the end of this Article. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

**ACCESSORY USE OR STRUCTURE:** A use, building or structure, the use of which is customarily incidental and subordinate to the main or principal use, building or structure and which is located on the same lot therewith.

**ADULT-ORIENTED USE -** Any adult bookstore, adult cabaret, or adult mini-motion picture theater, as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors.

- (a) **ADULT STORE -** an establishment, having a substantial or significant portion of its stock in trade (for sale or rental), books, magazines or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas' as defined herein.
  
- (b) **ADULT CABARET -** a cabaret, tavern, theater, or club which features strippers,

male or female impersonators, or similar entertainers who exhibit, display, or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code.

- (c) ADULT MINI-MOTION PICTURE THEATER - an enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines.
  
- (d) ADULT THEATER - any business, indoor or outdoor, which exhibits a motion picture show or other presentation which in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse as defined in the Pennsylvania Obscenity Code.
  
- (e) MASSAGE ESTABLISHMENT - any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or

similar manipulation of the human body is offered as an incidental or accessory service.

- (f) ANATOMICAL AREA, SPECIFIED - the depiction of male genitals in a discernibly turgid state, whether uncovered or completely and opaquely covered.
- (g) SEXUAL ACTIVITIES, SPECIFIED -
  - 1. Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genital pubic area, buttocks, or if such a person be a female, breasts.
  - 2. The condition of human male or female genitals when in a state of sexual stimulation or arousal.
  - 3. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

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

**ALTERATION:** An incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another; or by change in use from that of one district classification to another.

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

**APPLICANT:** A landowner or developer, as hereinafter defined, who has filed an application for development including his/her heirs, successors and assigns.

**APARTMENT:** (See dwelling, multifamily).

**AUTOMOTIVE WRECKING:** An area where dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.



**BASEMENT OR CELLAR:** A story wholly or partly underground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet.

**BED AND BREAKFAST:** A dwelling which is the principal residence of the operator where no more than three (3) sleeping rooms are offered to transient overnight guests for compensation and where the only meal included with the over night accommodations is breakfast.

**BILLBOARD:** A sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered; it may be either freestanding or attached to the surface of a building or other structure, or applied directly to the surface (See also Sign).

**BLOCK:** An area bounded by three or more streets.

**BOARD:** The Zoning Hearing Board established by this Ordinance.

**BOARDING (or ROOMING) HOUSE:** A residential building other than a hotel in which part or parts are kept, used or held out to be a place where sleeping accommodations (with no separate kitchen facilities and with shared or private baths) are provided for compensation for three or more persons. A boarding house shall not include dormitories, fraternity or sorority houses or any residence that provides personal services associated with a group residence or personal care home as defined by this Ordinance.

**BUFFER AREA:** An area of land which may include natural or artificial land forms or a planted area with shrubs, bushes, trees, grass or other ground cover material; which provides a compact visual screen and protection for adjacent properties.

**BUILDING:** Any covered structure that is permanently affixed to the land; included shall be all manufactured homes and trailers to be used for human occupancy.

**BUILDING LINE:** A line which designates the minimum distance that a building must be erected from a street right-of-way line. Such distance shall be measured at right angles from the front street right-of-way which abuts the

property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps.

**BUILDING AREA:** The area of the lot within the building lines, bounded by the required yards; where there is no required yard, then bounded by the lot line.

**BUILDING SPACING:** The minimum distance between two buildings. The building spacing shall be measured from the outermost wall or projections, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters, provided these exceptions do not encroach more than 2 feet.

**BULK:** The term used to describe the size of buildings and their relationship to one another, to open areas, and to lot lines. Requirements relating to the bulk include standards for size, including area, height and floor area of a building; the number of dwelling units in a residential building in relationship to the area of the lot; and areas in yards or other open spaces.

**BUSINESS AND PROFESSIONAL OFFICE:** The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person; and any office used primarily for accounting,

correspondence, research, editing or administration. Not included in this definition are banks and other financial institutions.

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

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

**CARWASH:** A structure, or portion thereof, either fully or partially enclosed, where one or more vehicles may be washed using mechanized equipment or by self-service.

**CELLAR:** (See Basement).

**CEMETERY:** A burial place or graveyard including mausoleum, or crematory.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the Zoning Officer upon site inspection, attesting that the use or structure meets all requirements of this Ordinance, complies with all approved plans and may be used or occupied for the specified use.

**CHURCH:** (See Place of Worship).

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

**CLUB:** An association organized and operated not for profit for persons who are bona fide members paying annual dues, and which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises,

provided adequate dining room space and kitchen facilities are available.

Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

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

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

**COMMERCIAL SCHOOL:** An establishment providing non-academic and non-credited training, vocational or trade education courses and programs for a fee.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents or occupants of the development, but excluding streets, off-street parking areas, and areas set aside for public facilities.

**CONDITIONAL USE:** An authorized use, which may be granted only by the Governing Body pursuant to express standards and criteria prescribed in this Ordinance and defined in Article VI in the M.P.C.

**CONSTRUCTION SIGN:** A temporary sign erected during the course of construction only announcing the name of the contractors, architects, and owner associated with this project.

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

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

CONSTRUCTION TRAILER: A vehicle with or without its own motive power and used for a temporary field office or storage purposes at a construction site.

CORNER LOT: (See Lot, Corner).

COUNCIL: The Council of the Municipality of Waynesburg.

COUNTY: Greene County, Pennsylvania.

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

DAY CARE CENTER:

CHILD: A facility providing care, supervision and/or Instruction for children under the age of 12 years for a period of less than 24 hours and



licensed to operate as such by the Pennsylvania Department of Public Welfare.

**ADULT:** A facility providing care for less than 24 consecutive hours for three or more adults who are not relatives of the operator and who because of physical or mental infirmity require assistance to meet personal needs, but who do not require nursing care.

**DECK:** A structure, either built on-grade or above grade, used for outdoor seating or gathering that does not contain walls but may contain a roof or handrail.

**DENSITY:** A measure of intensity of use expressed as in dwelling units per acre.

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

DEVELOPMENT PLAN: The provisions for the development of a site, including a plan or subdivision, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

DEVELOPMENT SIGN: A temporary sign, erected during the course of construction and/or development only, by the owners, developer or their agent.

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who undertakes a development.

DORMITORY: Building and premises where full-time students reside and are currently enrolled in a college or university.

DUPLEX: (See Dwelling, Two Family).

DWELLING UNIT: Any building or portion thereof constituting a separate independent housekeeping establishment for one or more persons, and containing independent cooking, sanitary and sleeping facilities. It shall not be deemed to include hotels, boarding houses, nursing homes, institutional facilities, personal care homes, group residences, and residence clubs.

**SINGLE FAMILY DWELLING:** A detached residential dwelling unit, occupied by only one family, that has a permanent footing and foundation and complies with the building ordinance requirements.

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

**MULTI-FAMILY DWELLING:** A residential building containing three or more separate dwelling units.

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

**ELDERLY HOUSING:** A residential building containing dwelling units who's principle use is occupancy by residents who are sixty (60) years of age or older or who are physically handicapped residents of any age and which may contain special features associated with the needs of the elderly or handicapped which are

not usual in construction for dwellings and must conform to present A.D.A. design requirements.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, and duly appointed as the engineer for the municipality.

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

FAMILY: One or more persons related by blood, adoption, or marriage, occupying a dwelling and living and cooking together as single housekeeping units as distinguished from a group occupying a boarding house, personal care home, club, fraternity or hotel. Or a group of not more than two persons, who need not be related by blood, marriage or adoption, who are living together in a dwelling unit and maintaining a common household.

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

FENCE: Any structure constructed of wood, metal, wire, mesh or masonry erected for the purpose of screening one property from another to assure privacy, protection or confinement of the property.

FLOODPLAIN: A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; and/or an area subject to the unusual and rapid accumulation or runoff of surface waters.

FLOODPLAIN DISTRICT: All areas subject to the inundation by waters of the 100 year flood, including areas identified as floodway (FW), flood-fringe (FF) and general floodplain area (FA). The basis for delineation of this district shall be the same as designated in the documentation of the Flood Insurance study, the Flood Insurance Rate Map and the Flood Boundary and Floodway Map for the Municipality, as prepared by the Federal Emergency Management Administration (FEMA).

FLOOR AREA RATIO: The gross floor area of the structure divided by the lot area of the zoning lot on which the building is place.

FRATERNITY HOUSE: Building and premises where full-time students reside and are currently enrolled in a college or university.

FRONT YARD: (See Yard, Front).

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

GASOLINE SERVICE STATION: Building and premises where petroleum products, batteries, tires and automobile accessories may be supplied and sold at retail, and where services may be rendered in connection with these products, such as state inspection, greasing, hand washing, polishing, lubricating and similar services, and minor repair work.

GRADE: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

GREENHOUSE: The indoor raising of plants, shrubs, and trees for sale and transplantation.

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

**GROUP CARE FACILITY:** An establishment that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social and/or rehabilitative services provided by governmental agencies or any licensed non-profit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one(1) responsible adult shall always be in actual residence on a twenty-four (24) hour basis. The number of residents within this structure shall not exceed then (10) persons, including supervisory adults. This category shall not include facilities for persons who are criminal offenders or who are awaiting trial for any crimes.

**GROUP RESIDENCE:** A facility located in a residential area, which provides room, board and specialized services to not more than eight unrelated persons, such as children (under 18 years), handicapped or elderly (over 60 years) individuals. The individuals must be living together as a single housekeeping unit, in a family environment, with one or more adults providing appropriate 24-hour supervision. The group residence may be operated by a governmental agency, their licensed or certified agent, or any other responsible nonprofit social service corporation. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

**HEIGHT, MAXIMUM:** The vertical distance measured from the average of the elevation of the proposed finished grades immediately adjacent to all exterior walls of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located shall not be included in calculating maximum height.

**HISTORIC DISTRICT:** Any area within the Municipality designated as an historic district by the Bureau for Historic Preservation of the Pennsylvania



Historical and Museum Commission listed on the National Register of Historic Places and/or included in the current Historic Preservation Ordinance adopted by the Municipality.

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

**HOSPITAL:** A duly licensed institution providing acute medical or surgical care and treatment for the sick and injured.

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

**IMPERVIOUS SURFACE:** A surface which resists the entrance or passing through of water or other liquids.

INDOOR AMUSEMENT: Any establishment which provides amusement, recreation or entertainment for the general public within a completely enclosed structure for a fee including but not limited to dance halls, bowling alleys, billiard hall, spas, health club but not including theaters or amusement arcades which are defined separately.

INDUSTRIAL: (See Manufacturing).

INSTITUTIONAL FACILITY: An establishment that provides room and board to more than eight persons who are residents by virtue of receiving supervised, specialized services limited to health, social and/or rehabilitative nature. The facility is operated by a governmental agency, their licensed or certified agents or any other responsible social service corporation. The facility shall be appropriately staffed on a 24-hours basis as normally prescribed by County or Commonwealth regulations. This facility shall not include business or professional offices, business activities, fraternal or social clubs, hospitals, nursing homes, rooming or boarding homes.

JUNKYARD: (See Salvage Yard).

**KENNEL:** Any lot or premises on which four or more dogs, cats or other domestic animals, at least four months in age are kept.

**LAND DEVELOPMENT:** (i) The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land; (iii) development in accordance with Section 503(1.1) of the M.P.C.

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

**LOADING SPACE, OFF-STREET:** Off-street space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

LOT: Any parcel or tract of land on which buildings are placed, together with the required open spaces, or a vacant parcel as established by a plat. Such lot shall front on an improved public street or on an approved private way.

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

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

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

LOT AREA: The total area within the boundary of a lot but excluding any area of land within the right-of-way of any public street.

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

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

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

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

LOT LINE, REAR: The lot line that is most distance from, and is, or is most nearly, parallel to, the front lot line. If a rear lot lines is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot lines shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

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

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

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

**MANUFACTURED 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. Said Home must bear a label, as required and referred to in the Act of November 17, 1982 (P.L. 676, No. 192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, which certifies that it conforms to Federal Construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633), nor shall it apply to industrialized housing, as defined in the Act of May 11, 1972 (P.L. 286, No. 70), known as the Industrial Housing Act. Except as provided in the Uniform Construction Code, said Code does not apply to a new manufactured housing assembled by and shipped from the manufacturer and which bears said label.

**MANUFACTURED HOME LOT:** A parcel of land in a manufactured home park, improved with the necessary utilities connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is sold or leased by the park owner to the occupants of the manufactured home erected on the lot.

**MANUFACTURED HOME PARK:** A parcel (or continuous parcels) of land, which has been planned for the placement of two or more manufactured homes.

**MEDICAL OFFICE:** A facility for the examination and treatment of ill and afflicted human out-patients, including doctor and dental offices and clinics, provided that patients are not kept overnight except under emergency conditions.

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

**MOBILE HOME:** factory built homes not bearing a label, as required and referred to in the Act of November 17, 1982 (P.L. 676, No. 192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, which certifies that it conforms to Federal Construction and safety standards

adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633), nor shall it apply to industrialized housing, as defined in the Act of May 11, 1972 (P.L. 286, No. 70), known as the Industrial Housing Act and the Pennsylvania Uniform Construction Code. Normally, the homes are constructed prior to 1976.

**MODULAR BUILDINGS:** Sectional prefabricated buildings that consist of multiple modules or sections which are manufactured in a facility and then delivered to their intended site of use. The modules are assembled into a single building using either a crane or trucks. Modular buildings are designed for erection or installation on a site-built permanent foundation and not designed to be moved once so erected or installed on the site-built permanent foundation. Modular Buildings are designed and built to conform to the Pennsylvania Uniform Construction Code with a building permit required from the Code Enforcement Officer of the Borough. A Manufactured Home is not Modular Building. Modular Buildings are single family dwellings.

**MUNICIPALITIES PLANNING CODE (PLANNING CODE FOR MPC):** The Pennsylvania Municipalities Planning Code, Act 247 of 1968 (P. L. 805, No 247 as amended, 53 P.S. 10101 et. seq.).



NONCONFORMING LOT: A lot which does not comply with the applicable area and bulk provisions of this ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NONCONFORMING STRUCTURE: A structure, or part of a structure manifestly not designed to comply with the applicable area, bulk or other provisions in this ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment. 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 which this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NURSING OR CONVALESCENT HOME: An institution for the care of children, the aged or infirm, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed or certified in accordance with state and county laws and

regulations. The term shall not include facilities or acute care or institutions for the care and treatment of mental illness; alcoholism, or narcotics addiction.

OBSCENITY CODE, PENNSYLVANIA: Subsection 5903, Title 18, Pennsylvania consolidated Statutes, as amended.

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

PaDER: The Pennsylvania Department of Environmental Resources.

PaDOT: The Pennsylvania Department of Transportation.

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

**PARKING SPACE:** An off-street space for parking motor vehicles and which has a hard, all-weather surface (asphalt, concrete covered to permit reasonable use at all times) and is at least 9 feet wide by 18 feet long, exclusive of passageways, driveways and access lanes.

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

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

**PERSONAL CARE BOARDING HOME:** A facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three (3) permanent residents who are not relatives of the operator and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet, and medication prescribed for self-administration for a period exceeding twenty-four (24) hours, but who are not in need of hospitalization or skilled or intermediate nursing care.

**PLACE OF WORSHIP:** A church, synagogue or similar place where religious services are held.

**PLANNING COMMISSION:** The Municipality of Waynesburg Planning Commission.

**POLITICAL SIGN:** A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue of concern which a public election is scheduled to be held.

**PORCH:** A roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood or other material more than 30 inches above the floor thereof, except awning or screening or the necessary columns to support the roof.

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

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

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

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

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

**PUBLIC BUILDING OR USE:** Building or facility operated by a governmental agency or philanthropic organization, where administrative activities are conducted or social or educational services are provided to the general public.

Such uses shall include, but are not limited to, a municipal building, library, community center, museum, or similar use/facility, excluding a school or recreational facility as defined by this Ordinance.

**PUBLIC/ESSENTIAL SERVICE:** Underground or overhead gas, electrical, steam, water or communication transmission, distribution, collection, supply or disposal systems and their required buildings and fire or emergency service stations, provided such facilities are owned and operated by a governmental agency or entity regulated and/or licensed by the Pennsylvania Public utility Commission (PUC). Public/essential services shall not include public or private incinerators, landfills, or similar waste disposal facilities, whether or not owned or operated by a government or PUC-regulated entity.

**PUBLIC MEETING:** A forum held pursuant to notice under the act of July 3, 1986, (P.L. 388, No. 84), known as the “Sunshine Act”.

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

the second publication shall not be less than seven days from the date of the hearing.

**QUADRAPLEX:** A separate building designed for or occupied exclusively as a residence by four families in which each unit has at least two (2) walls exposed to the outside and shares one (1) or two (2) common walls or floors/ceilings with an adjoining unit.

**RECREATIONAL FACILITY, PUBLIC OR NONPROFIT:** Land or buildings for the pursuit of sports and similar leisure time activities such as parks, swimming pools, tennis courts or ball fields, which are operated by governmental or nonprofit organizations. Excluded are any amusement establishments or other recreational facilities of a commercial nature (see Commercial Recreation).

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

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

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

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

SHOPPER'S RETAIL: Establishments selling a wide variety of comparison goods, such as apparel, furniture, household and electrical appliances, hardware, sporting goods, computers and specialty merchandise such as jewelry, stationery, antiques and gift items. For purposes of this Ordinance, retail sales of building materials; plumbing,



heating, electrical and ventilating materials and equipment; garden supplies; automobiles, trucks and other vehicles; boats; gasoline; and automotive parts are excluded from this category.

In determining the applicability of any specific use to this definition, the Municipality shall be guided by the groupings utilized in the federal Standard Industrial Classification Manual (most current edition).

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

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

**SCHOOL:** A place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all the requirements of the PA Department of Education for providing primary, secondary, vocational or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

**SCREEN:** Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

**SELF SERVICE STORAGE FACILITY:** A building or group of buildings in a controlled and fenced compound that contains varying sizes of individual compartmentalized, and controlled access stalls or lockers which are leased to individuals for the storage of the individual's property, possessions or wares. All storage shall be with a completely enclosed building or buildings. There shall be minimum spacing of twenty-five (25) feet between buildings for traffic circulation, parking and fire lane purposes. All outside lighting shall be directed away from adjacent properties.

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

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

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

In determining the applicability of any specific use to this definition, the Municipality shall be guided by the groupings utilized in the federal Standard Industrial Classification Manual (most current edition).

SHOPPING CENTER: A group of more than three commercial businesses developed as a single entity and sharing a common parking lot.

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

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

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

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

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

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

**OFF-LOT DIRECTIONAL SIGN:** A sign which conveys instructions or directions to a business, commodity, service conducted, sold or offered elsewhere than on the premise where the sign is displayed.

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

**PROJECTING SIGN:** Any sign supported by a building wall and/or roof attached along one edge by a bracket, perpendicular to the wall surface or

hung from a support attached to a building wall, projecting no more than 6 feet.

REAL ESTATE SIGN: A temporary sign advertising the sale or rental of premises.

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

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

SIGN AREA: The area defined by the frame or edge of a sign, excluding the necessary supports or uprights on which the sign may be placed. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the copy of letters of the said sign. If the sign consists of more than one section or module, all areas shall be totaled.

**SIGN, TEMPORARY:** A promotional sale sign, fund-raising sign, garage sale sign, political sign, or similar sign displayed no more than fourteen (14) days in any six (6) month period.

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

**SLOPE:** The face of an embankment or cut section: any ground whose surface makes an angle with the plane of the horizon. Slopes are expressed in a percentage based upon vertical distance in feet per 100 feet or horizontal distance.

**SPECIAL EXCEPTION:** Approval for a particular use granted by the Zoning Hearing Board, according to the provisions contained in this Ordinance and Articles VI & IX of the M.P.C.

**STEPS:** A construction or series of constructions placed for a foot support to effectuate the ascending or descending of a person or persons from one level of elevation to another.

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

**STORY:** A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is 6 feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than 2 feet below the top plate shall be counted as a story; and, if less than 2 feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than 5 feet above grade.

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

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



STREET LINE: The line defining the edge of the legal width of a dedicated street right-of-way.

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

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

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

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

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

**STUDENT:** A person who is registered to be enrolled or who is enrolled and matriculating at a post secondary school as a student or who is on a semester or summer break from studies at a post secondary school.

**STUDENT HOUSING:** A building which contains a dwelling unit occupied by two or more students who are not related to each other by adoption or marriage or are not the great-grandparent, great-grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great uncle, great aunt, great nephew, or great niece of each other.

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

**SWIMMING POOL:** A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, used as a

recreational facility for swimming, bathing or wading and having a depth of over 24 inches. A swimming pool shall be deemed to include all building, equipment and appurtenances incidental to such a pool.

**TEMPORARY SPECIAL EVENT DISPLAY:** A banner, flag, pennant, or similar display constructed of durable material and affixed to the wall of a building erected for a period of less than sixty (60) days whose sole purpose is to advertise a special event.

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

**TOWNHOUSE:** A multifamily residential building no more than two and one-half (2-1/2) stories in height which contains no less than four (4) or more than six (6) attached dwelling units per building, each unit is separated from the other unit by a continuous, unpierced vertical wall extending from the basement to the roof. Each unit shall have independent access directly to the outside and have no other units above or below.

TRAILER: A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes having a body width not exceeding 8 feet.

TRIPLEX: A separate building designed for or occupied exclusively as a residence by three families in which each unit has at least two (2) walls exposed to the outside and shares one (1) or two (2) common walls or floors/ceilings with adjoining unit.

USE: The specific purpose of which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The terms “permitted use”, “conditional use” or “special exception use” shall not be deemed to include any nonconforming use.

VARIANCE: Permissive waivers from the terms of this Ordinance, granted by the Zoning Hearing Board in case where a literal enforcement of provisions of the Ordinance will result in unnecessary hardship, due to special conditions that are not self-imposed by the property owner, provided the variance is determined not to the contrary to the public interest and the spirit and intent of this Ordinance as defined in Articles VI and IX of the M.P.C.

**VEHICULAR REPAIR GARAGE:** Any building or premises where automobile repairs take place. This includes rebuilding or major reconditioning of work or damaged motor vehicles or trailers or any parts thereof, collision service, painting and engine steam cleaning.

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

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

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

**YARD, FRONT:** A yard extending along the full width of a front lot line and back to the required building line. On corner and through lots, front yards shall be provided along all street frontages.

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

**YARD, SIDE:** The required open space between the side (face) of any buildings and the side lot line, extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed as a side line. In the case of a through lot, side yards shall extend from the rear line of the required front yards. On corner lots, one yard not fronting on the two streets shall be designated a side yard.

**ZONING CERTIFICATE:** A certificate issued by the Zoning Officer, stating that the purpose for which a building or land is to be used complies with all applicable requirements of this Ordinance for the zoning district in which it is located or is to be located.

**ZONING HEARING BOARD:** The Zoning Hearing Board of the Municipality of Waynesburg.

ARTICLE THREE

SCHEDULE OF DISTRICT REGULATIONS

3-301 ESTABLISHMENT OF DISTRICT CLASSIFICATIONS

The Municipality of Waynesburg is hereby divided into the following zoning districts:

R-1 Residential

R-2 Residential

R-3 Residential

B-1 General Business

M-1 Light Industrial

U-1 University

3-302 ZONING DISTRICT MAP AND BOUNDARIES

302.1 Boundaries Established: The boundaries of the various zoning districts are hereby established on the map entitled “Official Zoning Map” on file in the office of the Zoning Officer/ Building Inspector. This map with all

explanatory matter thereon is hereby made part of this Ordinance. The Official Zoning Map shall be dated and shall carry the signature of the Municipal Clerk certifying that is true map adopted by Waynesburg Borough. All amendments shall be identified on the map and similarly certified.

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

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

302.3 Future Street Vacation: In the event that a street, alley or other way shown on the Zoning District Map is vacated, the property formerly in said street right of way shall be included within the zoning district of the adjoining



property on either side of said vacated street or way. Where said street forms a zoning district boundary, the new district boundary shall be the new property line created by the former, centerline of said vacated street.

3-303 DISTRICT REGULATIONS

District regulations governing the uses and area and dimensional standards for each zoning district shall be as set forth in the Schedule of District Regulations which follows.

3-304 LOT, YARD AND HEIGHT REGULATIONS AND EXCEPTIONS

304.1 Lot Area: Any lot together with the required yards and open areas on it shall, be equal to or exceed the minimum lot area established for the zoning district in which it is located. In case of a subdivision or combination of lots, no lot shall be created which does not meet the requirements of this Ordinance.

304.2 Required Lot Area: Any portion of a lot once designated as a yard or as lot area per dwelling unit in compliance with the lot area requirements of the Ordinance, shall not be counted again as a required yard or lot area per

dwelling unit for another lot or building, nor shall it be sold as a separate lot.

- 304.3 Lots with On-Lot Sewage: Where an on-lot sewage disposal system is to be used, the minimum lot size shall not be less than required by percolation tests.
- 304.4 Building on Nonconforming Lots of Record: Any nonconforming lot of record, as defined by this Ordinance, may be used for the erection of a structure conforming to the use of the district in which it is located subject to the provisions of Article 8 of this Ordinance.
- 304.5 Front Yards on Corner Lots: Lots which abut on more than one street shall provide the required front yards along every street.
- 304.6 Yard Exceptions: Where more than fifty percent (50%) of the lots within a block contain existing structures, the setbacks may be reduced to conform to the set back lines of the existing structure. Front yard, side yard, and rear yard setbacks may be reduced to conform to the existing on-lot building lines where the definition for yard, front, side, rear are found applicable.

304.7 Projections into Required Yards: All structures, whether or not attached to the principal structure and whether open or enclosed including porches, balconies, or other platforms above normal grade level, shall not project into any minimum front, side, or rear yard with the following exceptions:

1. A buttress, chimney, cornice, pier, or pilaster which does not project more than 18 inches from the wall of a building may project into a required yard.
2. Balconies or other above-ground platforms and access steps to a structure, not exceeding 6 feet in width, may extend up to 3 feet into a required yard.
3. A porch for a residential structure may extend into a required side yard, provided the porch is not more than 10 feet in height and is no closer than 5 feet to any side lot line or 10 feet to any rear lot line.

304.8 Access to Public Street: All lots shall have access either directly or via a driveway to a public street. Such driveway shall have a uniform width of not less than 12 feet.

304.9 Height Exceptions: Church spires and towers, water towers and tanks, and electric transmission towers may exceed the maximum height for the zoning district in which they are located. However, no such structure shall exceed 75 feet in height, and the required side yards shall be increased one foot for each 5 feet over 45 feet in height.

3-305

## R-1 RESIDENTIAL

### 305.1 Purpose

An R-1 District is intended to provide suitable locations principally for large lot, single family homes. Variations in dwelling type and density are possible using the unified residential development. Certain residentially related uses are also allowed as conditional or special exception uses.

### 305.2 Permitted Uses

1. Single family detached dwelling Single family detached dwelling including Modular Homes.
2. Residential accessory use, such as garage, carport, garden, private swimming pool, minor storage shed or outbuilding, sign (see Article 5).
3. Parks
4. Schools, elementary only.
5. Public/essential service.

### 305.3 Special Exceptions

The following uses are subject to the conditions set forth in Article 4 of this Ordinance:

1. Two-family dwelling

2. Nursery, greenhouse
3. Community Center
4. Funeral Home
5. Parking Lot
6. Home Occupation
7. Public use or building
8. Place of worship
9. Bed and Breakfast
10. Customary accessory use to above conditional uses

#### 305.4 Offstreet Parking Requirements

As required by Section 5-508 of this Ordinance.

3-306

R-2 RESIDENTIAL

306.1 Purpose

This district provides for single family homes on moderately sized lots along with certain residentially related uses as conditional uses.

306.2 Permitted Uses

1. Single family detached dwelling
2. Residential accessory use, such as garage, carport, garden, private swimming pool, minor storage shed or outbuilding, sign (see Article 5).
3. Two-family dwelling
4. Triplex or quadraplex
5. Townhouse

6. Park
7. School
8. Community Center
9. Public/essential service

306.3 Special Exceptions:

The following uses are subject to the conditions set forth in Article 4 of this Ordinance:

1. Funeral Home
2. Public Building
3. Parking Lot
4. Group Residence



5. Place of Worship
6. Personal Care Home
7. Bed and Breakfast House
8. Home Occupation
9. Private Club
10. Customary accessory uses to the above special exception uses.

#### 306.4 Additional Standards

1. In order to convert an existing single/two family dwelling to multiple family dwelling the following requirements must be met:
  - a. The structure must comply with the minimum lot area per dwelling unit for multifamily uses in the zoning district.

- b. The required number of off street parking spaces per dwelling unit must be provided. No off street parking shall be permitted in a front yard; parking may be provided in a side or rear yard, provided it is visually screened (see Article 5) from the street and adjacent properties.
- c. No individual dwelling unit shall contain less than 700 square feet of floor area and shall include kitchen and bath facilities.
- d. All units shall comply with applicable requirements of the City building code and Pennsylvania Labor and Industry regulations.
- e. No dwelling shall be located in a basement or cellar and no separate unit shall be located on the third floor of a wood frame building.

### 306.5 Offstreet Parking Requirements

As required by Section 5-508 of this Ordinance.

3-307

R-3 RESIDENTIAL

307.1 Purpose

This district provides for manufactured homes, multi-family residents and single family homes on moderately sized lots along with certain residentially related uses as Special Exceptions. By definition, manufactured homes are constructed to a different standard than stick built modular buildings, which must comply with the Uniform Construction Code. Statistically, manufactured homes are of lesser quality, therefore can be distinguished from stick built or modular buildings.

307.2 Permitted Uses

1. Single family detached dwelling
2. Residential accessory use, such as garage, carport, garden, private swimming pool, minor storage shed or outbuilding, sign (see Article 5).

3. Manufactured homes
4. Two-family dwelling
5. Triplex or quadraplex
6. Townhouse
7. Park
8. School
9. Community Center
10. Public/essential service
11. All permitted uses in either R-1 or R-2 Districts

306.3 Special Exceptions:

The following uses are subject to the conditions set forth in Article 4 of

this Ordinance:

1. Public Building
2. Parking Lot
3. Group Residence
4. Place of Worship
5. Personal Care Home
6. Manufactured Home Park
7. Bed and Breakfast House
8. Home Occupation
9. Private Club
10. Customary accessory uses to the above special exception uses.

3-308 B-1 GENERAL BUSINESS

308.1 Purpose

This district is located principally along major transportation routes, providing suitable locations for various retail and service commercial businesses as well as other types of commercial uses, such as building material sales and supply or vehicular sales and repair, that usually require direct automobile access. Selected industrial activities which comply with the performance standards of this Ordinance are also allowed. Offstreet parking and/or loading, larger lots and buildings are frequently necessary for businesses in these districts. Further, this district is to provide for small convenience commercial areas within residential neighborhoods. Such districts should occupy a small cohesive area at or near major street intersections or on major transportation routes. Businesses in these districts are limited to those which serve daily consumer needs and do not require extensive parking.

308.2 Permitted Use

1. Retail store
2. Personal service
3. Financial institution
4. Professional or business office
5. Business service
6. Public building
7. Restaurant
8. Coin-operated laundry
9. Commercial school
10. Funeral home
11. Dental clinic

12. Bed and breakfast house
13. Private club
14. Indoor amusement
15. Retail sale of building, plumbing, electrical or heating materials including showrooms and accessory shop facilities
16. Medical equipment sales and service.
17. Contractor's office excluding exterior storage of equipment and supplies.
18. Veterinary office, animal hospital or kennel.
19. Automobile, boat or other vehicle sales (new or used).
20. Auto sales, retail service and repair, retail sales of automobile parts and accessories.



21. Retail nursery, greenhouse or garden supplies.
22. Public parking garage.
23. Bars or nightclubs.
24. Public/essential service.
25. Townhouses, triplex or quadraplex housing.
26. Multi-Family dwellings
27. All permitted uses in either R-1 and R-2 Districts
28. Customary business accessory uses such as parking, enclosed storage, or sign (see Article 5).

308.3 Special Exceptions:

The following uses are subject to the conditions set forth in Article 4 of

this Ordinance.

1. Shopping center including any use otherwise authorized in this district.
2. Gasoline service station.
3. Vehicular repair garage.
4. Car wash.
5. Amusement arcade.
6. Hotel/Motel
7. Light industrial use involving the production, processing, testing, repair or servicing of: clothes or other finished apparel; cabinets; personal leather goods such as luggage, purses, or wallets; jewelry; musical instruments; signs and advertising displays; electronic equipment or instruments; or precision measuring or laboratory equipment.

8. Customary accessory uses for the above conditional uses.
9. Nursing home, institutional facility.
10. Personal care home
11. Day care center
12. Group residence
13. Multi-family dwellings accessory to existing commercial structure.
14. Self Service Storage units

#### 308.4 Offstreet Parking/Loading Requirements

As required by Sections 5-508 of this Ordinance.

#### 308.5 Additional Standards

1. All operations, activities and storage shall be conducted wholly inside a building or buildings.
2. All premises shall be furnished with all-weather hard surface walks, driveways, parking and loading areas.
3. Portions of the property not covered with buildings, roads, walkways, parking and loading areas, or similar uses shall be planted and suitably landscaped.
4. No building on an industrial property shall be used for residential purposes, except that a security guard or custodian may reside on the premise.
5. Temporary sale of merchandise in front of the premises may be permitted only as a seasonal sale or seasonal sidewalk sale, subject to the provisions of section 5-511, Temporary Uses, of this Ordinance.
6. All uses shall comply with the environmental performance standards of this Ordinance.

3-309

U-1 UNIVERSITY

309.1 Purpose

This district is to recognize the existence of Waynesburg University as it presently exists within the Borough by providing for an area within the district for the University to grow protecting both the rights of the Borough residents and meeting the future needs of the University. The purpose of the District is to provide areas for educational administrative and residential uses owned and maintained by Waynesburg University.

309.2 Permitted Use

1. Dormitories
2. Fraternity and Sorority Houses
3. College Classrooms
4. College/Administration Offices

5. Student housing
6. Athletic Facilities
7. Parking Garage
8. All permitted uses in either R-1 and R-2 Districts
9. Customary business accessory uses such as parking, enclosed storage, or sign (see Article 5).

309.3 Special Exceptions:

The following uses are subject to the conditions set forth in Article 4 of this Ordinance.

1. Retail store
2. Personal service

3. Financial institution
4. Professional or business office
5. Business service
6. Public building
7. Restaurant
8. Coin-operated laundry
9. Commercial school
10. Funeral home
11. Dental clinic
12. Bed and breakfast house
13. Day care center

14. Indoor amusement
15. Retail sale of building, plumbing, electrical or heating materials including showrooms and accessory shop facilities.
16. Medical equipment sales and service.
17. Contractor's office excluding exterior storage of equipment and supplies.
18. Veterinary office, animal hospital or kennel.
19. Automobile, boat or other vehicle sales (new or used).
20. Auto sales, retail service and repair, retail sales of automobile parts and accessories.
21. Retail nursery, greenhouse or garden supplies.
22. Public parking garage.



23. Public/essential service.
24. Townhouses, triplex or quadraplex housing.
25. Multi-Family dwellings
26. Customary business accessory uses such as parking, enclosed storage, or sign (see Article 5).
27. Shopping center including any use otherwise authorized in this district.
28. Gasoline service station.
29. Vehicular repair garage.
30. Car wash.
31. Amusement arcade.

32. Hotel/Motel
33. Light industrial use involving the production, processing, testing, repair or servicing of clothes or other finished apparel; cabinets; personal leather goods such as luggage, purses, or wallets; jewelry; musical instruments; signs and advertising displays; electronic equipment or instruments; or precision measuring or laboratory equipment.
34. Nursing home, institutional facility.
35. Personal care home
36. Day care facility
37. Group residence
38. Multi-family dwellings accessory to existing commercial structure.
39. Self Service Storage Facility

40. Customary accessory uses for the above conditional uses

309.4 Offstreet Parking/Loading Requirements

As required by Sections 5-508 of this Ordinance.

309.5 Additional Standards

1. All operations, activities and storage shall be conducted wholly inside a building or buildings.
2. All premises shall be furnished with all-weather hard surface walks, driveways, parking and loading areas.
3. Portions of the property not covered with buildings, roads, walkways, parking and loading areas, or similar uses shall be planted and suitably landscaped.
4. No building on an industrial property shall be used for residential purposes, except that a security guard or custodian may reside on the premise.

5. Temporary sale of merchandise in front of the premises may be permitted only as a seasonal sale or seasonal sidewalk sale, subject to the provisions of section 5-511, Temporary Uses, of this Ordinance.
6. All uses shall comply with the environmental performance standards of this Ordinance.

3-309 M-1 MANUFACTURING

309.1 Purpose

This district is designed to encourage new and expanded industrial activity. The district accommodates a wide range of industrially related uses while requiring improve development and environmental performance standards, reflecting current trends in the region's industrial base.

309.2 Permitted Uses

1. Any production, fabricating, processing, cleaning, servicing, repair, testing, or storage of goods or products, provided the use conforms to the performance standards in Article 6 of this Ordinance.
2. Wholesale distribution and warehousing, but excluding those customarily handling quantities (other than those that would normally be used on premises) of hazardous or toxic substances as defined by federal, state, county or local law or regulation.
3. Research and development.
4. Vehicular repair garage.
5. Railroad or truck terminal.
6. Contractor's office including exterior storage of equipment and supplies.
7. Printing and publishing establishment.

8. Business office.
9. Public/essential service.
10. Self Service Storage Facility
11. Customary accessory uses, such as administrative offices, storage areas, snack bar or cafeteria.

### 309.3 Special Exceptions

The following uses are subject to the conditions set forth in Article 4 of this Ordinance.

1. Salvage yard.
2. Wholesale distribution and warehousing, including those customarily handling quantities (other than those that would normally be used on premises) of hazardous or toxic substances as defined by federal, state, county or local law or regulation.

3. Adult-oriented use

#### 309.4 Offstreet Parking/Loading Requirements

As required by Sections 5-509 and 5-510 of this Ordinance.

#### 309.5 Additional Standards

1. All operations, activities and storage shall be conducted wholly inside a building or buildings, except that storage may be maintained outside a building in a side or rear yard if such storage area is separated from any public street or abutting property by fencing, screen or buffer area as defined by this Ordinance.
2. All premises shall be furnished with all-weather, hard surface walks, driveways, parking and loading areas.
3. Portions of the property not covered with buildings, roads, walkways, parking and loading areas, and authorized outdoor storage shall be planted and suitably landscaped.

4. No building on an industrial property shall be used for residential purposes, except that a security guard or custodian may reside on the premise.
5. All uses shall comply with the environmental performance standards in Article 6 of this Ordinance.
6. Driveways, entrances and exits shall comply with the applicable requirements of the PaDOT specifications (67 Pa. Code, Chapter 1, sections 1.7 to 1.9). The design shall be such that it permits forward movement of all vehicles both upon entering and leaving the site.



## ARTICLE FOUR

### SPECIAL EXCEPTIONS

#### 4-401 APPLICABILITY

Applications for special exceptions, when listed as permissible by Article 3, shall be approved or denied by the Zoning Hearing Board, in accordance with the standards and criteria of this Article, the zoning district regulations, and other applicable provisions of this Ordinance.

#### 4-402 APPLICATION PROCEDURE

##### 402.1 Application Content

Applications for special exceptions shall be submitted to the Zoning Officer in the form prescribed by the Municipality. Such materials shall include site and building plans which clearly identify the location, size, shape, and use of the proposed site and structures, surrounding land uses within one-quarter mile, proposed vehicular and pedestrian accesses, and

other information necessary to evaluate the application according to the standards contained in this Ordinance.

#### 402.2 Review Procedure

1. The Zoning Officer shall forward all special exception use applications to the Zoning Hearing Board for review and comment.
2. The Zoning Officer shall notify the Planning Commission of all applications for special exceptions to provide the Commission with an opportunity to present testimony before the Zoning Hearing Board, if desired. The Zoning Hearing Board shall review and approve or deny applications for special exceptions in accordance with the provisions of Section 9-904 of this Ordinance & Article IX of M.P.C.

#### 402.3 Revocation of Approval

Approval of a special exception use shall lapse after nine months from the date of approval if the provisions in section 9-902 for obtaining zoning certificates and completing work are not met. One (1) extension of up to

nine additional months may be granted by the approving body where the applicant can show good cause for the delay.

#### 4-403 GENERAL STANDARDS AND CRITERIA

Before approving a special exception application, the Zoning Hearing Board shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located and that it will not substantially impair the use or development of adjacent properties. The following general standards, among other things, shall be used in the evaluation. These standards shall be in addition to any other applicable requirements in this Ordinance.

1. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable local County and Commonwealth ordinances, laws and regulations.
2. The proposed use is compatible with the surrounding land uses, and it will not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, potential

hazards, illumination and glare, and restrictions to natural light and circulation.

3. The site for the proposed use is suitable in terms of size, topography, soil conditions and similar physical features.
4. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient offstreet parking and loading.
5. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, stormwater management, solid and toxic waste storage and disposal.
6. The proposed use provides screening and/or buffer areas as required by this Ordinance.

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

#### 4-404 STANDARDS AND CRITERIA FOR SPECIFIC USES

For the uses identified in this section, Council or the Zoning Hearing Board, as appropriate, shall also determine that the proposed use complies with these standards, in addition to other applicable requirements in this Ordinance.

(NOTE: Uses are listed in alphabetical order.)

##### 404.1 Amusement Arcades

1. No video game or amusement arcade, as defined by this Ordinance, shall be located within 500 feet of a school, place of worship, public recreation area, public building, hospital, nursing home, or establishment licensed by the Pennsylvania Liquor Control Board.

2. The amusement arcade shall comply with all other applicable Municipality ordinances.

#### 404.2 Automotive Sales and/or Services

1. The business shall include a permanent building on site for offices, display and/or repair. A trailer shall not meet this re-requirement.
2. Areas for vehicular display and customer parking shall be paved or otherwise improved and shall maintain at least a five-foot landscaped setback from all property lines.
3. If a gasoline service station is an accessory use, all conditions required herein for said use shall be met.
4. If a vehicular repair garage is an accessory use, all conditions required herein for said use shall be met.
5. No strings of lights, flags, flashers or any other display paraphernalia shall be permitted. Lighting from spot or flood lights shall be oriented away from adjacent highways and properties.

6. No vehicle shall be displayed or offered for sale outdoors which does not have all mechanical and body components necessary for safe and lawful operation in this state.

#### 404.3 Bed and Breakfast

1. The minimum lot area required shall be 6,000 square feet.
2. The maximum number of sleeping quarters offered shall be three (3).
3. The owner/operator shall be a full-time resident of the dwelling.
4. No meals, other than breakfast shall be served on the premises. Meals shall not be served to customers who are not overnight guests.
5. The maximum length of stay for any guest shall be seven (7) consecutive overnight stays in any thirty (30) day period.

6. No sign shall be permitted other than a place card mounted on the wall of the dwelling, which shall not exceed four (4) square feet in area and which shall contain only the name and address of the Bed and Breakfast and the name of the proprietor.
7. One (1) offstreet parking space shall be provided on the lot for each sleeping room, located on the side or rear lots only, not to be located within the set backs, and be screened on three sides by a four (4) foot compact hedge, fence and/or other landscape features as may be required by the zoning Hearing Board.

#### 404.4 Car Wash

1. Repair work and car lubrication are not permitted.
2. Washing facilities are permitted within a structure with open ends on two sides of the wash bay.
3. Drainage water shall be controlled so that it does not flow or drain onto adjacent property or public/private property.



4. In addition to the required parking areas, a minimum of five (5) standing spaces, in tandem, shall be provided. These standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site, block any right-of-way and be completely contained within the buildable area of the lot.
5. The facility shall be connected to the public storm sewer system.
6. Gasoline pumps are not permitted.
7. Driveway entrances shall be located at least thirty (30) feet from the right-of-way line of the intersection of any public street.
8. Offstreet parking requirements in Section 5-508 (bufferyards) shall be required when this use abuts any residential zone.

#### 404.5 Cemeteries

1. Required yards and setbacks shall be established as part of the application review.

2. Buffer areas or other screening may be required along the facility's boundaries in order to separate and screen adjacent properties.

#### 404.6 Day Care Facility

1. All day care centers must be licensed by the PA Department of Public Welfare and must operate in accordance with the requirements of the Department. This requirement is a condition of occupancy.
2. Any outdoor recreational areas on the property shall be no closer than 25 feet to an abutting street or 10 feet to any property lines. They shall be fenced with a self-latching gate or otherwise secured and landscaped as required by the Governing Body.
3. Safe vehicular access and off street areas for discharging and picking up children or adults shall be provided.

4. One parking space shall be provided for each staff member plus one for each six children or adults cared for at the center. Parking areas for four or more vehicles shall be screened in accordance with section 5-508 (bufferyards) when abutting a residential use or district.

#### 404.7 Funeral Home

1. The minimum site area shall be 21,780 square feet.
2. All outdoor lighting shall be shielded and reflected away from adjacent properties.
3. Parking areas adjoining existing residential property shall be screened by a five (5) foot compact hedge, and/or privacy fences who's design must be approved by the Zoning Board.

#### 404.8 Gasoline Service Station

1. No gasoline service station shall be located within 1,000 feet of another gasoline station or lawfully existing single family residential structure.
2. Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.
3. Fuel pumps, air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than 10 feet of any property line.
4. The following services, and no others, may be rendered in conjunction with the gasoline station: state inspections; lubrication; oil changes; tire servicing and repair (excluding recapping or regrooving), sale and servicing of spark plugs, batteries, and distributors and distributor parts; replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like; radiator cleaning and flushing; washing and polishing and sale of automotive washing and polishing materials; providing and repairing fuel

pumps, oil pumps and lines; minor servicing and repair of carburetors; adjusting and repairing brakes; minor motor adjustments not involving removal of the head or crankcase or racing the motor; sales of beverages, packaged foods, tobacco, and similar convenience goods for station customers as accessory and incidental to principal operation; the provision of road maps and other informational material to customers; and provision of rest room facilities. All services shall be conducted entirely within a building.

5. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than 5 feet from the pumps.
6. All refuse shall be stored in compliance with the Municipal fire code and other applicable ordinances.
7. No vehicle shall be parked or stored on a public right-of-way or property at any time. Non-operable vehicle or vehicles awaiting repairs may be parked or stored on the premises, provided they do

not exceed the number of available offstreet parking spaces for the service station.

8. Rental of automobiles, vans (less than 20 feet long) or utility trailers is an authorized accessory use, provided that no more than three vehicles are visible on the premises at any time.
9. Offstreet parking spaces shall be provided in accordance with Section 5-508 of this Ordinance.

#### 404.9 Group Residences

1. Group residences are allowed as conditional or special exception uses only in the zoning districts listed in this Ordinance.
2. The maximum number of occupants for a group residence shall be as follows:
  - a. R-1 Districts: No more than 8 persons including staff.
  - b. R-2, B-1 districts: No more than 12 persons including staff.

3. In order to prevent the concentration of group residences in a neighborhood and to avoid impacting existing residences, no group residence may be located within the same block or within 2,500 feet, which ever is more, of another group residence or personal care boarding home.
4. One offstreet parking space is required for each staff member (on a peak shift), and one space per two residents where they are allowed to own and operate a motor vehicle.
5. Minimum lot area, yard setback and structural heights shall be as prescribed in the district where the property is located, unless otherwise stated herein.
6. If licensed or certified by a governmental agency or an agent of government, a current license/certificate from the appropriate agency(s) is necessary for initial and continued approval. Suspension and revocation of the license/certificate shall automatically revoke the occupancy permit and the conditional or special exception use approval.

7. The facility must comply with any and all applicable building, fire, health and/or safety codes. Smoke detectors shall be installed in, or the immediate vicinity of, each bedroom or sleeping area of the home and in the basement or cellar if there is one. When activated, the detector shall provide an alarm suitable to warn all occupants. Where more than one detector is required to be installed, the detectors shall be wired so that the activation of one alarm will activate all the alarms in the group residence.
8. Signs for the group residence shall comply with applicable provisions of Section 5-507, Signs, of this Ordinance.
9. Change of ownership or sponsorship or of any other condition contained in the original approval of the group residence shall constitute a new use, and the procedure for obtaining conditional/special exception use approval of a new facility shall be executed.
10. The owner or sponsor shall file with the Zoning Officer on June 1st of each year following the original approval information indicating



that the facility continues to satisfy the conditions of original approval. If the facility is shown to be operating in compliance with the terms of the original approval, then the Zoning Officer shall renew the certificate of occupancy for another year. If the information indicates that there is any change in operation, or any complaint has been lodged against the facility, the Zoning Officer shall forward the information to the Zoning Hearing Board who shall decide the renewal of the approval and certificate of occupancy.

#### 404.10 Home Occupation

1. A zoning certificate is required for a home occupation. However, all such uses shall operate in accordance with the provisions of this Ordinance and are subject to inspection by the Zoning Officer in order to verify complaints.
  
2. There shall be no exterior evidence of such uses other than a small nameplate sign placed in accordance with Section 5-507 of this Ordinance.

3. There shall be no retail sales directly to customers on the premises.
4. No more than fifteen percent (15%) of the total floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
5. There shall be no exterior display of goods or interim display visible from the outside.
6. Exterior lighting shall be residential in style, size, location and intensity.
7. Storage of materials or products directly associated with the home occupation shall not be stored outside the dwelling.
8. The home occupation shall be carried on by a maximum of two individuals residing in the dwelling unit and no other person may be employed.
9. Articles produced on the premises shall be sold off the premises only.

10. There shall be no greater traffic volume generated by such home occupation than would normally be expected in the residential area in which it is located.
11. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectible to normal senses off the property.
12. No equipment or processes shall be used which creates visual or audible interference in any radio or television off the premises or causes fluctuations in line voltage off the premises.
13. The hours of public operation shall be between 8:00 a.m. and 8:00 p.m., Monday through Friday.
14. The use shall not cause a negative impact on property values in the neighborhood.
15. The use shall not require internal or external alterations to the existing structure.

16. Commercial vehicles for regular delivery of materials to or from the premises are not permitted.
17. Commercial vehicles shall not be parked on the premises.
18. The following uses shall not be considered home occupations and shall be restricted to the districts in which they are specifically-identified: beauty shop, barber shop, clinics, kennels, mortuaries, private club, tea rooms, stables, bed and breakfast, vehicle repair garage.

404.11 Hotel/Motel

1. If the hotel/motel includes eating and drinking facilities to serve both overnight guests of the hotel and the general public, then it must provide offstreet parking for such facilities in accordance with the provisions of Section 5-508 of this Ordinance.

2. Areas not occupied with buildings and parking areas shall be completely landscaped and planted with lawns, ornamental trees and shrubs.
3. No buildings shall be set closer than 45 feet to the front, side and rear lot lines.
4. There shall be not less than 1,000 square feet of lot area for each sleeping unit. The minimum lot area for a hotel/motel shall be one acre.
5. Sleeping units shall contain a bedroom and bath and have a floor area of not less than 250 square feet.
6. If the lot upon which a hotel/motel is erected abuts a residential district, it shall be screened by well-maintained landscaping not less than 6 feet nor more than 10 feet high or an ornamental fence within the same height limitations, the ratio of the solid portion to the open portion of which shall not exceed three to one (3:1).

7. The facility shall have access from a public street of sufficient size and capacity to accommodate the projected traffic. If any road improvements or traffic signals are required to an existing public road, as a result of the proposed hotel, the hotel owner or developer shall bear the cost of any such improvements.

#### 404.12 Light Industrial

1. A minimum lot size of 21,780 s.f. is required.
2. This use is not permitted if there exists an existing residential use within 600 ft. of the property line of the industrial use.
3. A decorative shrub and/or fence is required around the entire perimeter of the property. Additional landscape features may be required as per the Zoning Board's recommendations.
4. Only visitor parking is permitted in the front yard area.
5. All outdoor lighting shall be shielded and reflected away from adjacent properties.

#### 404.13 Manufactured Home Parks

1. A manufactured home park shall have principal access from a street or highway capable of handling the traffic generated by the park and providing adequate access for the individual mobile units without impairing the normal traffic operations of the street or highway.
2. Ten percent of the park's gross site area shall be set aside for common open space for parks containing more than 5 homes; this may include, recreation areas, community building, management offices for the park, and storage of park maintenance equipment.
3. All internal roads and parking areas shall be improved with an asphalt or similar all-weather surface. Internal roads shall be designed to meet anticipated traffic loads and shall have a minimum cartway width of 28 feet.
4. A buffer area, not less than 10 feet in depth, shall be provided around the entire perimeter of the manufactured home park area.

The buffer area shall contain two rows of planting consisting of a mixture of deciduous (30%) and evergreen (70%) trees spaced within the row ten feet apart measured from the center of the tree. The rows shall be staggered so that the trees are no more than five feet apart.

5. The park shall comply with the environmental performance standards contained in Article 6 of this Ordinance.
6. Landscaping and planting shall be provided throughout the manufactured home park at a ratio of at least two deciduous trees and four deciduous and/or evergreen shrubs per individual manufactured home.
7. No individual manufactured home shall be closer than 20 feet to any street right-of-way or to any property line of the park. Nor shall any unit be located within a 100-year floodplain.
8. The following lot area and setback requirements shall apply for Individual home lots:



- a. Lot area: 4,000 sf./single wide, 7,000 sf./double wide
  - b. No manufactured home unit shall be located within 15 feet of any other structure.
9. An enclosure of compatible design and material to the exterior of the manufactured home shall be erected around its entire base. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.
10. Manufactured home shall be erected on a manufactured home lot except upon a manufactured pad. Each unit shall have its own separate pad in accordance with the following:
  - a. Each unit's pad shall be at least equal in length and width to the dimensions of the manufactured home to be placed on the pad.
  - b. The pad, at least 6 inches in thickness, shall be constructed from either concrete, asphalt, or other material adequate to

support the mobile home and to prevent abnormal settling or heaving under the weight of the home, in order to prevent wind overturn and rocking the corners of the manufactured home shall be secured with at least six tie-downs such as concrete “dead men”, screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

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

11. Two offstreet parking spaces shall be provided for each manufactured home lot. Parking areas shall comply with section 5-508 of this Ordinance.

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

#### 404.14 Multifamily Dwellings Accessory to Existing Commercial Structure

1. One offstreet parking space per dwelling unit must be provided.  
No offstreet parking shall be permitted in a front yard; parking may be provided in a side or rear yard, provided it is visually screened from the street and adjacent properties as determined by the Zoning Hearing Board.
2. No individual dwelling unit shall contain less than 700 square feet of floor area and shall include kitchen and bath facilities.
3. All units shall comply with applicable requirements of the Municipal building code and Pennsylvania Labor and Industry regulations.
4. All such dwelling units shall be located on the second floor or above; no dwelling unit, unless it is occupied by the owner of the building, shall be located on the third floor of a wood frame building.

#### 404.15 Nursing Home, Institutional Facility

1. The minimum lot area for a nursing home shall be 1,500 sq. ft. per resident.
2. The facility shall be duly licensed by the Commonwealth and shall operate in accordance with the regulations of the licensing agency.
3. The facility shall provide offstreet parking and loading spaces as required in section 5-508 of this Ordinance.
4. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. An analysis of peak hour traffic and impact on surrounding streets and intersections and methods to alleviate any potential problems may be required.
5. Ambulance, delivery and service areas shall be obscured from the view of all residential properties by fencing, screening or planting as approved by the Municipality.

6. Buffer areas may be required along side and rear yard where necessary to provide visual and audible privacy for the nursing home and/or adjacent uses. A landscaped area, at least 10 feet in depth shall be provided along the entire front property line except for approved entrances as determined by the Zoning Hearing Board.

#### 404.16 Parking Lot

1. All parking surfaces must be paved with a bituminous or concrete as specified by the Zoning Hearing Board.
2. All offstreet parking shall be located at least ten (10) feet from all property lines and be screened by a four (4) foot high compact hedge, privacy fence or other landscape feature as may be required by the Zoning Hearing Board.
3. Outdoor lighting shall be shielded and reflected away from adjoining streets or properties.

4. Parking areas shall be designed so as to prevent surface water from draining on to adjacent properties and public streets.
5. Parking areas for ten (10) or more cars shall be interspersed with land forms and other appropriate landscape or planted areas as determined by the Zoning Hearing Board.

#### 404.17 Personal Care

1. A full or provisional license from the Commonwealth is necessary for initial and continued approval. Suspension of the license automatically revokes the occupancy permit and conditional/special exception approval.
2. Change of ownership, sponsorship or any other condition contained in the original approval of the home shall constitute a new use, and the procedure for obtaining an exceptional use approval of a new facility shall be executed.
3. No personal care home shall be located within 2,000 feet of another personal care home or group residence.

4. The facility shall comply with local, county and state building, fire, health, or safety codes. An automatic fire suppression system shall be required in homes having six or more occupants. The system shall be installed according to Municipality fire code requirements. Smoke detectors shall be installed in, or in the immediate vicinity of, each bedroom or sleeping area of the home and in the basement or cellar if there is one. When activated, the detector shall provide an alarm suitable to warn the occupants. When more than one detector is required to be installed within the home, the detectors shall be interconnected so that the activation of one alarm will activate all the alarms.
5. One offstreet parking space shall be provided for each staff member, operator or employee plus one for each four residents in the home.
6. Signs for the personal care home shall comply with applicable provisions of Section 5-507, Signs, of this Ordinance.

7. The maximum number occupants for a personal care home shall be:
  - a. R-2 districts - 15 persons
  - b. B-1 districts - 20 persons
  
8. The owner or sponsor shall file with the Zoning Officer on June 1st of each year following the original approval information indicating that the facility continues to satisfy the conditions of original approval. If the facility is shown to be operating in compliance with the terms of the original approval, then the Zoning Officer shall renew the certificate of occupancy for another year. If the information indicates that there is any change in operation, or any complaint has been lodged against the facility, the Zoning Officer shall forward the information to the Zoning Hearing Board who shall decide the renewal of the approval and certificate of occupancy.

404.18 Place of Worship



1. If a residential facility (e.g., a convent, monastery) is part of the complex within a R-1,R-2, district, it shall not house more than ten persons.
2. The place of worship shall have direct access to a public street of sufficient capacity to handle the traffic generated by the proposed use.
3. The facility shall provide the necessary offstreet parking in accordance with section 5-508 of this Ordinance.

#### 404.19 Private Club

1. The clubhouse shall be located at least one hundred (100) feet from any property line adjoining any residential property.
2. Operations shall be discontinued between the hours of 2:00 a.m. and 8:00 a.m.
3. Swimming pools shall conform to section 5-505 of this Ordinance.

4. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for private clubs.

#### 404.20 Public Building

1. Ingress and egress for police and fire stations shall be located so as to maximize sight distance along adjacent public streets.
2. Fire and police stations shall be located so that vehicles and equipment can be maneuvered without interrupting traffic flow or blocking public streets.
3. Outside storage of materials is not permitted.
4. Outdoor lighting shall be shielded and reflected away from adjoining streets or properties.
5. Outdoor play areas shall be enclosed by a six (6) foot security fence and shall be screened by a six (6) foot compact hedge along all property lines which adjoin single-family dwellings.

6. All offstreet parking shall be located at least fifteen (15) feet from any property line which adjoins residential property and be screened by a four (4) foot high compact hedge or privacy fence.

#### 404.21 Salvage Yards

1. The minimum lot area for a salvage yard shall be two acres. All structures for the salvage yard shall comply with the applicable provisions of the zoning district in which it is located.
2. There shall be no exterior storage of any materials or equipment within 25 feet of any front lot line or within 15 feet of any side or rear lot line.
3. The entire perimeter of the salvage yard shall be fenced with a solid fence, a planted screen, or a combination of both, 8 feet in height, which complies with the provisions of section 5-504 of this Ordinance. The owner or operator of the salvage yard shall be responsible for maintaining the fence or screen in good repair and condition.



600,001 s.f. GLA and over 5 sp./1,000 s.f. GLA

404.23 Two-Family

1. The minimum lot area required shall be 8,000 square feet.
2. When the adjacent property is a single-family use, the minimum side yard setback shall be 27 feet on each side and landscaped with a three (3) foot high compact hedge.
3. Each living unit shall contain two (2) parking spaces.

404.24 Wholesale, Warehousing Businesses Handling Hazardous or Toxic Substances

1. The property shall have direct access to a public street with sufficient capacity to handle the amount and type traffic generated by the proposed use.

2. Access driveways shall be adequate design to accommodate anticipated truck traffic safely without causing congestion on public streets.
3. The facility shall comply with all applicable federal, state, county and local laws and regulations regarding the handling of hazardous or toxic substances.
4. A written description of all materials stored or distributed by the proposed facility shall be submitted with the application. The City's Emergency Management Coordinator and Fire Chief and the County Fire Marshall be notified of the types of substances typically stored or transported at the facility. This information shall be updated every six months and resubmitted to all parties; failure to do so may result in the certificate of occupancy being revoked.

#### 404.25 Vehicular Repair Garages

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

2. All automotive parts and supplies shall be stored within an enclosed building.
3. All debris, used parts and other refuse must be stored in compliance with the Municipality's fire code and other applicable ordinances and in such a manner that it is not visible from adjacent properties or a public street.
4. No vehicle shall be parked stored on a public right-of-way or property at any time. No more than four vehicles awaiting repairs shall be parked or stored outdoors at any one time. All others must be stored within a building or totally screened from view by a solid fence.
5. Off street parking spaces shall be provided in accordance with Section 5-508 of this Ordinance.
6. If a vehicular repair garage includes gasoline and/or other petroleum sales, all requirements for a gasoline service station shall be met.

7. No vehicular repair garage may be located within 1,000 feet of another vehicular repair garage.

404.26 Self Service Storage Facility

1. Storage shall be within a completed enclosed building or buildings.
2. A minimum spacing of twenty-five (25) feet between the buildings for traffic circulation, parking and fire lane purposes.
3. All outside lighting shall be directed away from adjacent properties.



## ARTICLE FIVE

### SUPPLEMENTAL REGULATIONS

#### 5-501 GENERAL INTENT

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

#### 5-502 GENERAL PROVISIONS AND EXCEPTIONS

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

502.2 Dwelling in a Basement: No dwelling unit or units shall be contained in a basement or cellar which does not have 50 % or more of its average height above grade level.

502.3 Clear Sight Distances at Intersections: A clear sight triangle, as defined by this Ordinance, must be maintained at all intersections of public and/or private streets and driveways in all zoning districts. Required sight distances along intersecting streets/driveways shall be in accordance with the current applicable PaDOT standards.

502.4 Exotic Animals: Exotic animals such as lions, tigers, bears, large or poisonous snakes, alligators and similar animals shall not be permitted in any zoning district.

#### 5-503 ACCESSORY USES

503.1 Permit and Maintenance Requirements: A zoning certificate must be obtained from the Municipal Zoning Officer for any new, expanded or altered accessory use or structure. The owner is responsible for maintaining the accessory use/structure in safe condition in accordance with all applicable regulations.

If the Zoning Officer finds that an accessory structure is not being used for its intended purpose or not being maintained, the Zoning Officer shall give

written notice to the owner, in accordance with section 907.1, to repair or remove it.

503.2 Permitted Accessory Uses: A permitted accessory use must comply with the definition of “accessory use” contained in Article 2 of this Ordinance.

Examples of permitted uses are:

1. Garage, carport, shed or building for domestic storage, but not exterior storage of a boat, trailer, camper or similar recreational vehicle.
2. Child's playhouse, garden house, gazebo and private greenhouse.
3. Private residential swimming pool, tennis court or similar private recreational facility.
4. Civil defense shelter for not more than two families.
5. Home occupations, as regulated herein.
6. Fences, as regulated herein.

7. Offstreet parking and loading areas, as regulated herein.
8. Signs, as regulated herein.
9. Radio, television or satellite dish antenna, as regulated herein.
10. Storage of merchandise normally carried in stock on the same lot with a permitted retail, service or office use, unless such storage is excluded by the district regulations.
11. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations.
12. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.

### 503.3 Use Limitations

1. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
2. No accessory structure shall be used for dwelling purposes.
3. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
4. None of the following shall be permitted as an accessory use:
  - a. Outdoor storage or overnight parking in a residential district of trucks, buses or other vehicles exceeding 7,000 pounds in gross vehicle weight or designated as Class III or above by the Pennsylvania Motor Vehicle Code, excluding a recreational vehicle as defined by this ordinance.
  - b. Outdoor storage of equipment, supplies or other materials in all zoning districts, except as specifically permitted by the applicable zoning district regulations.

5. No accessory structure shall exceed 15 feet in height unless another height is specified by this Ordinance.

503.4 Location of Accessory Uses: Unless otherwise stipulated by this Ordinance, the following standards shall apply:

1. Residential Districts

- a. Front Yard: Accessory uses, with the exception of permitted signs and fences, shall not be located in the required front yard of any zoning lot.
- b. Side and Rear Yards: Accessory uses are permitted, provided they are no closer than 5 feet of any lot line.

2. Business & Manufacturing Districts

- a. Front Yard: In addition to permitted signs and fences, offstreet parking (but not loading) areas are permitted in a required front yard. The minimum parking area in a M-1

district must maintain a minimum five foot, landscaped setback from the street right-of-way or sidewalk line.

- b. Side and Rear Yards: Accessory uses are permitted. If the yard abuts a residential district, the accessory use must maintain a minimum three-foot setback, screened in accordance with section 504.4 of this Ordinance.

3. All Zoning Districts

- a. No part of any accessory structure shall be located closer than 10 feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than 3 feet to another accessory structure on an abutting property.
- b. Accessory structure and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.

Unless otherwise stipulated, the following standards shall apply.

504.1 Permit and Maintenance Requirements: A zoning certificate must be obtained from the Zoning Officer for the erection of any fence, wall or screen. The property owner shall be responsible for the continuing maintenance of any fence wall or screen.

If a fence, wall or screen is not maintained in a safe condition and in accordance with local regulations, the Zoning Officer shall give written notice to owner, in accordance with Section 907.1, to repair, replace or remove it.

504.2 Placement, Materials, Height

1. Fences, walls, hedges or other planted screens may be erected in any yard subject to following height restrictions:
  - a. Located in a front yard: 3 ft. max.
  - b. Located in a side yard: 8 ft. max.



- c. Located in a rear yard: 8 ft. max., except that there shall be no maximum applied to hedges or planted screens (e.g., trees) located along the rear property line.
  - d. Located in any yard in an M-1 district; 12 ft. max.
- 2. Fences, screens or walls up to 10 feet in height may be erected in any yard of a public school, public recreational facility or public building provided that they are constructed of a chain link material and approved by the Planning Commission.
- 3. A retaining wall may be erected along any property line or in any yard where it is required to prevent a landslide or other hazardous conditions.
- 4. A fence or screen cannot be erected in a public or dedicated right-of-way.

5. Fences located along a property boundary shall be set back at least 6 inches from the property line except by written agreement of the property owners filed with the zoning hearing board.

#### 504.3 General Requirements

1. Authorized fences and screens whether publicly or privately owned, shall not obstruct the clear sight distances at street intersections; a clear sight triangle, in accordance with Section 502.3, shall be maintained.
2. Fences shall not contain barbs or similar types of injurious materials, unless specifically approved by the Planning Commission for security reasons.
3. The finished side of the fence or wall shall always face the abutting properties or street.

#### 504.4 Screening for Business, Manuf., ,Industrial Uses:

Wherever this Ordinance requires screening of a commercial or industrial use, or portion thereof, the following standards shall apply:

1. A planted screen shall be of sufficient density and type of planting material to provide a year-round visual barrier, within two growing seasons of planting. The minimum height shall be 5 feet, but additional height may be required where it is necessary to achieve adequate visual screening of the use.
2. Screening of offstreet parking and loading areas shall be in accordance with section 504.2 of this Ordinance.
3. Water towers, storage tanks, processing equipment, fans, cooling towers, vents, and other structures or equipment that rise above the roof line, other than a radio, television or satellite dish antenna, shall be effectively shielded from view of any abutting public or private street by an architecturally sound method.

5-505

SWIMMING POOLS

505.1 Placement: As an accessory structure, a pool and accessory deck area shall be erected only in a rear yard provided it is no closer than 5 feet of any lot line, or the distance of the required side yard for the zoning district in which it is located, whichever is greater.

505.2 Fencing:

1. In-ground pools, in all zoning districts, shall be enclosed by a fence, constituting a barrier to small children, at least 4 feet in height and equipped with a gate and lock. Fencing for a pool shall comply with the applicable requirements of Section 5-504 of this Ordinance.
2. Above-ground pools in all zoning districts having vertical walls 4 feet or more above ground level and removable steps are not required to be fenced, but the owner shall remove the steps when the pool is not in use to prevent access by small children.

5-506 RADIO, TELEVISION OR SATELLITE DISH ANTENNAS

506.1 Radio or Television Antenna

1. A radio or television antenna structure is a permissible accessory structure in any zoning district subject to the requirements of this section.
2. Such structure may be mounted on a roof or installed in a rear yard only, provided that no ground level structure shall be located within 10 feet on any property line.
3. The maximum height for such structure shall not exceed by more than 20 feet the otherwise allowable height in the zoning district in which the antenna is located. If placed on a roof, any antenna exceeding 8 feet in height shall be mounted with guide wires.
4. Any such structure shall comply with applicable Greene County airport zoning and federal regulations.
5. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable materials, as approved by the Planning Commission.

## 506.2 Satellite Dish Antenna

1. A satellite dish antenna is a permissible accessory structure in any zoning district subject to the requirements of this section.
2. Such antenna may be installed in a rear yard only, provided that no such structure shall be located within 15 feet of any property line.
3. When installed on the ground, the maximum height of a satellite dish antenna shall not exceed 14 feet when positioned vertically and shall have a maximum diameter of 10 feet.
4. A satellite dish antenna may be roof mounted in B-1 and M-1 districts, provided that the maximum height shall not exceed 15 feet above the roof line, when positioned vertically and the maximum diameter shall not exceed 12 feet.
5. When installed on the ground, the satellite dish antenna shall be screened from adjacent properties by evergreen trees or other suitable materials. The Municipality shall not require screening which obstructs the line of sight to the transmitting satellite.

### 506.3 Exceptions to Requirements

1. Any applicant may apply to the Zoning Hearing Board for a special exception regarding the height, size or placement of a radio, television, or satellite dish antenna when it can be demonstrated that the requirements of this section effectively preclude reception. Should the Zoning Hearing Board require expert technical assistance in making such determination, the cost of such assistance shall be borne by the applicant.

## 5-507 SIGNS

### 507.1 Application

1. Any sign hereafter erected, altered, painted, relocated, remodeled, enlarged, or maintained shall comply with the provisions of this section and other applicable Municipality ordinances.

2. The following signs shall be exempt from the requirements of this section, provided that the provisions of Section 502.3, Clear Sight Distances at Intersections, shall apply:
  - a. Address numerals.
  - b. Traffic, directional legal notices, or similar instructional or regulatory signs erected by a unit or agency of government.
  - c. Flags or similar emblems of a governmental, educational, religious or philanthropic organization, which are displayed on private property, provided the flag pole or other supporting structure shall not exceed the applicable height limitations of the zoning district.
3. All signs, whether permanent or temporary, shall require a zoning and occupancy certificates, issued in accordance with the provisions of this Ordinance.

#### 507.2 General Regulations



1. Location/Placement

- a. All signs shall be located on the same lot containing the use or structure to which the sign relates, except for authorized billboards and off-lot directional signs.
- b. No sign mounted on a building or roof shall project 15 ft. above the highest part of a flat roof, or the mean level of the highest gable or slope of a hip roof.
- c. No sign shall be attached to utility pole or tree whether private or public property.
- d. No sign shall be erected at a street intersection in violation of section 502.3 of this Ordinance.
- e. No sign shall be erected in or projecting over a public R.O.W.. A business sign may project over a sidewalk.
- f. No sign shall be placed in a public right of way except as authorized by the zoning officer.

- g. Signs, plus their support structure shall be kept in good repair at all times.

## 2. Sign Characteristics

- a. The area of a sign shall include all lettering and accompanying designs, but not including any supporting framework incidental to the display itself.
- b. Where the sign consists of individual letters attached on the surface of the building, the sign area shall be that of the smallest rectangle shape that can enclose such letters or symbols; plus thirty-five (35) percent.
- c. In computing square foot area of a double face sign, both sides shall be considered provided both faces are identical.
- d. The clearance of a sign shall be the distance to the finished grade elevation from the lowest part of the sign.

## 3. Prohibited Signs

- a. Flashing or animated signs, except time/ temperature signs where authorized by the Zoning Board.
  - b. Search lights
  - c. Portable or wheeled signs.
  - d. Signs which by reason of their design might be confused with legitimate traffic control devices.
  - e. Temporary signs attached to vehicles for the sole purpose of violating section 507.2 of this ordinance.
  - f. Roof signs
4. Illumination
- a. Sign shall not be illuminated so as to interfere with, distract, or blind operators of motor vehicles or to create glare on adjacent properties.

### 507.3 Authorized Signs

1. Signs permitted in any zoning district subject to the stated requirements.
  - a. Name plate or identification sign not exceeding 1-1/2 square feet and attached to one of the walls of the structure, indicating the occupants of the structure, name of the building, the owner and/or management agency.
  - b. On-premise directional signs. On lots with a total area less than one (1) acre, a maximum of four (4) directional signs, each of which shall not exceed four (4) square feet in area shall be permitted.

On lots with area of one (1) acre or more, a maximum of six (6) directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted in the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional sign shall be permitted.

- c. Temporary real estate sign which shall be promptly removed when the sale, lease, or development of the property has been completed.
- d. Contractor's sign not to exceed twelve (12) square feet in area and shall be removed immediately upon completion of the work.
- e. Temporary special event sign no more than fifteen (15) square feet in area displayed for a period no longer than fifteen (15) days prior to the event and removed immediately upon the completion of the event.

#### 507.4 Authorized Signs in all Residential Districts

- 1. One (1) non-illuminated or indirectly illuminated permanent wall or free standing ground identification sign containing only the street address and/or name of a residential subdivision plan or multi-family complex not exceeding fifteen (15) square feet in area.

2. Identification sign for a school or hospital not exceeding twenty (20) square feet.
3. Identification sign for a nursing home, day care center, boarding home, group care facility not to exceed ten (10) square feet.
4. Identification sign for a lawfully maintained nonconforming use not exceeding eight (8) square feet.

507.5 Authorized Signs in the B-1 District

1. One (1) free-standing sign which identified the name of the development and/or individual business occupants not to exceed one (1) square feet for every two (2) feet of building frontage along the main access road but not more than fifty (50) square feet. In addition to this main identification sign, each business within the center may have a flush-mounted wall, awning, or window sign in compliance with the requirements in section 507.6.

2. Identification signs for single businesses, multi-family dwellings, church, public use buildings, recreational facilities, group care facilities, personal care homes or nursing homes shall comply with the requirements in section 507.6.
3. When authorized, a free-standing sign shall be set back at least ten (10) feet from a street right-of-way and fifteen (15) feet from any side lot line and shall not exceed ten (10) feet in height as measured to the top of the sign. A free-standing sign may be either non-illuminated or illuminated directly or indirectly.
4. Billboards may be permitted as a conditional use when approved by the zoning Board after submission and review by the Planning commission in accordance with the procedures and criteria contained in this Ordinance.
  - a. Billboards shall not be erected within 500 feet of the boundary line of a residential district or within 400 feet of the line of any public or private school property.

- b. No billboards shall be erected within 400 feet of the centerline (measured horizontally) of High street.
- c. The minimum front, side, and rear yard re-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.
- d. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements under the local building code.
- e. 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.
- f. Billboards shall maintain a lateral minimum spacing of 750 feet between billboard structures.



- g. Billboards may not be mounted on the roof, wall, or other part of a building or any other structure.
- h. A billboard may have a maximum allowable Gross Surface Area of 750 square feet per Sign Face. A billboard may have a maximum of two (2) Sign Faces per billboard structure. However, the Gross Surface Area of each Sign Face shall not exceed the 750 square foot maximum.
- i. The billboard's Gross Surface Area shall not exceed 20 feet in total height or 60 feet in total length.
- j. A billboard structure shall have a maximum of one vertical support being a maximum of three (3) feet in diameter or width and without bracing or vertical supports.
- k. 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. Landscaping shall be maintained by the sign owner in an

attractive and healthy manner in accordance with accepted conservation practices. Permanent landscaping shall form a base and/or backdrop to the billboard sign when practical in the opinion of the Zoning Officer.

- l. All cuts or fills are to be permanently seeded or planted.
  
- m. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.
  
- n. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M., prevailing local time.
  
- o. 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.

- p. A billboard structure shall be entirely painted every three (3) years.
  
- q. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer or Architect and shall provide to the municipality a certificate from the Engineer or Architect certifying that the billboard is structurally sound.
  
- r. Annual inspections of the billboard shall be conducted by the municipality to determine compliance with the provisions of this Ordinance.
  
- s. Billboards found to be in violation of this Ordinance shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by the municipality. Failure to comply shall be a violation of this Ordinance.

- t. 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.
- u. Permits: Prior to submission of an application for a Building Permit, the applicant for billboard use shall obtain and submit with the application, approvals from the County, the Pennsylvania Department of Transportation.
- v. Application Fees: Said application shall be an Application Fee in an amount equal to that set by Resolution of the Municipality.

507.6 Authorized Signs in the B-2 District

- 1. One (1) identification sign for each business establishment which may be anyone (1) of the following:
  - a. A flush-mounted wall sign, not to exceed one (1) square foot for every two (2) feet of building frontage but not more than thirty (30) square feet.

- b. An awning or canopy sign over a sidewalk.
  - c. A permanent window graphic which is painted or applied to a window not to exceed more than ten (10) percent of the total window area.
2. A free-standing sign shall be authorized only when:
- a. The business fronts a public street,
  - b. The principal structure is set back twenty-five (25) feet or more from the street right-of-way, and,
  - c. The building lot has a frontage of one hundred (100) feet or more.
3. When authorized, a free-standing sign shall be set back at least ten (10) feet from a street right-of-way and at least ten (10) feet from any side lot line and shall not exceed eight (8) feet in height as measured to the top of the sign. A free-standing sign shall not be

closer than fifty (50) feet to another freestanding sign.

Free-standing signs may be either be illuminated or non-illuminated directly or indirectly.

507.7 Authorized Signs in the M-1 District

1. Any sign authorized in the Residential and Business Districts listed above.
2. The design criteria of the sign in this District must meet the requirements contained in section 507.6.
3. The size of the sign may be increased twenty-five (25) percent above the authorized sign permitted in the B-2 District upon the approval of the Governing Body.
4. The height of a free-standing sign shall be no greater than fifteen (15) feet as measured to the top of the sign to the finished grade below.

508.1 General Provisions: Off-street parking spaces shall be provided in accordance with the specifications in this Section in any Zoning District whenever any new use is established, or for the new portion whenever any existing use is enlarged.

1. An off-street parking space shall have minimum rectangular dimensions of not less than nine feet (9') in width and eighteen (18) feet in length, exclusive of driveways, aisles and other circulation areas.
2. Driveways and traffic aisles between two (2) rows of off-street parking spaces shall be of a width not less than twenty-four (24) feet, except for one-way aisles for angle parking which shall be no less than twenty (20) feet in width.
3. Off-street parking areas for more than five (5) vehicles and access drives leading to the parking area shall be graded for proper drainage and paved with concrete, bituminous asphalt or bituminous seal coat. The developer/property owner shall provide assurance that in the event that development occurs at a time of year which

makes it impossible to pave, paving will occur as soon as weather permits.

Off-street parking areas which are used for the storage of vehicles and are not accessible to the general public shall be graded for proper drainage and finished with an all-weather surface such as gravel or slag which has been properly graded, choked and compacted.

4. Any lighting devices used to illuminate any offstreet parking lot shall be so arranged as to reflect the light away from all adjoining properties.
5. All off-street parking spaces shall be provided on the site of the principal structure which they are intended to serve, or within 50 feet of the property.
6. Off-street parking spaces shall not be located any closer than five (5) feet to the right of way line of a public or private roadway. The area between the right of way and off-street parking spaces shall be seeded and planted with shrubbery, and trees, or other landscaped



barrier which will prevent the shining of lights from the parking area onto the roadway.

When the setback requirement in this Subsection is in conflict with the provisions of this Ordinance or any other ordinance regulating land development, the greater distance shall apply.

7. When two (2) or more uses are located within the same building or structure, or when two (2) or more uses are located in more than one (1) building on one property, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
  
8. Handicapped parking shall be provided at a ratio as determined by the latest version of the ADA Accessibility Guidelines.  
Handicapped spaces shall have minimum dimensions of twelve (12) feet in width and nineteen (19) feet in length and shall be located the shortest possible distance to an accessible entrance to the building. These spaces shall be conspicuously posted.

9. When the determination of parking spaces required for a use results in a fraction of a space, any fraction shall be counted as one (1) space.
10. Off-street parking for more than five vehicles shall include interior landscaping of at least ten square feet per car and one tree (min. 4 feet high) per five vehicles. It is the responsibility of the owner/applicant to assure the continued growth of all required landscaping and replace all dead growth.
11. Bufferyards, when required, shall contain a row of planting comprised of a mixture of deciduous (30%) and evergreen (70%) trees spaced ten feet apart measured from the center line of the tree.
12. Off-street parking shall be provided in accordance with the ratios specified in the following table for the various categories of uses.
13. The Planning Commission may approve a plan for providing all or some of the required off street parking spaces on a lot within the B-2 local business if the proposed use is commercial and complies with the following formula:

GROSS FLOOR AREA	AMOUNT OF <u>REQUIREMENT EXEMPTED</u>
5,000 sq. ft. or less	100%
5,001-10,000 sq. ft.	50%
10,001 sq. ft. or greater	25%

USE: MINIMUM NUMBER OF PARKING SPACES

REQUIRED:

Single and Two Family Dwellings	Two for each dwelling unit
Home Occupations	Determined by Zoning Hearing Board in accordance with provisions of this Ordinance
Multi-family Dwellings	1.5 for each dwelling unit

Church, School, Conference Center meeting room	One for every four (4) seats in the largest
Theaters	One for every three (3) seats in each screening room
Shopping Center	One for every 200 square feet of gross floor area
Retail Stores	One for every 200 square feet of net floor area
Business and Personal Services, Business Offices, Financial Institutions and Professional Offices, other than Medical or Dental	One for every 300 square feet of net floor area
Medical and Dental Offices	One for every 200 square feet of net floor area
Funeral Home	25 for the first parlor plus 10 for each

	additional parlor
Warehouse, Wholesaling Manufacturing Plants, Freight and Truck Terminals	One (1) per two (2) employees on the two (2) largest shifts combined
Motels-Hotels	One for every sleeping room plus additional spaces as required by this Ordinance for restaurants, bars, conference rooms or any other accessory use which is open to the general public
High Turnover Restaurants	One for every three (3) seats and one (1) per two (2) employees
Low Turnover Restaurants	One for every 150 square feet of net floor area plus one (1) per employee on peak shift
Bars and Nightclubs	One for each 4 square feet of net floor area devoted to seating at stools or standing area plus one for each 50 square feet of net floor area devoted to seating at tables with chairs

Country Clubs and Private Clubs	One for each 4 members plus the number of spaces required for a Low Turnover Restaurant, if a restaurant is included
Day Care Center	One for each teacher and employee on largest shift plus one (1) per 8 students
Group Care Facility	One for each 2 full-time staff plus one for 2 residents who are authorized to operate a vehicle
Nursing Home and Personal Health Care Facilities	One for each staff plus one for each 3 beds of residents
Hospital or Clinic	One for each bed plus one for each employee and staff on peak shift
Indoor Amusement	Five spaces for each alley for bowling alleys; one space for each 50 square feet of water surface area for swimming pools; one space

for each 3 seats for theaters, stadiums, coliseums, arenas, or similar places of assembly

Health Club

One for each 30 square feet of gross floor area

Gas Station

One for each employee and employer plus three (3) for each repair bay

Elementary/Junior Schools

One (1) for each employee and faculty member plus a minimum of four (4) visitor parking spaces

High School

One (1) for each employee and faculty member plus one (1) for each seven (7) students

Libraries/Museums

One for each 300 square feet of gross floor area

Recreation, Public or Non-profit	One (1) per four (4) persons of maximum design capacity for the facility
Community Center or Other Indoor Places of Assembly	One (1) for each one hundred (100) square feet of net floor space
Central Commercial District (B-1) for Commercial and Office Use	None
Bank, Financial Institution	One (1) per 200 square feet of gross floor area
Medical or Dental Office	One (1) per examine room, plus one for each two chairs in the waiting room, plus one (1) per physician and staff member on peak shift
Private School	One (1) per staff member plus one (1) per three (3) students
Veterinary Clinic	One (1) per 150 gross floor area plus one (1) per staff member on peak shift



General Commercial District (B-2) for Commercial and Office Use	One (1) per 250 square feet of gross floor area
All Other Uses	One for each 300 square feet of gross floor area or one for each 3 occupants at maximum allowable occupancy whichever is greater

508.2 Required Parking for Multiple Use: In the event a number of different uses are proposed within the same structure, the applicant may present to the Planning Commission a written analysis prepared by a professional traffic engineer or consultant. The contemplated use will not necessitate the total cumulative parking spaces authorized by this chapter. Upon review of such a written document, the Governing Body may adjust the required number of parking spaces.

508.3 Off-street Loading: Off-street loading shall be provided in accordance with the specifications in this section in any non-residential Zoning District wherever any new use is established, or as to the new portion, wherever

any existing use is enlarged. The phrase “off-street loading” shall include both “loading” and “unloading”.

508.4 Off-street loading spaces in conjunction with warehousing or other industrial uses shall have minimum rectangular dimensions of twelve (12) feet in width and fifty-five (55) feet in length.

Off-street loading spaces in conjunction with offices, retail or service uses shall have minimum rectangular dimensions of twelve (12) feet in width and thirty (30) feet in length.

508.5 Loading spaces shall be provided in accordance with the following information:

USE:	SPACES REQUIRED:
<u>Warehousing or Other Industrial Use:</u>	
Net Floor Area: 0 - 5,000 sq. ft.	1
Net Floor Area: 5,001 - 20,000 sq. ft.	2
Each Additional 20,000 sq. ft. or fraction thereof	1 additional

Offices, Retail, or Service:\*

Net Floor Area:	0 - 20,000 sq. ft.	0
Net Floor Area:	20,000 sq. - 60,000 sq. ft.	1
Each Additional 60,000 sq. ft. net floor area or fraction thereof		1

\*Service shall include hotels, motels, restaurants, eating and drinking establishments.

508.6 Off-street loading spaces shall be located in areas which will not impede traffic on public streets. At no time may loading vehicles obstruct traffic on a public thoroughfare.

508.7 Performance Standards: All uses shall comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to Permitted Uses, by the Zoning Hearing Board with respect to Special Exceptions and by the Governing Body with respect to Conditional Uses. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Municipality may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

5-509 MANUFACTURED HOME REQUIREMENTS

Any installation of a manufactured home shall be subject to the following requirements.

- A. Manufactured homes shall be placed on permanent footers (concrete runners) at a depth no less than 18". These permanent footers (concrete runners) must be the same width as the manufactured home with a top surface of 16" to 24" wide.
  
- B. Manufactured homes shall have double concrete block piers, 8"x8"x16" (block size) under the frame at a distance no less than eight (8') feet and no more than twelve (12') feet apart. The concrete block piers must coincide with the permanent footers (concrete runners) as listed above. These concrete block piers shall not be less than twelve (12") inches or more than forty-eight (48") inches in height.
  
- C. Manufactures homes shall be secured to the permanent footer (concrete runner) with at least four (4) tie downs such as concrete "dead-men", screw augers, arrowhead anchors or other devices suitable to withstand a tension of at least 2,800 pounds to prevent rocking and wind overturning. The tie downs consist

of galvanized or rust resistant steel strapping (1-1/4" wide x 0.035" thick) or cable (1/4" thick), which anchors the framing to the ground.

- D. Manufactured homes shall be skirted with skirting that has been approved by the Manufactured home industry. This Manufactured home skirting must be installed prior to occupancy.
  
- E. Manufactured homes shall be separated from each other by at least thirty (30') feet. Manufactured homes shall be separated from all other buildings and structures by at least (20") feet.
  
- F. Two (2) off-street parking spaces shall be provided for each manufactured home. Each parking space shall be at least 10'x20' or 200 square feet.
  
- G. Manufactured homes may as an option be placed on a permanent foundation. When manufactured homes are placed on a permanent foundation, the tires, axles and tongue must be removed.
  
- H. The following inspection schedule shall be required for all manufactured homes:
  - 1. INSPECTION #1 – Digging of the permanent footer (concrete runner)

prior to pouring.

2. Inspection #2 – Pouring of the concrete for the permanent footer (concrete runner), the tie downs should be anchored within the permanent footer (concrete runner).

**\*\*Inspection #1 and #2 must be completed prior to the manufactured home being brought onto the property.**

3. Inspection #3 – The placement of the concrete block piers along with the securing of the tie downs.
4. Inspection #4 – The installation of the approved manufactured home skirting.
5. Inspection #5 – When porches and decks are completed. These must meet the B.O.C.A. Building Codes of HUD Codes.
6. Inspection #6 – The final electrical inspection by a certified electrician. Proof of this inspection must be given to the Borough.

**\*\*Inspections #1-5 shall be conducted by the Borough's Zoning/Codes Enforcement Officer.**

- I. All new manufactured homes shall be installed according to the Manufactured Installation Manual, which is provided by the Manufactured Home Dealer.

- J. When obtaining a Building Permit, provide the year, make, model and proof that the manufactured home meets the most current standards of the Federal & National Manufactured Home Construction and Safety Standards (HUD).

5-510 MOBILE HOMES

Mobile homes shall be subject to the following requirements:

- A. Mobile Homes are no longer permitted to be established anywhere in the Borough of Waynesburg.

## ARTICLE SIX

### ENVIRONMENTAL PERFORMANCE STANDARDS

6-601

#### GENERAL STANDARDS

All uses hereafter established in any zoning district shall comply with the performance standards contained in this section. The performance standards shall apply to an existing use or structure, or portion thereof, when it is extended, enlarged, moved, structurally altered, or reconstructed.

601.1 Fire and Explosive Hazards: All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting equipment as specified by the Department of Labor and Industry, the laws of the Commonwealth and the Municipality fire code. All buildings and structures and activities within such buildings and structures shall conform to the Municipality building and fire codes and other applicable ordinances.



601.2 Radioactivity or Electrical Disturbances: There shall be no activities which emit radioactivity at any point above the most recent background limits set by state and/or federal regulations. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance.

601.3 Smoke, Ash, Dust, Fumes, Vapors and Gases: There shall be no emission of smoke, ash, dust, fumes, vapors, or gases which violates applicable federal, state, county or Municipality laws and regulations.

601.4 Liquid and Solid Wastes: There shall be no discharge at any point into any public or private sewerage system, watercourse or into the ground of any materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of any federal, state, county or Municipality laws and regulations. All required discharge and disposal permits shall be obtained.

601.5 Glare: No direct reflected glare whether from any lighting source or production operation shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Glare

shall be defined as-direct or indirect light from such activities of greater than one-half (0.5) foot candle at habitable levels.

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

601.7 Noise: No operation or activity shall cause or create noise in excess of the sound levels prescribed below. For the purposes of this Ordinance, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighing network corresponding to the A-scale on a standard sound level meter.

1. Residential- At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA for more than one (1) hour per 24 hours.

2. Business- At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA for more than eight (8) hours per 24 hours.
3. Industrial Districts- At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA.
4. Where two zoning districts in which different noise levels are prescribed, share a common boundary, the most restrictive of the noise level standards shall govern.

The following uses or activities shall be exempted from the noise regulations: (1) noises emanating from construction and/or maintenance activities between 7:00 a.m. and 8:00 p.m.; and (2) noises caused by safety signals, warning devices and other emergency-related activities or uses.

In addition to these regulations, all uses or activities within the Municipality shall conform to any applicable city, county, state or federal noise regulations.

601.8 Storage: All garbage, trash and rubbish shall be stored in covered, vermin-resistant containers and shall be stored beyond public view.

601.9 Determination of Compliance

1. If during the review of a zoning application it appears that the proposed use or development may violate the performance standards contained in this section, the Municipality may initiate an investigation and may require the applicant to submit such data and evidence as is needed to make an objective determination. The evidence may include, but shall not be limited, to such items as:
  - a. Plans of the existing or proposed constructions and development;
  - b. A description of the existing or proposed machinery, processes and products;

- c. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this Article; and/or
  - d. Measurements of the amount or rate of emission of said dangerous and objectionable elements.
2. In order to determine compliance, the Municipality may seek assistance from any governmental agency having interest in or jurisdiction for the particular environmental issue. The Municipality may also require the applicant to submit a report from a qualified technical expert certifying that the proposed use does comply with the performance standard(s). The technical expert(s) shall be person(s) or firm(s) mutually acceptable to the Municipality and applicant; in the event agreement cannot be reached on the technical expert, the Municipality shall make the selection. The cost of the expert's study and report shall be borne by the applicant. A negative report by the technical expert as to the proposed use's compliance with the performance standard(s), and the applicant's refusal or

inability to make alterations to ensure compliance, shall be a basis for denying approval of the zoning application.

601.10 Continuing Enforcement: The zoning Officer shall investigate any reported violation of the performance standards and, if necessary request that Council employ qualified experts to assist in the determination of a violation. The costs for the services of such experts shall be paid by the owner if the factory is found to be in violation.

If the facility is found to be in violation, the owner or operator shall be given a reasonable length of time to correct the violation. If at the conclusion of this time period the violation still exists, and the Governing Body has agreed to no time extension, the owner or operator shall be in violation of this Ordinance and subject to the legal penalties and remedies contained herein.

6-602 STORMWATER MANAGEMENT

602.1 Performance Standard

Any landowner or person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health or property. Such measures shall include such actions as are required to:

1. Assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or
2. Manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

#### 602.2 Stormwater Plan Requirements

1. When required by this ordinance, the applicant shall submit a stormwater management plan for the development site prepared and sealed by a registered professional engineer or landscape architect of demonstrated qualifications in stormwater management, along with all calculations and analyses used to prepare the plan. All

calculations of pre- and post- development runoff and storage requirements for sites exceeding one acre shall be completed using the U.S. Soil Conservation service (SCS) Soil Cover Complex Method (as contained in SCS Technical Release TR-55). The rational method may be used for development sites less than one acre.

2. If the development site is located within a watershed for which a stormwater management plan has been adopted, pursuant to the state Storm Water Management Act (167 of 1978), then any proposed stormwater control measures shall be consistent with the watershed plan.
3. If the development is proposing to connect with existing storm sewers, the applicant shall demonstrate that the system has the capacity to handle the additional stormwater flow. All connections shall be approved by the Municipality Engineer.

### 602.3 Plan Approval



The stormwater management plan for the development site and all proposed control measures shall be reviewed and approved by the Municipality Engineer and Conservation District.

#### 6-603 EROSION/SEDIMENTATION CONTROL

- 603.1 Applicability: Where any excavation, grading or earthmoving activity, including removal of topsoil, trees or other vegetative cover of land, is proposed, a plan for minimizing soil erosion and sedimentation, both during and after construction is required.
- 603.2 Erosion/Sedimentation Plan: The erosion/sedimentation plan shall be prepared in accordance with the PA Erosion and Sedimentation Regulations (25 PA Code, Chapter 102) and the standards and specifications of the Greene County Conservation District.
- 603.3 Plan Review: The Municipality may submit the erosion/sedimentation plan to the County Conservation District for review and comment.

## ARTICLE SEVEN

### FLOODPLAIN MANAGEMENT STANDARDS

#### 7-701 PURPOSE

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
2. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;

3. requiring or prohibiting certain uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage; and
4. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

7-702

## GENERAL PROVISIONS

- 702.1 Applicability: These provisions shall apply to all lands within the municipality and as shown as being located within the boundaries of the designated floodplain areas.
- 702.2 Compliance: No structure or land shall hereafter be used, and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Article and any other applicable ordinances and regulations which may apply to uses within the jurisdiction of this Article.
- 702.3 Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory

purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the floodplain areas or that land uses permitted with such areas will be free from flooding damages.

This Article shall not create liability on the part of the municipality or any office or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

## 7-703 DELINEATION OF FLOODPLAIN AREAS

703.1 Overlay Concept: The floodplain areas described in this section shall be overlays to the underlying zoning districts shown on the Official Zoning Map. The provisions for the floodplain districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying districts, the more restrictive prevails.

703.2 Description of Floodplain Areas

1. The various floodplain overlay districts shall include areas subject to inundation by waters of the 100 year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the municipality.
  
2. The following kinds of floodplain areas are delineated for the purposes of this Article:
  - a. The Floodway Area (FW) is delineated using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of flood more than one foot at any point. The areas included in this area are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
  
  - b. The Flood Fringe Area (FF) shall be that area of the 100 year floodplain not included in the floodway area. The basis for the outermost boundary of this area shall be the 100 year

flood elevation contained in the flood profiles of the above referenced FIS and as shown on the accompanying Flood Boundary and Floodway Map.

- c. The General Floodplain Area (FA) shall be that floodplain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIS prepared by FEMA. Where the specific 100 year elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Floodplain Information Reports, U. S. Geological Survey-Floodprone Quadrangles, etc. then the applicant for the proposed use, development or activity shall determine this elevation in accordance with hydrological and hydraulic engineering techniques.

The applicant shall also delineate a floodway area and provide sufficient documentation to demonstrate that the proposed activity, together with all other existing and anticipated development, uses, and activities, will not increase the water surface elevation of the 100 year flood

more than one foot at any point. The engineering principle of equal reduction of conveyance shall be used to make the determination of increase in flood heights.

A hydrologic analysis shall be undertaken by a professional engineer using methods correctly reflecting current accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Municipality Engineer.

703.3 Changes in Floodplain Area Delineations: The areas considered to be floodplains may be revised or modified by the Governing Body where studies or information by a qualified agency or person documents the need or possibility for such revision. Prior to any change in a floodplain area identified in a FIS, approval must be obtained from FEMA.

703.4 Interpretation of Area Boundaries: Initial interpretations of the boundaries of the floodplain areas shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary

determination in accordance with the provisions of Article 8 of this Ordinance.

7-704 ADMINISTRATION OF FLOODPLAIN PROVISIONS

704.1 Permit Required: A zoning certificate and building permit shall be required for all construction and development in any floodplain area, including the erection, moving, extension, structural alteration, or development of existing structures. In addition to the development application requirements contained in other articles of this Ordinance, the following information shall be included in an application for construction or development in any floodplain area:

1. Plans of all proposed buildings structures and other improvements, drawn at suitable scale showing the following:
  - a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
  - b. The elevation of the 100 year flood;



- c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100 year flood; and
- d. Detailed information concerning any proposed floodproofing measures.

2. The following data and documentation:

- a. A document certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the 100 year flood elevations, pressures, velocities, impact and uplift forces associated with the 100 year flood.

Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

- b. Detailed information needed to determine compliance with section 705.3.6, Storage, and Section 705.4, Development which may endanger human life, including:
  - (1) the amount, location and purpose of any materials or substances referred to in sections 705.3.6 and 705.4 which are intended to be used, produced, stored or otherwise maintained on site.
  - (2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in section 705.4 during a 100 year flood.
- c. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."
- d. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of

Environmental Resources, to implement and maintain erosion and sedimentation control.

704.2 Review by County Conservation District: A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Municipality for possible incorporation into the proposed plan.

704.3 Review of Application by Others: A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment.

704.4 Other Permit Requirements: Prior to the issue of any zoning certificate or building permit, the Zoning Officer or Building Inspector, as appropriate, shall review the application to determine

if all other necessary governmental permits required by State and Federal laws have obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 196653/, as amended); the Dams Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 2334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.

704.5 Watercourse Alterations: No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to any alteration or relocation of any watercourse.

705.1 Special Floodway and Stream Setback Requirements

1. Within any Floodway Area, the following provisions apply:
  - a. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
2. Within any General Floodplain Area, the following provisions shall apply:

- a. No new construction shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.
- b. Any new construction, development, use, activity, or encroachment which would cause any increase in flood heights shall be prohibited within a floodway area delineated by an applicant.

#### 705.2 Elevation and Floodproofing Requirements

1. Residential structures

Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least 1-1/2 feet above the 100 year flood elevation.

2. Nonresidential Structures

- a. Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved

nonresidential structure shall be at least 1-1/2 feet above the 100 year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood tip to that height.

- b. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled “Flood-Proofing Regulations” (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.

### 705.3 Design and Construction Standards

The following standards shall apply for all construction and development proposed with any identified floodplain area.

1. Fill

If fill is to be used, it shall:

- a. Extend laterally at least 15 feet beyond the building line from all points.
- b. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
- c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or, settling.
- d. Be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and, approved by the Municipality Engineer.
- e. Be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner and so as to



comply with the provisions of section 6-602 of this Ordinance or other applicable City ordinances. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems

- a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- c. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

4. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

5. Streets

The finished elevation of all new streets shall be no more than one foot below the Regulatory Flood Elevation.

6. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in section 705.4, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

7. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring

- a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings

- a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral

expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

- b. Plywood used at or below the regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
- c. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- d. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

10. Paints and Adhesives

- a. Paints or other finishes and any adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.

- b. All wooden components (doors, trim, cabinet, etc.) used at or below the regulatory flood elevation shall be finished with a “marine” or water-resistant paint or other finishing material.

11. Electrical Components

- a. Electrical distribution panels shall be at least 3 feet above the 100 year flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment

- a. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13. Fuel Supply Systems

- a. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

#### 705.4 Development Which May Endanger Human Life

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:
  - will be used for the production or storage of any of the following dangerous materials or substances; or
  - will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium

15. Sodium
  16. Sulphur and sulphur products
  17. Pesticides (including insecticides, fungicides and rodenticide)
  18. Radioactive substances, insofar as such substances are not otherwise regulated.
- 
2. Within any Floodway Area, any structure of the kind described in Subsection 1, above, shall be prohibited.
  3. Where permitted within any Flood-Fringe Area or General Floodplain Area, any structure of the kind described in Subsection 2, above, shall be:
    - a. Elevated or designed and constructed to remain completely dry up to at least 1-1/2 feet above the 100 year flood.
    - b. Designed to prevent pollution from the structure or activity during the course of a 100 year flood. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing



contained in the publication “FloodProofing Regulations” (U.S. Army Corps of Engineers, June, 1972), or with some watertight standards.

#### 705.5 Special Requirements for Manufactured Homes

1. Within any Floodway area, manufactured homes shall be prohibited.
2. Within any General Floodplain Area, manufactured homes shall be prohibited within the area measured 50 feet landward from top-of-bank of any watercourse.
3. Where permitted within any floodplain area, all manufactured homes and any additions thereto shall be:
  - a. Placed on a permanent foundation.
  - b. Elevated so that the lowest floor of the manufactured home is 1-1/2 feet or more above the elevation of the 100 year flood.

- c. Anchored to resist flotation, collapse, or lateral movement.

7-706

## ACTIVITIES REQUIRING SPECIAL PERMITS

706.1 Activities Requiring Special Permit: in accordance with the Pennsylvania Flood Plain Management Act and regulations adopted by the Department of Community Affairs as required by the Act, a special permit is required for the construction, enlargement or expansion of any structure used, or intended to be used for any of the following activities where such is to be located within any identified floodplain:

1. Hospitals
2. Nursing homes
3. Jails
4. New manufactured home parks or manufactured home subdivisions or substantial improvements to existing manufactured home parks.

706.2 Application Requirements: Applicants for special permits shall provide five copies of the following items:

1. A written request including a completed building permit application form.
2. A small-scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site clearly and legible drawn at a scale of one inch = 100 feet or less, showing the following:
  - a. North arrow, scale, and date;
  - b. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet;
  - c. All property and lot lines including dimensions, and the size of the site expressed in acres and square feet;

- d. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction and elevations;
- e. The location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by the proposed activity or development;
- f. The location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
- g. The location of all proposed buildings, structures utilities, and any other improvements; and
- h. Any other information which the municipality considers necessary for adequate review of the application.

4. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - a. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
  - b. For any proposed building, the elevation of the lowest floor ( including basement) and, as required, the elevation of any other floor;
  - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100 year flood;
  - d. Detailed information concerning any proposed floodproofing measures;
  - e. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights of-way and pavement widths;

- f. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and information also shall be provided
- a. Certification from the applicant that the activity or development as proposed is an existing separate and single parcel, owned by the applicant or the client that he represents;
  - b. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;

- c. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of 100 year flood, including a statement concerning the effects such pollution may have on human life;
- d. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows;
- e. A statement, certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on the 100 year flood elevation and flows;

- f. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development;"
- g. Where any excavation or grading is proposed, a plan meeting the requirements of the municipal Grading Ordinance to implement and maintain erosion and sedimentation control;
- h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of the Flood Plain Management Act; and
- i. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.



706.3 Application Review Procedures: Upon receipt of an application for a Special Permit by the Zoning Officer, the following procedure shall be followed:

1. Within three working days following receipt of the application and all accompanying documentation shall be forwarded to the Municipality Planning Commission by registered or certified mail for its review and recommendations. Copies of the application also shall be forwarded to the Municipal Engineer for review and comment.
2. If an application is received that is incomplete, the Zoning Officer shall notify the applicant in writing, stating in what respects the application is deficient.
3. The Governing Body shall approve or disapprove the special permit application; if it is disapproved, the municipality shall notify the applicant, in writing, of the reasons for the disapproval.
4. If the Governing Body approves the application, the municipality shall file written notification, together with the application and all

pertinent information, with the Department of Community Affairs, by registered mail, within five working days after the date of approval.

5. Before issuing the Special Permit, the municipality shall allow the Department of Community Affairs 30 days, after receipt of the notification by the Department, to review the application and the decision made by the municipality.
6. If the municipality does not receive any communication from the Department of Community Affairs during the 30-day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community Affairs should desire to disapprove an application, it shall notify the municipality and the applicant, in writing, of the reasons for the disapproval and the municipality shall not issue the Special Permit.

#### 706.4 Special Technical Requirements for a Special Permit

1. In addition to applicable requirements of Section 7-705, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provisions, the more restrictive provision shall apply.
  
2. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:
  - a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - (1) The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.

- (2) The lowest floor elevation will be at least 1-1/2 feet above the 100 year flood elevation.
    - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
  - b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
3. All hydrological and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Department of Community Affairs.

Structures existing in any identified floodplain area prior to July, 1978, may continue subject to the following:

1. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
3. Any modification, alteration, construction, or improvement of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

7-708

## VARIANCES

If compliance with any of the requirements of this Article would result in an exceptional hardship for a prospective builder, developer, or landowner, the

municipality may, upon request, grant relief from the strict application of the requirements.

708.1 Variance Procedures and Requirements: Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

1. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100 year flood elevation.
2. Except for a possible modification of the 1-1/2 foot freeboard requirements, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 7-706) or to Development Which May Endanger Human Life (Section 705.4).
3. If granted, a variance shall involve only the least modification necessary to provide relief.
4. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers

necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

5. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - a. The granting of the variance may result in increased premium rates for flood insurance.
  - b. Such variances may increase the risks to life and property.
  
6. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
  - a. That there is good and sufficient cause.
  - b. That failure to grant the variance would result in exceptional hardship to the applicant.
  - c. That the granting of the variance will (1) neither result in an unacceptable or prohibited increase in flood heights,

additional threats to public safety, or extraordinary public expense; (2) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state statute or regulations, or local ordinance or regulation.

7. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

## 7-709 DEFINITIONS

The following are special definitions which shall be used in making reasonable interpretations of the provisions contained in this Article:



COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FEMA: Federal Emergency Management Agency

FIS: Flood Insurance Study

FLOOD: A temporary inundation of normally dry land areas.

FLOODPROOFING: Any combination of structural and nonstructural changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel,

watercourse, or flood-prone area which: (1) may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) is placed where the flow of the water might carry the same downstream to the damage of life and property.

100 year 100 FLOOD: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

REGULATORY FLOOD ELEVATION: The 100 year flood elevation plus a freeboard safety factor of 1-1/2 feet.

SPECIAL PERMIT: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or a designated portion of a floodplain.

## **ARTICLE EIGHT**

## NONCONFORMITIES

### 8-801 DEFINITIONS

- 801.1 Nonconforming Building or Structure: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which does not conform as to required lot area and/or other dimensional requirements, provided such building or structure existed lawfully prior to the enactment of this Ordinance or any amendment to it.
- 801.2 Nonconforming Use: A use of part or all of a structure, or a use of land (not involving a structure or only involving a structure which is accessory to such use of land), which does not comply with the applicable use regulations contained in this Ordinance, provided such use existed lawfully prior to the enactment of this ordinance or any amendment to it.
- 801.3 Nonconforming Lot of Record: An undeveloped lot which does not comply with the applicable provisions contained in this Ordinance, or any

amendment to it, but which was a legally recorded lot prior to the enactment of this Ordinance.

8-802 CONTINUATION

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

8-803 UNLAWFUL USE NOT AUTHORIZED

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

8-804 ALTERATIONS, REPAIR, ENLARGEMENT, RECONSTRUCTION OF  
NONCONFORMING STRUCTURES

- 804.1 Nothing in this article shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- 804.2 A nonconforming building or structure (excluding signs) may be altered, enlarged or reconstructed provided the alteration, enlargement or reconstruction complies with the requirements of this Ordinance.
- 804.3 If a nonconforming structure, or use thereof, is totally destroyed by fire, collapse, or any act of God; it may not be reconstructed. If a nonconforming structure, or use thereof, is partially destroyed by fire, collapsed, or any act of God; it may be repaired at the discretion of the Zoning Officer if work commences within thirty (30) days of the date of destruction and is completed within ninety (90) days of issuance of the building permit. However, said repair shall not make the building or structure more nonconforming, in an aspect, than it was prior to destruction. Repair must comply with applicable state and local building codes.
- 804.4 A lawful use in a nonconforming building or structure may expand within the existing building.

804.5 Zoning Hearing Board may approve repair of a nonconforming structure to correct a hazard or unsafe condition and the repair and/or reconstruction is not materially detrimental to the surrounding properties or in the interest of the municipality.

8-805 ALTERATION, ENLARGEMENT OR EXPANSION OF A  
NONCONFORMING USE

805.1 In order to allow for reasonable economic growth, a nonconforming use may expand in terms of gross floor area, or lot coverage (measured in square feet) if there is no building, in accordance with the following limits:

Residential: up to 30 percent increase.

Commercial, Industrial Districts: up to 30 percent increase.

805.2 Such expansion shall: (1) comply with applicable area and dimensional requirements for the zoning district in which it is located; (2) not result in making an existing conforming building or structure nonconforming; (3) not involve the extension of the nonconforming use onto any zoning lot

other than that which it presently occupies; and (4) not reduce or eliminate required offstreet parking and/or loading areas.

805.3 The Zoning Hearing Board shall approve all extensions or enlargements of nonconforming uses. The Board may authorize an expansion or enlargement exceeding the otherwise allowable percentages where the expansion is to provide required offstreet parking or loading space or to correct a hazardous or unsafe condition in violation of a local, county, state or federal law, and the expansion is not materially detrimental to surrounding properties or the interests of the municipality.

805.4 In order to enhance the purposes of the Zoning Districts, reconstruction of a nonconforming use is not permitted. A structure with a nonconforming use, may be repaired. If a structure, with a nonconforming use, is partially destroyed by fire, collapsed, or any act of God; it may be repaired at the discretion of the Zoning Officer if work commences within thirty (30) days of the date of destruction and is completed within ninety (90) days of issuance of the building permit. However, said repair shall not make the building or structure more nonconforming, in any aspect, than it was prior to destruction. Repair must comply with applicable state and local building codes.

805.5 Zoning Hearing Board may approve reconstruction of a nonconforming use.

8-806 CHANGE OF NONCONFORMING USE

When a nonconforming use is changed to a conforming or more conforming use, it shall not be subsequently changed to a nonconforming use. A nonconforming use may be changed to a similar nonconforming use or one which more closely conforms to the uses authorized in the zoning district. A change of one nonconforming use to another nonconforming use requires review and approval by the Zoning Hearing Board, in accordance with the following:

1. The proposed use shall be within the same type of use category as the original nonconforming use, such as one personal service business to another, or is a use that more closely conforms to the current district regulations. In making a determination of similar uses, the Board shall be guided by the federal office of Management and Budget Standard Industrial Classification Manual (current edition).



2. The proposed use will not be any more objectionable than the original nonconforming use in terms of congestion; traffic generation and requirements for offstreet parking and loading; outdoor storage of wastes, materials, supplies and equipment; height, area and bulk of all structures.
3. The proposed use can comply with the applicable district regulations and the environmental performance standards which are contained in Article 6 of this Ordinance.

8-807

#### ABANDONMENT OF NONCONFORMING USE

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

1. The intent of the owner to discontinue, the use is apparent.
2. A nonconforming use has been discontinued for a period of 12 consecutive months or a total of 12 months within a period of 18 consecutive months.

3. It has been replaced by a conforming use.

3. It has been changed to another nonconforming use under permit from the Zoning Hearing Board.

8-808 MANUFACTURED HOMES

Manufactured homes located in all of the zoning districts, but R-3, are a nonconforming use and shall not be replaced by another manufactured home or mobile home.

8-809 NONCONFORMING LOT OF RECORD

809.1 In any district, notwithstanding the regulations imposed by any other provision of this Ordinance, a building which complies with applicable zoning requirements except for lot area may be erected, provided that the following requirements are met:

1. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time

when the creation of a lot of such size, at such location, was not prohibited by any zoning ordinance, then in effect.

2. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or ordinances.

809.2 Construction permitted by the above shall comply with all otherwise applicable regulations, except lot area and lot width.

## 8-810 TERMINATION OF NONCONFORMING SIGNS

810.1 Upon adoption of this Ordinance, the Zoning Officer shall prepare a list of all nonconforming signs. Owners of these signs shall be notified in writing that they have six years from the date of adoption of this Ordinance to remove, replace or modify their signs so that they comply with the applicable provisions of this Ordinance.

810.2 If the existing use ceases during that six-year period, any new use shall replace the nonconforming sign with a conforming one.

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

810.4 A nonconforming sign shall not be enlarged or altered in any respect, except to make safety improvements or changes which will make the sign conforming, or more conforming, to the provisions of this Ordinance.

#### 8-811 STATUS OF CONDITIONAL, SPECIAL EXCEPTION USES

Any use for which a conditional or special exception use approval has been granted as provided by this Ordinance, shall not be deemed to be a nonconforming use, but it shall be deemed a lawful conforming use.

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

8-812 HISTORICAL LANDMARKS

The applicable provisions for nonconformities shall not apply to any structure designated as a historic landmark by the Pennsylvania Historical Commission or placed on the National Register of Historic Places.

8-813 DISTRICT CHANGES

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

## ARTICLE NINE

### ADMINISTRATION AND ENFORCEMENT

#### 9-901 ZONING OFFICER

901.1 Appointment: The Zoning Officer shall be appointed by the governing body and shall administer and enforce this Ordinance.

901.2 Duties of the Zoning Officer: In order to administer and enforce this ordinance, the Zoning Officer shall:

1. Receive all applications for zoning certificates and occupancy certificates and maintain records thereof.
2. Issue zoning and occupancy certificates for all applications that comply with the literal terms of this Ordinance and other applicable ordinances, except where approvals are required by this Ordinance from the Governing Body, the Planning Commission, Zoning Hearing Board, or other board or agency.

3. Receive, file and forward to the Planning Commission and the Governing Body all applications for conditional uses; maintain records thereof; and issue a zoning certificate when authorized by the Governing Body.
4. Receive, file and forward to the Zoning Hearing Board the records in all appeals, and all applications for special exception uses, variances and changes of nonconforming uses; maintain records thereof; and issue a zoning certificate when authorized by the Zoning Hearing Board.
5. Inspect buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
6. Issue stop, cease and desist orders, and issue written correction orders for any condition found to be in violation of this Ordinance and other applicable ordinances.

7. Institute, with approval of or at direction of the governing body appropriate legal action to prevent, restrain, abate, or correct any violation of this Ordinance.
8. Revoke any order, zoning or occupancy certificate or occupancy permit issued under a mistake of fact or contrary to the provisions of this Ordinance.
9. Make and maintain accurate and current records of all legal nonconformities under this Ordinance.

9-902           REQUIRED ZONING PERMITS

902.1 Zoning Certificates: A Zoning Certificate shall be obtained from the Zoning Officer before any person may:

1. Occupy or use any vacant land or structure; or
2. Change the use of a structure or land to a different use; or



3. Construct, reconstruct, move, alter, or enlarge any structure or building; or
4. Change a nonconforming use.

Improvements to land, preliminary to any use of such land, shall not commence prior to the issuance of the zoning certificate.

#### 902.2 Procedure for Obtaining a Zoning Certificate

1. Whenever the proposed activity requires a building permit under the Municipality Building Code, the application for the zoning certificate shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning certificate has been approved.
2. When no building permit is required, the application for the zoning certificate and certificate of occupancy may be made at any time prior to the use or occupancy of the structure or land.

3. Applications for a zoning certificate shall be submitted in writing on such forms provided by the Municipality along with payment of the required fees in accordance with the Schedule of Fees. The application shall be accompanied by a plot plan showing accurately and completely the location, dimensions and nature of any lot and/or structure involved in the application. The Zoning Officer may request any information necessary to determine the application's compliance with this ordinance.
  
4. The Zoning Officer shall not issue the zoning certificate until all other required approvals and/or permits have been obtained from municipal, county, state and federal agencies. The applicant shall submit copies of such approvals/permits to the Zoning Officer.

### 902.3 Changes

After issuance of the zoning certificate, no changes of any kind shall be made to the approved applications, plans and certificate without written approval of the Zoning Officer, or in the case of a conditional or special exception use approval, the Governing Body or the Zoning Hearing Board,

as appropriate. Requests for any such change shall be in writing and shall be submitted to the Zoning Officer.

#### 902.4 Duration of Zoning Certificate

A zoning certificate shall expire within 6 months from the date of issuance if the subject use is not commenced or construction has not begun. All work must be completed no later than two years from the date of issuance of the zoning certificate. For purposes of this ordinance, construction shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations erection of temporary forms, the installation of piling under proposed subsurface footings, of the installation of sewer, gas and water lines, or electrical or other service lines from the street.

#### 902.5 Inspections

1. In order to perform the functions of this Ordinance, the Zoning Officer shall have the authority to enter any building, structure, premises, property or development in the Municipality upon

presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

4. During the construction/development period, the Zoning officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the zoning application and with all applicable Municipality ordinances.

#### 902.6 Revocation of Zoning Certificate

In the event the Zoning Officer discovers that the work does not comply with the approved application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the zoning certificate and proceed with whatever legal action is necessary to correct the violation.

#### 902.7 Certificate of Occupancy

1. A certificate of occupancy shall be obtained before any person may occupy or use any structure or lot. An application for a zoning

certificate does not permit occupancy; a certificate of occupancy is also required.

2. Upon completion of the work covered by any zoning certificate or before the occupancy of any land or structure, the applicant shall notify the Zoning Officer who shall examine the such building, structure or use of land within 10 days after notification. If the Zoning Officer shall find that such construction, erection, structural alteration, or use of building and/or land is in accordance with the provisions of this ordinance, other applicable ordinances, and the approved plans, the certificate of occupancy shall be issued.

902.8 Temporary Occupancy Permits:

The Zoning Officer may issue a temporary occupancy permit which may allow the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection, provided, however, that such a temporary permit shall be valid only for a period not exceeding three months from its issuance, and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the

safety of persons using or occupying the building, structure or land involved.

902.9 Permits Issued in Error:

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

9-903 SCHEDULE OF FEES

The Municipality may establish from time to time, fees and charges for the various permits, reviews and other actions required by this ordinance. This schedule, along with an explanation of the collection procedure, shall be posted in the offices of the Zoning Officer. All fees and charges shall be adopted by ordinance by the Governing Body at any regular or special meeting.

9-904 ZONING HEARING BOARD

904.1 Membership of the Board:

The membership of the Board shall be 3 or 5 residents of the Municipality who are appointed by the Governing Body. Their terms of office shall be three years for three members and five years for five members, so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Municipality of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Municipality.

904.2 Removal of Members:

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of 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 prior to the vote if the member shall request it in writing.

904.3 Organization of the Board:

The Board shall elect its officers from its own membership, who shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be a majority of all the members of the Board. The Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of the Municipality and laws of the Commonwealth. The Board shall keep full public records of its business and submit an annual report of its activities to the Governing Body.

904.4 Expenditures for Services:

Within the limits of funds appropriated by Governing Body, the Zoning Hearing Board may employ or contract secretaries, clerks, legal counsel, consultants, and technical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Governing Body.

904.5 Functions of the Board

1. Appeals from the Zoning Officer



The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of the valid ordinance or Map or any valid rule or regulation governing the action of the Zoning Officer.

Nothing contained herein shall be construed to deny the right to proceed directly in court where appropriate.

2. Challenges to Validity of the Ordinance or Map

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

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

(2) Challenges which are accompanied by a request for a curative amendment shall go directly to the Governing Body.

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

3. Variances

- a. The Board shall hear a request for a variance where it is alleged that the strict application of the provisions of this ordinance inflicts unnecessary hardship upon the applicant. Application for a variance shall be made on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine a time and place of the hearing.
- b. The Board may grant a variance, provided the following findings are made where relevant in a given case:
  - (1) That there are unique physical circumstances or conditions including irregularity, narrowness or

shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not to be circumstances generally created by the provisions of the Zoning Ordinance.

- (2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance; and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship had not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or

development of adjacent property nor be detrimental to the public welfare.

(5) That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

c. A request for variance in any floodplain district, shall be decided in accordance with the provisions of Section 7-708 of this Ordinance.

d. The Board shall request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record. The Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning Ordinance.

4. Special Exceptions

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

5. Unified Appeals

Where the Board has jurisdiction over a zoning matter pursuant to Subsections (1) through (3) above, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but it shall take evidence and make a record thereon as provided in section 904.5 of this Ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

6. Changes of Nonconforming Uses

The Zoning Hearing Board shall hear requests for a change of one nonconforming use to another nonconforming use in accordance with the provisions of Article 8 of this Ordinance.

904.6 Applications to the Board:

All applications and appeals to the Board shall be in writing and shall refer to the specific provision of this ordinance which is involved and describe the nature of the appeal, challenge or application for special exception use or variance. The required fees shall be submitted with the application.

An appeal from a decision of the Zoning Officer or a validity challenge may be filed by the affected landowner, by any officer or agency of the municipality or any person aggrieved. Requests for a variance or special exception may only be filed by the landowner or a tenant with the permission of the landowner.

904.7 Time Limitations:

No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

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

904.8 Hearings: The following procedures shall apply:

1. Public notices shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notice shall be given at such

time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. A public hearing shall be held within 60 days from the date of the applicant request, unless the applicant agrees in writing to an extension of the time.
3. Hearings shall be conducted by the Board, or the Board may appoint one member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive the decision or finding by the Board and accept the decision or findings of the hearing officer as final.
4. Parties to the hearing shall be the municipality, any person who is affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to



be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The Chairman or acting chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
8. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be

paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

9. The Board or the hearing officer shall: (1) not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; (2) not take any notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed; and (3) not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
  
10. The Board or Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. When the application is contested or denied, each decision shall be

accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provision of this Ordinance or of any law ordinance, rule or regulation shall contain a reference to the provision 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 had been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of the said decision

within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all 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.

#### 904.9 STAY OF PROCEDURES.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the boards, all land development pursuant to any challenged ordinance, order or

approval of the Zoning Officer or of any agency or body, and all official action there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of an appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the

court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

1. Any person aggrieved by any action or decision of the Zoning Officer involving administration of the provisions of this Ordinance may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision or action of the Zoning Officer.
2. Upon receipt of such appeal the Board shall conduct a hearing on the appeal in accordance with the provisions of section 904.8.
3. Zoning appeals to court shall be taken to the Court of Common Pleas of Greene County in accordance with the procedures prescribed in Article X-A of the Pennsylvania Municipalities Planning Code.

9-906

AMENDMENTS TO THE ZONING ORDINANCE OR MAP

906.1 Amendments Other Than Curative Amendments:

The Governing Body may amend this ordinance as proposed by a member of the Governing Body, by the Planning Commission, or by a petition of a

landowner who desires to challenge the validity of the ordinance or map or any provision thereof may submit a curative amendment to the Governing Body, as provided by the Municipalities Planning Code.

906.2 The Governing Body shall commence a hearing within 60 days of the request. Procedures for reviewing and conducting hearings on the curative amendment shall follow Section 906.1 above.

906.3 Municipal Curative Amendments:

The municipality, by formal action, may declare its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.

1. Within 30 days following such declaration and proposal, the Governing Body shall:
  - a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include: (1) references to specific uses which are either not permitted or not permitted in sufficient quantity, (2)



reference to a class of use or uses which require revision, or  
(3) reference to the entire ordinance which requires  
revisions.

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

2. Within 180 days from the date of the declaration and proposal, the  
municipality shall either enact a curative amendment or vote to  
reaffirm the validity of its Zoning ordinance. The procedures for  
adopting a curative amendment shall be as prescribed by Section  
906.1 of this Ordinance.

3. Upon the initiation of the procedures set forth in Subsection 1  
above, the Governing Body shall not be required to entertain or  
consider any landowner's curative amendment. Similarly, the  
Zoning Hearing Board is not required to give a report on any  
challenge to the validity of the Ordinance if the said challenge is  
based upon grounds identical to or substantially similar to those  
specified in the Governing Body's resolution.

4. Upon completion of the procedures as set forth in Subsections 1 and 2, no rights to a cure pursuant to the provisions of Section 906.2 of this ordinance shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.
  
5. The municipality may not again utilize the above procedure for a municipal curative amendment for a 36-month period following the date of the enactment of a curative amendment, or the reaffirmation of the validity of its Zoning Ordinance. However, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this Section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation.

907.1. If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

907.2 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.

907.3 An enforcement notice shall state at least the following:

- (a) The name of the owner of record and any other person against whom the Zoning Officer intends to take action.
- (b) The location of the property in violation.
- (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

- (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
- (f) 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.

9-908 CAUSES OF ACTION.

908.1 In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriated action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use

constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on Borough Council. No such action may be maintained until such notice has been given.

9-909 ENFORCEMENT REMEDIES.

909.1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay judgment of not more than five hundred (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.

No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neighbor pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a

violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have only one (1) such violation until the fifth (5) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

These remedies shall be in addition to any other remedies provided by law. Any domicile initiated or any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with Article 7, Floodplain Management Ordinance may be declared by the Governing Body to be a public nuisance and abatable as such.

909.2 The Court of Common Pleas, upon petition, may grant an Order of Stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

909.3 Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

909.4. District Justices shall have initial jurisdiction over proceedings brought under this Section.