

**CITY OF ALIQUIPPA**  
**BEAVER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF ALIQUIPPA, RESTATING AND AMENDING ORDINANCE NO. 7-2004, ENTITLED ZONING, TO ADD REVISE AND DELETE CERTAIN DEFINITIONS, SOME RELATED TO GROUP QUARTERS RESIDENTIAL OPTIONS, DEFINED BY THE PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE, TO ESTABLISH AND REVISE STANDARDS FOR THE APPROVAL AND OPERATION OF SUCH USES, TO ADD PROVISIONS FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT AS AUTHORIZED BY ARTICLE VIIA OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AND TO REVISE AND SUPPLEMENT PROCEDURAL REQUIREMENTS AND PROVISIONS BASED ON RECENT AMENDMENTS TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.**

WHEREAS, the City has determined that a review of alternative residential uses and their locations within the municipal boundaries is warranted; and

WHEREAS, the integrity of residential neighborhoods is of prime concern; and

WHEREAS, opportunities for group quarters uses have been provided within the City; and

WHEREAS, the introduction of Traditional Neighborhood Developments as a mixed-use option is in the best interests of the City and its residents; and

WHEREAS, recent amendments to the Pennsylvania Municipalities Planning Code have necessitated additions, revisions and deletions to certain provisions of the City's current zoning ordinance.

NOW, THEREFORE, be it ordained and enacted by the Council of the City of Aliquippa, Beaver County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same, as follows:

- Section 1:     The attached Exhibit A, a restated and amended text and accompanying zoning map entitled "City of Aliquippa Zoning Ordinance" is hereby identified as the official land use regulations for the City of Aliquippa and represents a continuity of authority from previous versions and amended text related to the current City of Aliquippa Zoning Ordinance.

Section 2: Repealer: All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Severability: Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 4: Effective Date: This Ordinance amendment shall take effect immediately upon its passage.

Duly presented and adopted at a regular meeting of the City of Aliquippa Council, Beaver County, Pennsylvania, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

CITY OF ALIQUIPPA  
CITY COUNCIL

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
City Manager

## **ARTICLE I**

### **AUTHORITY AND APPLICATION OF REGULATIONS**

#### **SECTION 101 GRANT OF POWER**

Pursuant to the authority of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and for the purpose of protecting and promoting the safety, health, morals and the general welfare of current and future residents, the City Council of the City of Aliquippa is hereby empowered to regulate the use of land.

#### **SECTION 102 GENERAL PURPOSE**

It is the intent, purpose and scope of this Ordinance to accomplish coordinated development, redevelopment and growth as well as to protect amenity, economic, social and cultural facilities and to improve governmental functions, to promote the preservation of natural and historic resources, to facilitate the revitalization of established urban centers, and to encourage the conservation of open land, forests and prime agricultural land.

#### **SECTION 103 PROCEDURE FOR ESTABLISHING DISTRICTS**

- A. For any or all said purposes, the Council may divide the City into districts, of such number, shape, and area as may be deemed best suited to carry out the purpose of this Ordinance. Within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in another district.
- B. The Council provides in this Ordinance the manner in which the boundaries of such districts shall be determined and established, and from time to time amended or changed. However, no such boundary shall become effective until after a public hearing is held pursuant to public notice, at which time parties in interest and citizens shall have an opportunity to be heard.

#### **SECTION 104 COMMUNITY GOALS AND OBJECTIVES**

- A. **LAND USE GOAL:** Encourage an organized land use pattern in harmony with the existing character and natural constraints of Aliquippa providing for a safe, attractive and economically viable community for its residents.
  - 1. Objectives:
    - (a) Preserve the established land use patterns of Aliquippa encouraging development and redevelopment appropriate to the scale and character of the established and developed nature of the City's neighborhoods.
    - (b) Promote opportunities for development and redevelopment of diversified economic activities in appropriate areas of Aliquippa while maintaining the quality of life and promoting the City's varied resources.
- B. **HOUSING GOAL:** Provide for a range of housing types in Aliquippa satisfying all housing needs as well as preserving the established residential neighborhoods by maintaining and upgrading the existing housing stock.

1. Objectives:

- (a) Support the stabilization of the existing housing stock to the advantage of the community, through rehabilitation efforts, specifically geared toward the deteriorating housing stock of low- and moderate-income households.
- (b) Continue to ensure the opportunity for the diverse population residing in Aliquippa through encouraging the provision of a range of housing types, where appropriate.
- (c) Seek preservation of the residential neighborhoods and their housing stock through continuation of expansion of homeownership opportunities in Aliquippa, particularly for low-, moderate- and middle-income households.

C. **TRANSPORTATION AND CIRCULATION GOALS:** Ensure a coordinated circulation system which enables the safe and efficient movement of all people and goods.

1. Objectives:

- (a) Improve the local transportation and circulation system securing safety in the movement of people and goods and enhance movement through cooperation, where possible and feasible, with the regional transportation and circulation system.
- (b) Design improvements to the transportation and circulation system in coordination with the developed City, minimizing conflicts and disruption to the City's existing land uses.
- (c) In conjunction with other governmental bodies, form a comprehensive transportation and circulation system in Aliquippa which coordinates land use planning and transportation planning with capital improvements programming.

D. **COMMUNITY SERVICES AND INFRASTRUCTURE GOALS:** Guarantee the provision of an adequate range of services and facilities to accommodate the changing needs of the City in an effective and efficient manner.

1. Objectives:

- (a) Promote the efficient delivery of services ensuring all areas of Aliquippa are adequately served.
- (b) Plan for changes in land use and demographic character which require changes in City services and their delivery.
- (c) Provide the opportunity for varied recreational activities serving a diverse and changing population, convenient to the resident with recreational activities also appropriate to their location.
- (d) Assure the upgrading of City services, particularly the older infrastructure ensuring safety and attainment with mandates in an efficient manner through coordination with Aliquippa's capital improvement program.

E. In accordance with the Pennsylvania Municipalities Planning Code, the following are Comprehensive Plan Policy Elements and recommendations to effectuate the above outlined goals and objectives herein for the City of Aliquippa.

F. The purpose of the City of Aliquippa Comprehensive Plan recommendations will be to maintain the existing land use patterns of the City while anticipating and accommodating development or redevelopment in agreement with the existing and anticipated infrastructure.

## **ARTICLE II**

### **PURPOSE IN VIEW**

#### **SECTION 201      PURPOSE IN VIEW**

The City Council of the City of Aliquippa, County of Beaver, and Commonwealth of Pennsylvania, does ordain that:

Such regulations shall be made in accordance with the Comprehensive Plan for the City of Aliquippa, and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, police protection, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, recreational facilities, vehicle parking and loading, and other public requirements including a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Aliquippa.

This Ordinance is inclusive in that no use may be established in a district unless it is specifically provided for as a use by right for that district or identified as a Conditional Use or Use by Special Exception.

#### **SECTION 202      CONFLICT**

Where a provision of this Ordinance is found to be in conflict with a provision of any land use ordinance or code, applicable health, building, housing or safety regulation, or any other ordinance or resolution of the City existing on the effective date of this Ordinance or thereafter, or any regulation issued under the authority of any such code, regulation, ordinance or resolution, the provision which establishes the more restrictive standard for protection of the health, safety and welfare of the people shall prevail.

#### **SECTION 203      CONFLICT OF LAW**

Whenever there is a difference between the minimum standards specified herein and those included in other City ordinances and regulations or regulations of the Commonwealth, the more stringent requirements shall apply.

#### **SECTION 204      SHORT TITLE**

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Aliquippa." The map herein referred to and attached, which is identified as the "Official Zoning Map of the City of Aliquippa," dated July 1, 1968, as amended, and all the explanatory matter thereon are hereby adopted and made part of this Ordinance.

## ARTICLE III

### DEFINITIONS

#### SECTION 301 INTERPRETATION

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

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural, and those used in the plural shall include the singular, unless the context indicates clearly to the contrary.
- C. The word “person”, “subdivider” or “owner” includes a corporation, unincorporated associations, partnerships or other legal entities, as well as an individual.
- D. The word “lot” includes the word “plot” or “parcel.”
- E. The term “shall” is always mandatory, and the terms “should” and “may” are permissive.
- F. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- G. The word “building” includes the word “structure”, and shall be construed as if followed by the phrase “or part thereof”.
- H. Unless otherwise specified, all distances shall be measured horizontally.
- I. Words not defined herein shall have the contextual meaning stated in Webster’s New International Dictionary, unabridged.

#### SECTION 302 MEANING OF WORDS

- 1. **ACCESSORY BUILDING:** A building subordinate to the main building and used for purposes customarily incidental to those of the main building.
- 2. **ACCESSORY USE:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- 3. **AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.
- 4. **ALTERATION:** As applied to a building or structure, that change or rearrangement in the structural part or in the exit facilities, or in the enlargement, whether by extending, as a side, or by increasing in height, or the moving from one location to another.

5. **APPLICANT:** A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.
6. **APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a zoning/building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
7. **AREA, NET FLOOR** (As applied to off-street parking): The area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access may be excluded.
8. **AUTOMOBILE SERVICE STATION:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use, the sale and installation of lubricants, tires, batteries and similar vehicle accessories.
9. **BOARD:** Any body granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code, Act 247, as amended, to render final adjudications.
10. **BUILDING:** A structure under roof, used for the shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof and refers to the main building.
11. **BUILDING, ACCESSORY:** A subordinate building located on the same lot as a main building and clearly incidental and subordinate to the main building. Any portion of a main building devoted to an accessory use is not an accessory building.
12. **BUILDING HEIGHT:** A vertical distance measured from the average elevation of the proposed finished grade around and at the structure to the highest point of the roof and flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
13. **BUILDING LINE:** An imaginary line located a fixed distance from the front boundary line of the lot and interpreted as being the nearest point that a building may be constructed to the front lot line. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line.
14. **BUILDING, PRINCIPAL:** A building in which is conducted, or is intended to be conducted, the primary use of the lot on which it is located.
15. **BUSINESS OR PROFESSIONAL OFFICES:** Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.
16. **CHURCH OR WORSHIP FACILITY:** Any structure or structures used for worship or religious instruction, including social and administrative rooms and day care facilities accessory thereto, but not including any activity conducted for profit.
17. **CITY:** The City of Aliquippa.
18. **COMMERCE PARK:** A development with separate buildings for offices, storage, assembly or research and supporting ancillary uses, operated as an integrated facility.

19. **COMMERCIAL:** Engaging in a business, enterprise, activity or other undertaking for a profit.
20. **COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
21. **COMPLETION BOND:** A bond in cash or with an approved surety company guaranteeing the satisfactory completion of the improvements to land in accordance with this Zoning Ordinance.
22. **COMPREHENSIVE PLAN:** The comprehensive, long-range plan for the desirable use of land in the City of Aliquippa. The purpose of such Plan being, among other things, to serve as a guide for the zoning and rezoning of land to meet changing community needs, in the subdivision and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings.
23. **CONDITIONAL USE:** A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
24. **CONSISTENCY:** An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.
25. **CONVERSION APARTMENT:** The remodeling of a single-family dwelling unit into two (2) or more separate living units each having a minimum of five hundred (500) square feet of habitable area, exclusive of basement and/or cellar dwellings, one (1) bathroom and three (3) habitable rooms, separate and private sanitary cooking and dining facilities and a minimum of two (2) off-street parking spaces per living unit.
26. **COUNCIL:** The legally appointed Council for the City of Aliquippa.
27. **COUNTY:** Beaver County, Commonwealth of Pennsylvania.
28. **COUNTY PLANNING COMMISSION:** The Planning Commission of Beaver County, Commonwealth of Pennsylvania.
29. **DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Beaver County.
30. **DESIGNATED GROWTH AREA:** A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a City, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one (1) unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.
31. **DETERMINATION:** Final action by an officer, body or agency charged with the administration of land use ordinance or applications thereunder, except the following:
  - A. The City Council;
  - B. The Zoning Hearing Board; or



- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or planned residential development provisions.

Determination shall be appealable only to the boards designated as having jurisdiction for such appeal.

32. **DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
33. **DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT:** Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.
34. **DEVELOPMENT PLAN:** The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall mean the written and graphic materials referred to in this definition.
35. **DRIVE-THRU ESTABLISHMENT:** Establishment which offers in-car service or take-out service, including but not limited to financial institutions, food stores and restaurants, but not including drive-in theaters.
36. **DRIVEWAY:** An improved surface for vehicular circulation or access on a lot or parcel of land.
37. **DWELLING, SINGLE-FAMILY:** A building designed for or occupied exclusively as a residence for only one (1) family.
38. **DWELLING, MULTI-FAMILY:** A dwelling designed for or occupied exclusively as a residence for three (3) families or more with separate housekeeping and cooking facilities for each family.
39. **DWELLING, TWO-FAMILY:** A single family, semi-detached dwelling unit having only one (1) wall in common with another dwelling unit. Duplexes and double houses are both two-family dwelling unit types.
40. **EASEMENT:** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.
41. **EFFECTIVE DATE:** The date on which this Ordinance is duly adopted by the City.
42. **ENGINEER:** A licensed professional engineer registered as such in the Commonwealth.
43. **ENLARGEMENT:** An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.
44. **ERECTED:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the buildings. Excavation, fill, drainage and the like shall be considered part of the erection.
45. **EROSION:** The removal of surface materials by the action of natural elements.

46. **ESSENTIAL SERVICES:** Services and utilities needed for the health, safety and general welfare of the community, including but not limited to underground or overhead gas, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission or for the public health or safety or general welfare.
47. **FAMILY:** An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Care Facility, Personal Care Facility or Licensed Residential Facility, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.
48. **FENCE:** A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.
49. **FENCE, PRIVACY:** A fence erected or constructed to block the view of the enclosed property.
50. **FENCE, SECURITY:** A fence erected or constructed to serve as a barrier to persons, animals or vehicles entering the property.
51. **FORESTRY:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
52. **FRONTAGE:** All the property, measured along the street line, fronting on one side of a street between intersections or intersecting streets, or a street and waterway, or right-of-way, or end of a dead-end street, or municipal boundary.
53. **GARAGE:** A building or portion thereof to be used for the storage or servicing of vehicles, but not including automobile sales.
54. **GARAGE, COMMUNITY:** A garage, one (1) story in height, arranged with a common means of access for the use of the occupants of the same, or adjacent or nearby property, or customers or organization members.
55. **GARAGE, PRIVATE:** A garage with a capacity of not more than three (3) vehicles for storage only, in which space for only one (1) vehicle may be rented to a person who is not an occupancy on the premises.
56. **GARAGE, PUBLIC:** Any garage available to the general public not included within the definition of "private garage". This includes public parking structures or ramps.
57. **GARDEN APARTMENT:** A multifamily structure, not exceeding three (3) stories in height, sometimes designed around courts or common open areas, frequently having private balconies or patios.
58. **GOVERNING BODY:** The Council in cities, boroughs and incorporated towns; the Board of Commissioners in townships of the first class; the Board of Supervisors in townships of the second class, the Board of Commissioners in counties of the second

class through eighth class or as may be designated in the law provided for the form of government.

59. **HEARING:** An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
60. **HOME BASED BUSINESS (NO-IMPACT):** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - B. The business shall employ no employees other than family members residing in the dwelling.
  - C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
  - E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  - G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  - H. The business may not involve any illegal activity.
61. **HOME OCCUPATION:** An occupation, profession, or limited commercial activity distinct from a home based business, carried on in a dwelling unit or accessory structure to a dwelling unit which is clearly incidental and secondary to the use of the dwelling unit as a residence, and conducted by a member of the family occupying such dwelling unit. (See Section 2116.B)
62. **ILLUMINATED SIGN:** Signs which are illuminated by electrical, mechanical or other means as well as those using luminous paint or reflectorized glass to reflect light.
63. **INTERMEDIATE CARE FACILITY:** A facility that provides health care, rehabilitation, and active treatment services for persons with severe physical developmental delays such as cerebral palsy, muscular dystrophy, epilepsy or similar conditions diagnosed before the age of twenty-two (22) and that result in three (3) or more functional limitations of daily living. Services are not designed for persons with mental illness or mental retardation.
64. **JUNK YARD:** The use of two hundred (200) square feet or more of the exterior area of any lot for the storage, keeping, or abandonment of junk including scrap metals, or for

the dismantling, demolition, abandonment or recycling of automobiles or other vehicles, machinery or parts thereof.

65. **LAND DEVELOPMENT:** Any of the following activities:
- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
    - 1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
    - 2) The division or allocation of land or space, whether initially or cumulatively, between or
    - 3) Among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  - B. A subdivision of land.
  - C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
66. **LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
67. **LICENSED COMMUNITY RESIDENTIAL FACILITY:** Any of a group of Pennsylvania Department of Public Welfare defined group quarters residential uses requiring a license to operate, plus any alternate living arrangement operated, licensed or certified by a governmental or sponsoring agency and authorized by the City of Aliquippa.
68. **LOADING SPACE:** The off-street area required to accommodate the loading or unloading of cargo, products or materials from vehicles.
69. **LONG TERM CARE FACILITY:** A facility where services designed to provide diagnostic, therapeutic, rehabilitative, supportive or maintenance services for individuals who have chronic functional impairments. Services may be provided in a variety of institutional and noninstitutional settings including the home.
70. **LOT:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
71. **LOT AREA:** The total area within the lot lines of a lot.
72. **LOT, CORNER:** A lot abutting two (2) or more streets at their intersection and on which the building setback line for both streets must be observed.
73. **LOT COVERAGE:** That percentage of the lot area covered by all principal and accessory structures.
74. **LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.
75. **LOT LINE, FRONT:** The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.
76. **LOT LINE, REAR:** Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line and except

that in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line.

77. **LOT LINE, SIDE:** Any lot line which is not a street line or a rear lot line.
78. **LOT WIDTH:** The mean horizontal distance across the lot between the side lot lines measured at right angles to the depth.
79. **MEDIATION:** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
80. **MINERALS:** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.
81. **MIXED USE:** The conduct of two (2) or more principle uses within one (1) principal building on one (1) lot or site.
82. **MOBILEHOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
83. **MOBILEHOME LOT:** A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
84. **MOBILEHOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.
85. **MOTEL:** An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
86. **MUNICIPAL AUTHORITY:** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authorities Act of 1945."
87. **MUNICIPAL ENGINEER:** A Registered Professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the City of Aliquippa.
88. **NONCONFORMING LOT:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
89. **NONCONFORMING STRUCTURE:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

90. **NONCONFORMING USE:** A use, whether of land or structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
91. **OCCUPANCY PERMIT:** A **permit** signed by the Zoning Officer after it has been determined either that a building or structure complies with the provisions of this Ordinance or that a building, structure or parcel of land may be lawfully occupied by specified uses, or both.
92. **OFFICIAL MAP:** A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
93. **PARKING AREA, PRIVATE:** An open off-street area other than a private road or way (with adequate means of access) used exclusively for the parking of automobiles of occupants of the premises.
94. **PARKING AREA (LOT), PUBLIC:** An open off-street area other than a private road or way (with adequate means of access) available to the general public for the parking of motor vehicles.
95. **PARKING SPACE:** The area required for the parking of one (1) automobile having dimensions of nine feet (9') by eighteen feet (18') excluding access or turning area.
96. **PERSONAL SERVICES:** Establishments primarily engaged in providing services involving the care of a person or personal goods or apparel.
97. **PLANNED RESIDENTIAL DEVELOPMENT:** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space, to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.
98. **PLANNING COMMISSION:** The legally appointed Planning Commission of the City of Aliquippa.
99. **PRACTITIONERS OF THE HEALING ARTS:** Persons licensed by the Commonwealth to provide healing services to the general public, including, but not limited to counseling, massage therapy, reflexology, acupuncture and similar services.
100. **PRESERVATION OR PROTECTION:** When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.
101. **PRINCIPAL USE:** The major or primary use of the lot on which it is situated.
102. **PRIVATE GARAGE:** An accessory building for the storage of motor vehicles or boats owned and used by the owner or tenant of the lot, for a purpose accessory to the **principal** use of the lot, and for not more than one (1) additional motor vehicle owned and used by others.
103. **PROFESSIONAL CONSULTANTS:** Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.
104. **PUBLIC GARAGE:** A building or structure where motor vehicles can be temporarily stored or parked for the payment of a small fee.

105. **PUBLIC GROUNDS:** Includes:
- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
  - B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
  - C. Publicly owned or operated scenic and historic sites.
106. **PUBLIC HEARING:** A formal meeting held pursuant to public notice by the City Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.
107. **PUBLIC MEETING:** A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (relating to open meetings).
108. **PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
109. **RECREATION, ACTIVE:** Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, sites or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.
110. **RECREATION, COMMERCIAL:** An enterprise operated for profit by other than a public entity, either indoors or outdoors for the pursuit of sports, recreation or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and similar facilities.
111. **RECREATION, PASSIVE:** Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.
112. **RECREATION, PUBLIC:** An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools, and similar facilities.
113. **RECREATIONAL VEHICLE:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
114. **REPORT:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the

body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

115. **ROOMING HOUSE:** A dwelling or part thereof where lodging is available to three (3) or more persons for compensation by prearrangement for a definite period of time.
116. **SCHOOL:** Any public, private or parochial place of instruction having regular sessions, with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education and which provide preprimary and/or kindergarten through twelfth grade, or a vocational school, all meeting the requirements of the Department of Education of the Commonwealth of Pennsylvania, but excluding any privately operated schools of trades, vocations, avocations or business.
117. **SELF-STORAGE MINI WAREHOUSE:** A building or group of buildings containing one (1) or more individual compartmentalized storage units for inside storage of customers goods or wares where no unit exceeds five hundred (500) square feet in floor area.
118. **SERVICES:** Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government and other enterprises including, but not limited to, professional services, educational services, and business services.
119. **SEXUALLY ORIENTED BUSINESS/ESTABLISHMENT:** The following establishments when operated for profit, whether direct or indirect:
- A. Adult arcade.
  - B. Adult bookstore or adult video store.
  - C. Adult cabaret.
  - D. Adult mini-motion picture theater.
  - E. Adult motel.
  - F. Adult motion picture theater.
  - G. Adult theater.
  - H. Escort agency.
  - I. Nude model studio.
  - J. Sexual encounter center.
  - K. Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or where an entertainer provides adult entertainment to a member of the public, a patron or a member.
  - L. An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of the like import.
  - M. The term "booths, cubicles, rooms, studios, compartments or stalls" for the purpose of defining sexually oriented businesses does not mean enclosures which are private offices used by the owner, manager, or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the



public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

N. The term establishment and business are used interchangeably, without limitation.

120. **SIGN:** Any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol or trademark); flag (including banner or pennant); or any other figure of similar character, which is a structure or any part or is attached to, painted on, or in any other manner represented on a building or other structure. An illuminated sign located in a window is a sign. The dimensions of the sign shall include the support materials from the bottom of the sign to and beyond the top of the sign for the purpose of determining sign area.
121. **SLOPES:** The ratio of the vertical change in elevation of a land over a specified distance, often expressed as a percent.
122. **SPECIAL EXCEPTION:** A use permitted in a particular zoning district pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
123. **STORY (BUILDING):** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be considered a building story if more than one-third of the walls are five (5) feet or more above the average exterior grade.
124. **STREET:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
125. **STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
126. **STRUCTURE, ACCESSORY RESIDENTIAL:** Includes parking spaces for the parking of passenger automobiles; fences, walls, storage sheds, bath houses, private greenhouses, carports, facilities for domestic servants or caretakers employed on the premises, facilities for occasional gratuitous guests, recreational facilities such as tennis courts, paddle tennis platforms and swimming pools.
127. **STRUCTURE, ACCESSORY COMMERCIAL:** Includes, commercial accessory buildings or structures, or uses customarily incidental to the uses permitted in the commercial and industrial districts in connection with such uses, except outside storage.
128. **SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
129. **TEMPORARY ACCESSORY USE:** Activities and facilities accessory to the development and construction of a permanent principal use or dwelling, usually a mobile home, temporarily allowed on the same lot with a permanent principal dwelling. Land development accessory uses include, but are not limited to, tents, trailers and mobile home offices for contractors, equipment storage, real estate sales office and model home.

130. **TEMPORARY PRINCIPAL USE:** A primary use of a land site or portion of a land site for a temporary period of time specified by the designated City staff or City Council. This includes, but is not limited to, carnivals, circuses, outdoor gatherings (not including neighborhood block parties), fairs, street vendors and/or seasonal/holiday events or sales.
131. **TOWNHOUSE:** A one-family dwelling in a row of four (4) or more attached dwelling units, each with its own front and rear access, where no unit is located over another unit.
132. **TRADITIONAL NEIGHBORHOOD DEVELOPMENT:** An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.
133. **TRAILER:** Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicles, including but not limited to one-way rental trailers and boat trailers.
134. **USE:** Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
135. **UTILITIES:** Those services customarily rendered by public utility corporations, municipalities or municipal authorities in the nature of electricity, gas, telephone, water and sewerage, including appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles and the like).
136. **VARIANCE:** Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
137. **VEHICLE STORAGE FACILITY:** A building designed for the temporary or permanent storage of motorized vehicles, including but not limited to, passenger automobiles, trucks, heavy equipment, recreational vehicles or motorcycles.
138. **YARD:** A required open space unoccupied and unobstructed by any structure or portion of a structure that lies between the principal building or buildings and the nearest lot line, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.
139. **YARD, FRONT:** The open space extending across the entire width of the lot between any building and front lot line, and measured perpendicular to the building at the closest point to the front lot line.
140. **YARD, REAR:** The open space extending across the entire width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point of the rear lot line.
141. **YARD, SIDE:** The open space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

- 142. **ZONING:** A legal and administrative process whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.
- 143. **ZONING HEARING BOARD:** The quasi-judicial Board assigned the duties to hear and decide various appeals from persons aggrieved by the literal enforcement of the terms of this Ordinance.
- 144. **ZONING OFFICER:** An individual appointed by City Council to administer the provisions of this Ordinance and issue zoning/building, occupancy and other permits.
- 145. zoning/building **PERMIT:** A document signed by the Zoning Officer as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of this Ordinance.

## **ARTICLE IV**

### **ESTABLISHMENT OF DISTRICTS**

#### **SECTION 401      DISTRICT DESIGNATION**

For the purpose of this Ordinance, the City of Aliquippa is hereby divided into the following zoning districts:

R-1    ----	Low Density Residential District
R-2    ----	Medium Density Residential District
R-3    ----	High Density Residential District
C-1    ----	Central Business District
C-2    ----	Community Commercial District
C-3    ----	Highway Commercial District
C-4    ----	Limited Commercial District
I       - - - - -	Industrial District
IS-2   - - - -	Industrial Service District
C       - - - - -	Conservation District
IT      - - - - -	Institutional District
RRO    - - -	Riverfront Resource District
TO      - - - - -	Transitional Overlay District
NRO    - - -	Neighborhood Rehabilitation Overlay District
CCO    - - -	City Center Overlay District

#### **SECTION 402      MAP DESIGNATION OF DISTRICT**

The aforesaid districts are bounded and defined on a map entitled "Official Zoning Map of the City of Aliquippa," adopted on the 1st day of July, 1968, as amended, and certified by the City Manager, which map accompanies this Ordinance and is hereby made a part thereof.

#### **SECTION 403      BOUNDARIES**

Where uncertainty exists as to the location of the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C herein shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map;

- E. 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 covered by subsection A through D herein, the Zoning Hearing Board shall interpret the district boundaries.

## **ARTICLE V**

### **APPLICATION OF REGULATIONS**

#### **SECTION 501      USE OF PROPERTY**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the District in which it is located.

#### **SECTION 502      RESTRICTIONS**

- A. No building shall hereafter be erected or altered:
  - 1. To exceed the height limitations of the District where located;
  - 2. To accommodate a greater number of families than permitted by the District regulations where located;
  - 3. To occupy a greater percentage of lot area than permitted by the District regulations where located;
  - 4. To have narrower or smaller rear yards, front yards or side yards than are specified herein for the district in which such building is located;
  - 5. To be on a lot or parcel that is within a FEMA identified flood zone.
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- C. Lots with a slope of three feet horizontal to one foot vertical (3':1'), or greater, for a distance of fifty percent (50%) of its total depth shall be configured with a minimum of twenty-five percent (25%) total increase in lot depth dimension than is required by this Ordinance before a zoning/building permit is issued.
- D. This Ordinance shall not apply to any existing or proposed building or extension thereof or appurtenance used or to be used by essential services, where the present or proposed situation of the building or appurtenance in question is necessary for the convenience or welfare of the public.

## **ARTICLE VI**

### **R-1 LOW DENSITY RESIDENTIAL DISTRICT**

#### **SECTION 601 PURPOSE**

The purpose of the R-1 Low Density Residential District is to provide areas for residential neighborhoods with a less intense development pattern and with a mix of supplemental uses compatible with single family neighborhoods.

#### **SECTION 602 PRINCIPAL USES**

**A. Principal Permitted Uses:**

1. Churches and worship facilities.
2. Essential services.
3. Forestry.
4. Parks, playgrounds and public recreation.
5. Schools.
6. Single-family dwellings.
7. Two-family dwellings.

**B. Accessory Uses:**

1. No-impact home based businesses. (See Section 2216A).
2. Home occupations. (See Section 2216B)
3. Other accessory uses customarily incidental to a permitted principal use.
4. Private garages or residential parking areas for up to four (4) vehicles.
5. Signs. (See Section 2119)
6. Swimming pools, inground or aboveground.

#### **SECTION 603 CONDITIONAL USES**

**A. Transitional Overlay to Certain R-1 Properties. (See Article XVIII).**

1. Professional offices. (See Section 2212)
2. Studio for art, music, dance and photography. (See Section 2213)
3. Day care center for children and/or adults. (See Section 2214)

#### **SECTION 604 USES BY SPECIAL EXCEPTION**

There are no uses by special exception provided for in the R-1 Low Density Residential District.

#### **SECTION 605 LOT, AREA AND YARD REQUIREMENTS**

**A. Minimum lot area:**

1. Single-family dwelling unit - 8,712 square feet.

2. Two-family dwellings- 10,890 square feet.
  3. All other permitted uses- 8,712 square feet.
- B. Minimum lot width - 70 feet.
- C. Minimum yards:
1. Front yard - 25 feet.
  2. Side yards - 20 feet total; 8 feet minimum one side.
    - (a) Any lot recorded prior to the effective date of this Ordinance may be developed with a minimum six feet (6') wide side yard as the narrower of two (2) side yards totaling sixteen feet (16').
    - (b) Corner lot - equal to front yard, all yards abutting rights-of-way.
    - (c) Accessory uses to the rear of principal structures: Interior lot line - 5 feet minimum setback.
  3. Rear yards:
    - (a) Principal - 50 feet.
    - (b) Accessory - 10 feet.
- D. Maximum building height:
1. All principal structures- 2 ½ stories or 30 feet.
  2. All accessory structures- 1 story, no more than 15 feet.
- E. Maximum lot coverage: 40 percent (40%) all principal and accessory structures.

## **SECTION 606      OFF-STREET PARKING REQUIREMENTS**

See Section 2120.



## **ARTICLE VII**

### **R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

#### **SECTION 701      PURPOSE**

The purpose of the R-2 Medium Density Residential District is to provide areas for a variety of residential dwelling types with a moderate development intensity pattern with a mix of supplemental uses compatible with residential neighborhoods.

#### **SECTION 702      PRINCIPAL USES**

**A.    Principal Permitted Uses:**

1. Churches and worship facilities.
2. Essential services.
3. Forestry.
4. Garden apartments.
5. Multi-family dwelling.
6. Municipal and civic buildings, public meeting halls, libraries, museums, and fire and police buildings.
7. Parks, playgrounds and other recreational uses (noncommercial).
8. Schools.
9. Single-family dwelling.
10. Townhouse.
11. Two-family dwelling.

**B.    Accessory Uses:**

1. Home occupations. (See Section 2216)
2. No-impact home based businesses. (See Section 2216A).
3. Other accessory uses customarily incidental to a permitted principal use.
4. Private garages or parking areas.
5. Signs. (See Section 2219)

#### **SECTION 703      CONDITIONAL USES**

- A.    Business and Professional offices. (See Section 2207)
- B.    Long term care facility. (See Section 2206)
- C.    Funeral homes. (See Section 2204)
- D.    Conversion apartments. (See Section 2203)
- E.    Traditional Neighborhood Development. (See Sections 2205).

## **SECTION 704        USES BY SPECIAL EXCEPTION**

There are no uses by special exception provided for in the R-2 Medium Density Residential District.

## **SECTION 705        LOT, AREA AND YARD REQUIREMENTS**

### **A.    Principal Uses:**

1. Minimum lot area:
  - (a) Single-family dwelling unit - 7,260 square feet.
  - (b) Two-family dwelling - 8,712 square feet.
  - (c) Townhouse - 10,890 square feet per dwelling unit.
  - (d) Multi-family dwelling - See Table 1, Appendix B.
  - (e) All other permitted uses- 8,712 square feet.
2. Minimum lot width:
  - (a) Single-family dwelling unit - 50 feet.
  - (b) Two family dwelling - 24 feet per dwelling unit.
  - (c) Townhouse - 50 feet.
  - (d) Multi-family dwelling - 60 feet.
  - (e) All other permitted uses- 60 feet.
3. Minimum yards:
  - (a) Front yard depth - 25 feet.
  - (b) Side yards:
    - (1) Total width -  $\frac{1}{2}$  the height of the structure or 16 feet, whichever is greater.
    - (2) Minimum width - 8 feet on one side
    - (3) Accessory- 5 feet
  - (c) Rear yards:
    - (1) Principal - 50 feet.
    - (2) Accessory - 5 feet.
4. Maximum building height:
  - (a) All principal structures- 3 stories or 35 feet.
  - (b) All accessory structures- 1 story, no more than 15 feet.
5. Maximum lot coverage: 60 percent (60%) all principal and accessory structures.

### **B.    Conditional Uses:**

1. Minimum lot width:
  - (a) Business and Professional offices - 50 feet.
  - (b) Nursing and funeral homes - 100 feet.
2. Minimum lot area:
  - (a) Business and Professional offices - 7,260 square feet.
  - (b) Nursing and funeral homes - 14,520 square feet.

**SECTION 706      OFF-STREET PARKING REQUIREMENTS**

See Section 2120.

## **ARTICLE VIII**

### **IS-2 INDUSTRIAL SERVICE DISTRICT**

#### **SECTION 801      PURPOSE**

The purpose of the IS-2 Industrial Service District is to provide an area in close proximity to established industrial districts wherein uses provided for exhibit environmental or operational characteristics which require monitoring.

#### **SECTION 802      PRINCIPAL USES**

A. Principal Permitted Uses:

1. Light industrial maintenance operations, including off-site janitorial and supply services, but excluding waste storage.
2. Security services.
3. Adult training and educational services.
4. Distribution and warehousing.
5. Essential services.
6. Forestry.

B. Accessory Uses: Uses customarily incidental to permitted principal uses.

#### **SECTION 803      CONDITIONAL USES**

A. Testing and product development laboratories. (See Section 2209)

B. Communications towers. (See Section 2202).

C. Sexually oriented business operations.

1. No sexually oriented business shall be located outside a district in which a sexually oriented business is permitted. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business outside of the IS-2 Industrial Service District.
  - a. Any sexually oriented business lawfully operating on date of enactment of this Ordinance that is in violation of Subsection A above shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.
  - b. Persons or owners who intend to open a sexually oriented business must obtain from the City a license to operate such an establishment pursuant to Section 4 of City Ordinance Number 8-2000, Sexually Oriented Businesses and must pay to the City an investigation fee as may be set from time to time by resolution of City Council. In addition, such persons or owners must supply to the City detailed information as to the ownership and financing as required

pursuant to Section 5 of City Ordinance Number 8-2000, Sexually Oriented Businesses.

- c. A sexually oriented business shall be initially licensed, where it has met the requirements set forth in Section 5 of City Ordinance Number 8-2000, Sexually Oriented Businesses, through December 31st of the year in which the license is issued. For each year thereafter that the sexually oriented business intends to continue as a sexually oriented business, it must seek from the City a renewal of the license. The lack of a valid license at any time shall be a proper basis for the City to deny or revoke an occupancy permit to a sexually oriented business.
  - d. Any sexually oriented business found to be in violation of this Section shall be subject to the enforcement penalties of Section 19 of City Ordinance Number 8-2000, Sexually Oriented Businesses and pursuant to Pennsylvania law.
2. Signage: Notwithstanding any other provision of the City of Aliquippa Zoning Ordinance, it shall be unlawful for any owner or operator of any sexually oriented establishment or any other person to erect, construct, or maintain any sign for the regulated establishment other than one "Primary Sign." Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:
- a. The name of the regulated establishment and/or
  - b. One or more of the following phrases:
    - (1) Adult bookstore;
    - (2) Adult movie theater;
    - (3) Adult encounter parlor;
    - (4) Adult cabaret;
    - (5) Adult lounge;
    - (6) Adult novelties;
    - (7) Adult entertainment; or
    - (8) Adult modeling studio.
  - c. Primary signs for adult movie theaters may contain the additional phrase, "Movie Titles Posted on Premises."
  - d. Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background on the display surface of the primary sign shall be of a uniform and solid color.
  - e. No materials, merchandise, film offered for sale, rent, lease or loan or for view upon the premises shall be exhibited or displayed outside of a building structure.
  - f. Any building or structure occupied as a sexually oriented establishment shall be windowless, or have any opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited. No materials or film shall be visible from outside of the building or structure.
3. Injunction: A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this Ordinance is subject to an action in equity or a suite for injunction as well as citations for violations of this Zoning Ordinance.

## **SECTION 804        USES BY SPECIAL EXCEPTION**

There are no uses by Special Exception provided for in the IS-2 Industrial Service District.

## **SECTION 805        LOT, AREA AND YARD REQUIREMENTS**

### **A.    Principal Uses:**

1. Minimum lot area – 10,890 square feet.
2. Minimum lot width - 75 feet.
3. Minimum yards, principal and accessory:
  - a. Front yard depth - 25 feet
  - b. Side yards - 35 feet total, 15 feet minimum per side yard.
    - (1) Abutting conservation districts - 20 feet.
    - (2) Abutting industrial districts - 12 feet.
    - (3) Accessory structures – 10 feet
  - c. Rear yards:
    - (1) Adjoining conservation districts - 40 feet.
    - (2) Adjoining industrial districts - 25 feet.
    - (3) Accessory structures- 10 feet

### **B.    Maximum building height -**

1. All principal structures- Six stories or 75 feet.
2. All accessory structures- Two stories or 24 feet.
3. Maximum lot coverage - 50 percent **(50%), all principal and accessory structures.**

## **SECTION 806        OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

## **ARTICLE IX**

### **R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

#### **SECTION 901      PURPOSE**

The purpose of the R-3 High Density Residential District is to provide a transitional area between lower density residential uses and commercial or higher density uses, and to provide for a wide variety of residential options.

#### **SECTION 902      PRINCIPAL USES**

##### **A.    Principal Permitted Uses:**

1. Business and professional offices.
2. Churches and worship facilities.
3. Clinics.
4. Essential services.
5. Financial institutions.
6. Forestry.
7. Hospitals and sanitariums.
8. Multi-family dwellings exceeding six (6) dwelling units per structure to include garden apartments and high-rise apartments.
9. Municipal and emergency service buildings
10. Public recreation land and facilities
11. Licensed community residential facility.
12. Private clubs and lodges.
13. Schools.
14. Single-family dwellings.
15. Townhouses.
16. Two-family dwelling.

##### **B.    Accessory Uses:**

1. No-impact home based businesses.
2. Other accessory uses customarily incidental to a permitted principal use.
3. Private garages or parking areas.
4. Signs. (See Article 2119)

#### **SECTION 903      CONDITIONAL USES**

- A. Delicatessen or sandwich shop, primarily for take-out orders. (See Section 2210).
- B. Drug stores/pharmacies. (See Section 2211).

C. Planned Residential Development. (See Article XXIII).

D. Intermediate care facility. (See Section 2206B)

## **SECTION 904 USES BY SPECIAL EXCEPTION**

There are no uses by special exception provided for in the R-3 High Density Residential District.

## **SECTION 905 LOT, AREA AND YARD REQUIREMENTS**

### **A. Principal Uses:**

1. Minimum lot area:
  - (a) Single family dwelling- 6,000 square feet.
  - (b) Two-family dwelling- 8,712 square feet.
  - (c) Townhouse dwelling- 10,890 square feet.
  - (d) Multi-family dwelling - See Table 1, Appendix B.
  - (e) All other permitted uses- 8,712 square feet.
2. Minimum lot width:
  - (a) Single-family dwelling- 40 feet.
  - (b) Two-family dwelling- 50 feet.
  - (c) Townhouse- 60 feet.
  - (d) Multi-family dwelling units - 60 feet.
3. Minimum yards:
  - (a) Front yard depth - 25 feet.
  - (b) Side yards:
    - (1) Total width -  $\frac{1}{2}$  the height of the structure or 16 feet, whichever is greater.
    - (2) Minimum width - 8 feet on one side
    - (3) Accessory- 5 feet
  - (c) Rear yards:
    - (1) Principal - 40 feet.
    - (2) Accessory - 5 feet.
4. Maximum building height:
  - (a) All principal structures- 3 stories or 35 feet.
  - (b) All accessory structures- 1 story, no more than 15 feet.
5. Maximum lot coverage: 60 percent (60%) all principal and accessory structures.
6. Dimensional standards for previously recorded lots - See Section 2122.

### **B. Conditional Uses:**

1. Minimum lot width- 50 feet.
2. Minimum lot area- 7,260 square feet.



**SECTION 906      OFF-STREET PARKING REQUIREMENTS**

See Section 2120.

## **ARTICLE X**

### **C-1 CENTRAL BUSINESS DISTRICT**

#### **SECTION 1001      PURPOSE**

The purpose of the C-1 Central Business District is to provide for a variety of retail and commercial uses in the downtown area. While concentrations of commercial and service land use exist, the character of adjacent residential use and convenience of pedestrian and vehicular traffic shall be protected.

#### **SECTION 1002      PRINCIPAL USES**

**A.    Principal Permitted Uses:**

1. All nonresidential uses permitted in R-3 District.
2. Essential services.
3. Forestry.
4. Commercial recreation including, but not limited to bowling alleys, movie theaters, video arcades, and health spas.
5. Mixed use structures (See Section 2121)
6. Multi-family dwellings and garden apartments. (Minimum 4 units)
7. Parking lots and parking garages.
8. Personal service establishments, including but not limited to barber and beauty shops, custom tailor shops, self-service laundries, shoe repair, and dry cleaning in which only non-explosive and nonflammable solvents and materials are used.
9. Restaurants, fast food or sit-down, and cafes, not including establishments with drive-through service.
10. Retail businesses.
11. Townhouses (Minimum 4 units)

**B.    Accessory Uses:**

1. Signs. (See Article 2119)
2. Accessory uses on the same lot with and customarily incidental to a principal use.

#### **SECTION 1003      CONDITIONAL USES**

There are no conditional uses provided for in the C-1 Central Business District.

#### **SECTION 1004      USES BY SPECIAL EXCEPTION**

- A. Public recreation. (See Section 2216)
- B. Automotive service stations. (See Section 2214)
- C. Drive-in or drive-through uses. (See Section 2219)

## **SECTION 1005 LOT, AREA AND YARD REQUIREMENTS**

### **A. Principal Uses:**

1. Minimum lot area - 4,840 square feet.
2. Minimum lot width - 20 feet.
3. Minimum yards, principal and accessory:
  - (a) Front yard depth - zero (0) feet.
  - (b) Side yards:
    - (1) Abutting commercial and industrial districts - zero (0) feet.
    - (2) Abutting residential districts - 15 feet or one-half the height of the structure, whichever is greater.
  - (c) Rear yards - Abutting residential districts, existing alley or alleys of record - 30 feet or 30 feet from centerline of alley; otherwise, zero (0) feet.
4. Maximum building height:
  - (a) All principal structures - Six stories or 72 feet.
  - (b) All accessory structures- 2 stories or 24 feet.
5. Maximum lot coverage - no maximum.

### **B. Uses by Special Exception:**

1. Minimum lot area - 5,445 square feet.
2. Minimum lot width - 20 feet.
3. Minimum yards:
  - (a) Front yard depth - zero (0) feet.
  - (b) Side yards, principal and accessory:
    - (1) Abutting commercial and industrial districts - zero (0) feet.
    - (2) Abutting residential districts - 15 feet or one-half the height of the structure, whichever is greater.
  - (c) Rear yards - Abutting residential districts, existing alley or alleys of record - 30 feet or 30 feet from centerline of alley; otherwise, zero (0) feet.
4. Maximum building height :
  - (a) All principal structures- 6 stories or 72 feet.
  - (b) All accessory structures- 2 stories or 24 feet.
5. Maximum lot coverage - no maximum .

## **SECTION 1006 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

## **SECTION 1007 BUFFERYARD REQUIREMENTS**

Any required buffer yards shall be installed in accordance with the requirements of Section 2118.

## **ARTICLE XI**

### **C-2 COMMUNITY COMMERCIAL DISTRICT**

#### **SECTION 1101      PURPOSE**

The purpose of the C-2 Community Commercial District is to provide opportunities for neighborhood or secondary retail and service establishments which supply commodities or perform services intended primarily for residents of the surrounding neighborhoods.

#### **SECTION 1102      PRINCIPAL USES**

**A.    Principal Permitted Uses:**

- (a) Automotive repair garages, provided all operations are conducted within the confines of a building established for such purposes.
- (b) Automotive service stations.
- (c) Business and Professional offices.
- (d) Drive-through uses including but not limited to banks, pharmacies and service facilities, both public and private.
- (e) Essential services.
- (f) Forestry.
- (g) Integrated neighborhood shopping centers.
- (h) Mixed use structures (See Section 2121)
- (i) Personal services including, but not limited to beauty shops, barber shops, shoe repairs, minor appliance repair and dry cleaning pickup.
- (j) Restaurants, fast food and sit-down.
- (k) Retail businesses.

**B.    Accessory Uses:**

- 1. Signs. (See Section 2119)
- 2. Accessory uses on the same lot with and customarily incidental to a principal use.

#### **SECTION 1103      CONDITIONAL USES**

- A.    Traditional Neighborhood Development. (See Section 2205).

#### **SECTION 1104      USES BY SPECIAL EXCEPTION**

There are no uses by special exception provided for in the C-2 Community Commercial District.

#### **SECTION 1105      LOT, AREA AND YARD REQUIREMENTS**

**A.    Principal Uses:**

- 1. Minimum lot area:

- (a) Integrated shopping plazas or centers - 20,000 square feet.
  - (b) Individual buildings - 6,000 square feet.
- 2. Minimum lot width:
  - (a) Integrated shopping plazas or centers - 100 feet.
  - (b) Individual buildings - 50 feet.
- 3. Minimum yards, principal and accessory:
  - (a) Front yard depth - 25 feet except where existing structures are located on adjacent lots within 100 feet in either direction of a proposed structures, then the setback of the proposed structure shall conform with the average setbacks of the existing structures.
  - (b) Side yards:
    - (1) Individual buildings - zero (0) feet provided buildings abut other commercial areas.
    - (2) Integrated plazas or shopping centers and individual buildings abutting residential districts - 20 feet.
  - (c) Rear yard:
    - (1) Abutting residential districts - 40 feet.
    - (2) Abutting commercial or industrial districts - 25 feet.
    - (3) Accessory structures- 20 feet
- 4. Maximum building height:
  - (a) All principal structures- Three stories or 35 feet.
  - (b) All accessory structures- Two stories or 24 feet.
- 5. Maximum lot coverage - 70 percent.

B. Conditional Uses: See Section 2205.

## **SECTION 1106 OFF-STREET PARKING REQUIREMENTS**

See Section 2120.

## **SECTION 1107 BUFFERYARD REQUIREMENTS**

Any required buffer yards shall be installed in accordance with the requirements of Section 2118.

## **ARTICLE XII**

### **C-3 HIGHWAY COMMERCIAL DISTRICT**

#### **SECTION 1201      PURPOSE**

The purpose of the C-3 Highway Commercial District is to provide areas with access to higher volume roadways and are separated from low density residential uses, for a variety of commercial and service uses.

#### **SECTION 1202      PRINCIPAL USES**

**A.    Principal Permitted Uses:**

1. Auto repair garages provided that all operations are conducted within the confines of a building established for such purposes.
2. Automotive sales, services and display.
3. Automotive service station.
4. Drive-in uses including, but not limited to retail, food and service facilities, both public and private.
5. Essential services.
6. Forestry.
7. Hotels and motels.
8. Mixed use structures. (See Section 2121)
9. Personal services including, but not limited to beauty shops, barber shops, shoe repair, minor appliance repair and dry cleaning pick-up.
10. Retail stores and shops.
11. Wholesale establishments, warehouses, automotive display, sales and associated uses except wrecking and storage of junk vehicles.

**B.    Accessory Uses:**

1. Signs. (See Section 2119)
2. Accessory uses on the same lot with and customarily incidental to the principal use.

#### **SECTION 1203      CONDITIONAL USES**

There are no conditional uses provided for in the C-3 Highway Commercial District.

#### **SECTION 1204      USES BY SPECIAL EXCEPTION**

There are no uses by special exception provided for in the C-3 Highway Commercial District.

#### **SECTION 1205      LOT, AREA AND YARD REQUIREMENTS**

**A.    Principal Uses:**

1. Minimum lot area - 10,000 square feet.
2. Minimum lot width - 75 feet.
3. Minimum yards principal and accessory:
  - (a) Front yard depth - 35 feet.
  - (b) Side yards- 24 feet total, 10 feet minimum side.
    - (1) Adjoining residential districts - 20 feet.
    - (2) Adjoining commercial or industrial districts - 12 feet.
  - (c) Rear yard:
    - (1) Abutting residential districts - 40 feet.
    - (2) Abutting commercial or industrial districts - 25 feet.
    - (3) Accessory structures- 20 feet
4. Maximum building height:
  - (a) All principal structures- Three stories or 35 feet.
  - (b) All accessory structures- Two stories or 24 feet.
5. Maximum lot coverage - 50 percent.

- B. **Conditional Uses:** There are no conditional uses in the C-3 Highway Commercial District.

## **SECTION 1206      OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

## **SECTION 1207      BUFFERYARD REQUIREMENTS**

Any required buffer yards shall be installed in accordance with the requirements of Section 2118.

## **ARTICLE XIII**

### **C-4 LIMITED COMMERCIAL DISTRICT**

#### **SECTION 1301      PURPOSE**

The purpose for the establishment of the C-4 Limited Commercial District is to allow for the conversion of small residential properties that front on arterial or collector streets in areas where commercial development already exists subject to regulations which limit the intensity of the commercial use in order to moderate the impact on adjoining residential properties and to control the traffic impacts on the adjacent streets.

#### **SECTION 1302      PRINCIPAL USES**

##### **A.    Principal Permitted Uses:**

- (a) Antique and interior decorator shop.
- (b) Art, book or stationery store.
- (c) Art, music, dance or photography studio.
- (d) Bakery, excluding processing.
- (e) Business and Professional offices.
- (f) Card and gift shop.
- (g) Catering establishment, excluding rental hall.
- (h) Clothing or accessory boutique shops.
- (i) Craft shop, hobby shop.
- (j) Essential services.
- (k) Florist shop.
- (l) Forestry.
- (m) Mixed use structures. (See Section 2121)
- (n) Personal services, including, but not limited to nail and tanning salons, massage therapy, beauty shop, barber, tailor, seamstress, shoe repair, dry cleaners pick-up.
- (o) Tea room, ice cream parlor, candy store.
- (p) Travel agency.

##### **B.    Accessory Uses:**

###### **1. Signs**

- (a) One (1) sign per lot having a cumulative total area of twelve (12) square feet and used for the following purposes only:
  - (1) Signs advertising the sale, rental or development of property;
  - (2) Signs indicating the location of the premises;
  - (3) Signs advertising business conducted or services, materials or equipment for sale on the premises.



- (b) Flashing, moving, intermittent or internally illuminated signs are not permitted. Indirectly illuminated signs are permitted, provided the lighting is shielded from adjoining properties and streets.
- 2. Accessory uses on the same lot with and customarily incidental to the principal use.

### **SECTION 1303      CONDITIONAL USES**

There are no conditional uses provided for in the C-4 Limited Commercial District.

### **SECTION 1304      USES BY SPECIAL EXCEPTION**

There are no uses by special exception provided for in the C-4 Limited Commercial District.

### **SECTION 1305      LOT, AREA AND YARD REQUIREMENTS**

- A. Principal Uses:
  - 1. Minimum lot area:
    - (a) One (1) business on a lot - 7,500 square feet.
    - (b) Two (2) or more businesses on a lot - 15,000 square feet.
  - 2. Minimum lot width:
    - (a) One (1) business on a lot - 75 feet.
    - (b) Two (2) or more businesses on a lot - 125 feet.
  - 3. Maximum gross floor area per business - 1,500 square feet.
  - 4. Minimum yards, principal and accessory:
    - (a) Front yard depth- 25 feet.
    - (b) Side yards:
      - (1) One (1) business on a lot - 20 feet total; 8 feet one side.
      - (2) Two (2) or more businesses on a lot - 15 feet each side.
    - (c) Rear yards:
      - (1) Principal uses - 40 feet.
      - (2) Accessory uses- 20 feet
  - 5. Maximum building height:
    - (a) All principal structures - Three stories or 35 feet.
    - (b) All accessory structures- Two stories or 24 feet.
- B. Maximum lot coverage - 35 percent.

### **SECTION 1306      OFF-STREET PARKING AND LOADING REQUIREMENTS**

- A. Retail sales: One (1) space for each 250 square feet of floor area devoted to display and sales;
- B. Establishments serving food: One (1) space for each three (3) seats.
- C. Business and Professional offices: One (1) space for each 300 square foot of gross floor area;

- D. Personal services: One (1) space for each 200 square feet of floor area devoted to customer service.
- E. Off-street parking shall be located at least twenty-five (25) feet from any property line adjoining a residential zoning district and shall be screened from view from properties in an adjoining residential zoning district by a minimum six (6) foot high compact evergreen hedge.

## **SECTION 1307      BUFFERYARD REQUIREMENTS**

Any required buffer yards shall be installed in accordance with the requirements of Section 2118.

## **ARTICLE XIV**

### **I INDUSTRIAL DISTRICT**

#### **SECTION 1401 PURPOSE**

The purpose of the I Industrial District is to allow for a variety of commercial and industrial uses and economic opportunities relative to those uses.

#### **SECTION 1402 PRINCIPAL USES**

##### **A. Principal Permitted Uses:**

- (a) Building material supplies, including processing such as stone crushing or concrete mixing.
- (b) Carpenter, electrical, plumbing, heating or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning or dyeing establishment, printing shop or publishing plant.
- (c) Distributing plant, beverage bottling and/or distribution.
- (d) Essential services.
- (e) Forestry.
- (f) Highway freight, transportation and warehousing.
- (g) Laboratories devoted to research, design, experimentation, processing and fabrication incidental thereto.
- (h) The manufacture, compounding processing, packaging or treatment of products, excluding slaughter houses.
- (i) The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials.
- (j) Utility operations (electric and gas company operations).
- (k) Vehicle storage facility.

##### **B. Accessory Uses:**

1. Customary accessory uses and structures permitted within this Ordinance as complementary to the principal structure shall be located per all uses by the following:
  - (a) No structure shall be located within the minimum distance of the front lot line to the building line of the principal structure.
  - (b) No garage or other accessory building shall be within a required front yard, nor within a side yard although in any I General Industrial District a parking area may utilize that portion of a side yard not otherwise required for a planting screen.
  - (c) Any access drive may be located within a required side yard or required front yard.

- (d) Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street through either a driveway on the same lot or through means of a permanent easement across an adjoining lot.
  - (e) No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage or any other use.
2. Signs. (See Section 2119)

## **SECTION 1403      CONDITIONAL USES**

- A. Communications Towers. (See Section 2202)

## **SECTION 1404      USES BY SPECIAL EXCEPTION**

- A. Junk yards. (See Section 2215 2218)

## **SECTION 1405      LOT, AREA AND YARD REQUIREMENTS**

- A. Principal Uses:
- 1. Minimum lot area - 7,260 square feet.
  - 2. Minimum lot width - 60 feet.
  - 3. Minimum yards, principal and accessory:
    - (a) Front yard depth - 20 feet
    - (b) Side yards - 24 feet total, 10 feet minimum side.
      - (1) Abutting residential districts - 20 feet.
      - (2) Abutting commercial or industrial districts - 12 feet.
    - (c) Rear yards:
      - (1) Adjoining residential districts - 40 feet.
      - (2) Adjoining commercial or industrial districts - 25 feet.
      - (3) Accessory structures- 20 feet
  - 4. Maximum building height -:
    - (a) All principal structures- Six stories or 75 feet.
    - (b) All accessory structures- Two stories or 24 feet.
  - 5. Maximum lot coverage - 50 percent.

## **SECTION 1406      OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

## **SECTION 1407      BUFFERYARD REQUIREMENTS**

Any required buffer yards shall be installed in accordance with the requirements of Section 2118.

## **ARTICLE XV**

### **C CONSERVATION DISTRICT**

#### **SECTION 1501 PURPOSE**

The purpose for the establishment of the C Conservation District is to limit development and its impacts on areas with steep topography and environmental constraints.

#### **SECTION 1502 PRINCIPAL USES**

**A. Principal Permitted Uses:**

1. Essential services.
2. Forestry.

**B. Accessory Uses:**

1. Accessory uses on the same lot with and customarily incidental to the principle use.
2. Signs. (See Section 2119)

#### **SECTION 1503 CONDITIONAL USES**

Areas of excessive slope (25% or greater), inaccessible or remnants of land not suited for general uses and areas subject to frequent flooding may be used for the following purposes or retained in their natural state, if, in the opinion of the City Council, the uses are suited to the characteristics of the land and are considered compatible with adjacent land use:

- A. Mobilehome parks. (See the City of Aliquippa Subdivision and Land Development Ordinance)
- B. Passive and active recreational uses.
- C. Single-family dwellings.

#### **SECTION 1504 USES BY SPECIAL EXCEPTION**

There are no uses by special exception in the C Conservation District

#### **SECTION 1505 LOT, AREA AND YARD REQUIREMENTS**

**A. Principal Uses:**

1. Minimum lot area - 21,780 square feet.
2. Minimum lot width - 75 feet.
3. Minimum yards:
  - (a) Front yard depth - 50 feet.
  - (b) Side yards:
    - (1) Abutting commercial and industrial districts -25 feet.

- (2) Abutting residential districts - 30 feet or one-half the height of the structure, whichever is greater.
- (c) Rear yards :
  - (1) Abutting commercial and industrial districts- 25 feet
  - (2) Abutting residential districts- 35 feet
- 4. Maximum building height - 25 feet.
- 5. Maximum lot coverage - 20 percent.

**B. Conditional Uses:**

- 1. Minimum lot area -21,780 square feet.
- 2. Minimum lot width - 75 feet.
- 3. Minimum yards:
  - (a) Front yard depth - 50 feet.
  - (b) Side yards: 20 feet each
  - (c) Rear yards - 35 feet.
- 4. Maximum building height - 35 feet.
- 5. Maximum lot coverage - 20 percent.

**SECTION 1506 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

**SECTION 1507 BUFFERYARD REQUIREMENTS**

Any required buffer yards shall be installed in accordance with the requirements of Section 2118.

## ARTICLE XVI

### IT INSTITUTIONAL DISTRICT

#### SECTION 1601 PURPOSE

The purpose for the establishment of the IT Institutional District is to provide an area for the maintenance, development and expansion of educational and related activities and services for school-aged persons in the Aliquippa School District.

#### SECTION 1602 PERMITTED USES

A. **Principal Permitted Uses:**

1. Administrative offices.
2. Education facilities, including classroom buildings, libraries, and science laboratories.
3. Essential services.
4. Forestry.
5. Interior and exterior recreation facilities, including but not limited to gymnasiums, football stadiums and baseball fields.

B. **Accessory Uses:**

1. Dish antennas.
2. Maintenance structures.
3. Parking areas.
4. Signs. (See Section 2119)

#### SECTION 1603 CONDITIONAL USES

There are no conditional uses provided for in the I Institutional Zoning District.

#### SECTION 1604 USES BY SPECIAL EXCEPTION

There are no uses by special exception in the I Institutional District.

#### SECTION 1605 LOT AREA AND YARD REQUIREMENTS

A. **Principal Uses:**

1. Minimum lot area- 21,780 square feet
2. Minimum lot width - 75 feet.
3. Minimum yards:
  - (a) Front yard - 50 feet.
  - (b) Side yards - 15 feet each side.
  - (c) Rear yards- 40 feet.
  - (1) Accessory structures- 20 feet.

4. Maximum building height:
  - (a) All principal structures- Six stories or 75 feet.
  - (b) All accessory structures- Two stories or 24 feet.
5. Maximum lot coverage- 80 percent.

#### **SECTION 1606      OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

#### **SECTION 1607      BUFFERYARD REQUIREMENTS**

Any required buffer yards shall be installed in accordance with the requirements of Section 2118.



## **ARTICLE XVII**

### **RRO RIVERFRONT RESOURCE OVERLAY DISTRICT**

#### **SECTION 1701 PURPOSE**

The purpose for the establishment of the Riverfront Resource Overlay District is to provide a variety of residential and nonresidential uses on land abutting or with access to the Ohio River and currently zoned I Industrial, in order to encourage innovative development proposals.

#### **SECTION 1702 LOCATION**

The Riverfront Resource Overlay Zoning District is situated on land zoned I Industrial and shown on the overlay zoning district map.

#### **SECTION 1703 PERMITTED USES**

##### **A. Principal Permitted Uses:**

1. All principal permitted uses in the "I Industrial" District.
2. Commerce parks (as defined).
3. General and medical offices.
4. Hotels and motels.
5. Multi-floor, multifamily dwellings.
6. Public grounds (as defined).
7. Recreational land and facilities.
8. Restaurants, fast food and sit-down.
9. Retail businesses.

##### **B. Accessory Uses:**

1. Customary accessory uses and structures permitted within this Ordinance as complementary to the principal structure shall be located per all uses by the following:
  - (a) No structure shall be located within the minimum distance of the front lot line to the building line of the principal structure.
  - (b) No garage or other accessory building shall be within a required front yard, nor within a side yard, however in any I General Industrial District recorded lot, a parking area may utilize that portion of a side yard not otherwise required for a planting screen.
  - (c) Any access drive may be located within a required side yard or required front yard.
  - (d) Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street through either a driveway on the same lot or through means of a permanent easement across an adjoining lot.

- (e) No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage or any other use.

2. Signs. (See Section 2119)

**SECTION 1704      APPLICABILITY**

Uses listed as permitted in Article XIV shall comply with the dimensional standards outlined in Section 1405. Uses listed as permitted in this Article shall comply with the dimensional standards in Section 1706.

**SECTION 1705      SCREENING AND LANDSCAPING**

See Section 2118.

**SECTION 1706      LOT AREA AND YARD REQUIREMENTS**

A. **Principal Uses:**

- 1. Minimum lot area - 7,500 square feet.
- 2. Minimum lot width - 60 feet.
- 3. Front yard depth - 20 feet
- 4. Maximum building height - six stories or 75 feet.
- 5. Maximum lot coverage - 50 percent.

**SECTION 1707      OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

## **ARTICLE XVIII**

### **TO TRANSITIONAL OVERLAY DISTRICT**

#### **SECTION 1801 PURPOSE**

The purpose of the TO Transitional Overlay District is to provide an area for small scale commercial and service uses with access to higher volume roadways and which will provide a buffer to adjacent low density residential neighborhoods.

#### **SECTION 1802 LOCATION**

The TO Transitional Overlay District is situated on land abutting Mill Street currently zoned R-1 and shown on the Official Overlay Zoning District Map.

#### **SECTION 1803 PRINCIPAL USES**

- A. Principal Permitted Uses:
  - 1. Personal services.
  - 2. Travel agency.
  - 3. Card or gift shop.
  - 4. Florist shop.
  - 5. Business services.
- B. Accessory Uses: Uses customarily incidental to permitted principal uses in the underlying zoning district, or in this TO Transitional Overlay District.

#### **SECTION 1804 CONDITIONAL USES**

- A. Professional offices. (See Section 2212)
- B. Studio for art, music, dance and photography. (See Section 2213)
- C. Day care center for children and/or adults. (See Section 2214)

#### **SECTION 1805 USES BY SPECIAL EXCEPTION**

There are no uses by Special Exception provided for in the TO Transitional Overlay District.

#### **SECTION 1806 LOT, AREA AND YARD REQUIREMENTS**

- A. The minimum lot area for all permitted principal uses shall be seven thousand (7,000) square feet. All other area and dimensional regulations of the underlying district for structure, uses and land shall apply.
- B. No conversion of accessory structures on the lot to an authorized principal use shall be permitted.

- C. Exterior alterations of the dwelling shall be permitted to comply with fire safety and building code regulations, to modify entrances or enclose porches; however, no other alterations which would enlarge the total floor area of the structure devoted to office or customer use shall be permitted.
- D. An existing dwelling shall not be removed to allow for construction of a new commercial building.

## **SECTION 1807 OFF-STREET PARKING AND LOADING REQUIREMENTS**

- A. Off-street parking shall be provided based on the ratio of one (1) parking space for each two hundred (200) square feet of floor area of the building devoted to office or customer use.
- B. Off-street parking shall not be permitted in the minimum required side yard.
- C. Off-street parking shall be located at least twenty-five feet (25') from rear property line.
- D. Adequate area shall be provided on the lot for vehicles to turn around so that traffic will not be required to back onto a public street.

## **SECTION 1808 BUFFERYARD REQUIREMENTS**

- A. On lots where permitted, commercial uses are introduced in existing structures, a Type A screen shall be provided along the rear property line.
- B. All parking spaces shall be screened by a minimum six foot (6') high compact evergreen hedge planted and maintained in an area at least five feet (5') in depth as measured from the property line where parking spaces adjoin any existing single family dwelling on an adjacent lot.
- C. In addition to the screening of parking areas, a minimum of ten percent (10%) of the area of the required front yard shall be planted in grass with ornamental trees or shrubs.

## **SECTION 1809 ACCESS**

- A. Where conversion of dwellings on two (2) or more adjoining properties is proposed, the use of a shared driveway entrance onto Mill Street shall be required. Evidence of cross-easements and agreements for maintenance of the common driveway shall be submitted to the City with the ~~conditional use~~ **land development** application.
- B. Driveway location and design shall be subject to approval by PennDOT of a Highway Occupancy Permit. The frontage of the property shall be curbed, except for the approved driveways.

## **SECTION 1810 SIGNS**

- A. The only sign authorized on the lot shall be one (1) free-standing business identification sign. The maximum surface area of a free-standing business identification sign shall be twelve (12) square feet.

- B. The business identification sign shall be constructed of materials that are compatible with the architectural style of the building on the lot. The business identification sign may be indirectly illuminated, but shall not be internally illuminated.
- C. The business identification sign shall be located at least six feet (6') from any property line or street right-of-way and shall be a maximum of six feet (6') in height.

## **ARTICLE XIX**

### **NRO NEIGHBORHOOD REHABILITATION OVERLAY DISTRICT**

#### **SECTION 1901 PURPOSE**

The purpose of the NRO Neighborhood Rehabilitation Overlay District is to encourage investment in residential property in areas where previously established neighborhoods have declined in value.

#### **SECTION 1902 LOCATION**

The boundaries of the NRO District include land in Plan 6, Plan 11, and the Plan 11 extension as shown on the "localized planning Units Map" attached as Exhibits to this Ordinance (and the "Zoning Districts and Overlays Map").

#### **SECTION 1903 PERMITTED USES**

##### **A. Principal Permitted Uses:**

1. All principal uses permitted in underlying zoning districts, R-1, R-2 and C.
2. Gardens.
3. Medical offices.
4. Home occupations. (See Section 2216).
5. Personal services (as defined).

##### **B. Accessory Uses:**

1. All accessory uses permitted in the underlying R-1, R-2 and C Districts.
2. Tool and garden equipment storage sheds.

#### **SECTION 1904 LOT AREA AND YARD REQUIREMENTS**

In compliance with the underlying zoning district or districts.

#### **SECTION 1905 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Section 2120.

#### **SECTION 1906 APPLICABILITY**

All zoning and building permit fees shall be waived for new construction proposed in this overlay district.

## **ARTICLE XX**

### **CCO CITY CENTER OVERLAY DISTRICT**

#### **SECTION 2001      PURPOSE**

The purpose of the City Center Overlay District is to provide for a variety of land use options in flexible configurations within an established business district with access to collector streets and public utilities.

#### **SECTION 2002      LOCATION**

The City Center Overlay District is situated on land zoned C-1 Central Business District and shown on the Overlay Zoning District Map.

#### **SECTION 2003      PERMITTED USES**

##### **A.    Principal Permitted Uses:**

1. All uses permitted in the C-1 Commercial District.
2. Mixed use structures with commercial use on the first floor and residential uses above.
3. General and medical offices.
4. Financial services and institutions.
5. Museums.
6. Motels and hotels.
7. Personal care facility for ambulatory residents.
8. Senior citizen high rise.

##### **B.    Accessory Uses:**

1. Vehicle garages and storage buildings.
2. Dish antennas.
3. Parking areas.
4. Signs (See Section 2119).

#### **SECTION 2004      LOT AREA AND YARD REQUIREMENTS**

In compliance with the underlying zoning district.

#### **SECTION 2005      OFF-STREET PARKING AND LOADING REQUIREMENTS**

- A. See Section 2120.
- B. Shared parking shall be permitted within one hundred and fifty feet (150') of the use generating the need for such parking, upon mutual agreement of property owners.

**SECTION 2006      APPLICABILITY**

All fees associated with subdivision or land development applications and all zoning and building permit fees shall be waived for new construction proposed in this Overlay District.

**SECTION 2007      LANDSCAPING AND BUFFERYARDS**

See Section 2118.



## **ARTICLE XXI**

### **SUPPLEMENTAL REGULATIONS**

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplemental regulations.

#### **SECTION 2101      ESSENTIAL SERVICES**

Essential services, as defined in this Ordinance, shall be permitted in all districts, subject to restrictions approved by the Planning Commission with respect to use, design, yard area, setback and height.

#### **SECTION 2102      STORAGE**

No lot or premises shall be used as a garbage dump or a dead animal rendering plant. No manure, rubbish or miscellaneous refuse may be stored in the open within any district where the same may be construed as a menace to public health or safety. No exceptions shall be made except by official government action.

#### **SECTION 2103      LOT AREA MEASUREMENT**

For purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six (6) times the average width of the lot may be utilized in calculations.

#### **SECTION 2104      PROJECTIONS INTO REQUIRED YARDS**

The following architectural features may project into the required yards as established herein:

- A. Steps or stoops not exceeding twenty-four (24) square feet in area.
- B. Eaves, cornices, sills and belt courses not exceeding twenty-four inches (24").
- C. Open fire escapes not exceeding fifty-four inches (54").
- D. Chimneys and ventilation pipes not exceeding thirty-six inches (36").

#### **SECTION 2105      FENCES OR HEDGES**

Fences, hedges or other plantings, structures or retaining walls, shall not be located at street corners so as to interfere with the minimum clear sight distance across corner lots. The height of such objects is restricted to three feet (3') within the clear sight triangle.

#### **SECTION 2106      SWIMMING POOLS**

Private swimming pools shall be located in rear yards, properly fenced and protected with a self-latching gate to avoid becoming an attractive nuisance.

## **SECTION 2107 REAR DWELLINGS**

No building in the rear of a main building on the same lot may be used for living purposes in a residential district.

## **SECTION 2108 CELLAR DWELLINGS**

No living quarters shall be placed in a cellar dwelling or garage or in any other room or space having less than seven feet (7') of ceiling clearance above the average ground level.

## **SECTION 2109 HEIGHT MEASUREMENTS**

Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:

- A. In case of flat roof structures - highest point of coping;
- B. In case of mansard roof structures - deck line of roof;
- C. In case of gable or hipped roof - average height of roof;
- D. A habitable attic shall be counted as a story.

## **SECTION 2110 HEIGHT EXCEPTIONS**

The height limitations of this Ordinance shall not apply to flag poles, church spires, belfries, domes or similar architectural projections not used for human occupancy nor to chimneys, ventilation shafts, skylights, water tanks, public utility facilities, bulkheads, silos, ham radio antenna, and other necessary mechanical and operational apparatus usually carried above the roof level. Communication towers shall not exceed the maximum height in districts where permitted.

## **SECTION 2111 TRADITIONAL NEIGHBORHOOD DEVELOPMENT**

- A. Purpose and Authority: Authority for this development option derives from Article VII-A of the Pennsylvania Municipalities Planning Code, and its purposes are as follows:
  - 1. To insure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity, and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner that would distort the objectives of the City' Community Development Goals and Objectives.
  - 2. To encourage innovations in residential and nonresidential infill development and renewal that makes use of a mixed-use form of development so that the growing demand for housing and other development and redevelopment may be met by greater variety in type, design, and layout of dwellings and other buildings and structures and by the conservation and more effective use of open space ancillary to said dwellings and uses.
  - 3. To extend greater opportunities for better housing, recreation, and access to goods, services, and employment opportunities to all citizens and residents of the City of Aliquippa.

4. To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses.
  5. To allow for the development and redevelopment of fully-integrated, mixed-use pedestrian-oriented neighborhoods.
  6. To minimize traffic congestion, infrastructure costs, and environmental degradation.
  7. To promote the implementation of the objectives of the City of Aliquippa Comprehensive Plan for guiding the location of growth and redevelopment.
  8. To provide a procedure in aid of these purposes which can relate the type, design, and layout of residential and nonresidential development to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.
  9. To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay.
- B. Review and Approval: It is hereby declared to be in the public interest that all applications for approval of a Traditional Neighborhood Development and the continuing administration thereof shall utilize the following procedure:
1. The application for tentative approval shall be filed by the developer in such form, upon the payment of such a reasonable fee as is specified by the municipality. The application shall be filed with the Zoning Officer.
  2. All planning, zoning, and subdivision matters relating to the platting, use and development of the Traditional Neighborhood Development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the City of Aliquippa, shall be determined and established by City Council with the recommendation of the Planning Commission.
  3. The provisions shall require only such information in the application as is reasonably necessary to disclose to the municipality:
    - (a) General Data
      - (1) Name of proposed Traditional Neighborhood Development.
      - (2) North point.
      - (3) Graphic scale and legend describing all symbols shown on the plan.
      - (4) Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.
      - (5) Statement of property owned by the proposed developer within the overlay area, or property being developed on behalf of another owner and any agreements relative to ownership.
      - (6) Name, address and seal of the individual or firm preparing the plan.
      - (7) An Offer of Dedication Signature Block.
      - (8) Municipal Approval Signature Block.
      - (9) Recorder of Deeds Signature Block.
    - (b) Existing Features:

- (1) Total acreage of the property and total square feet within each lot of the development.
  - (2) Existing Features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, railroads, buildings, streets, including rights-of-way and cartway widths and approximate grades, development of abutting properties, including location and types of uses.
  - (3) Land and building uses for all property within the proposed Traditional Neighborhood Development, including pre-existing neighborhood density and how the proposed development would affect pre-existing densities.
- (c) Proposed Development: The Traditional Neighborhood Development an area in which an integrated development will occur which incorporates a variety of residential and related uses permitted within the conditional use. The respective areas of the site plan devoted to specific residential, commercial and institutional uses should be shown and within each area, the following should be included:
- (1) The approximate location, and use of buildings and other structures (all area dimensions shall be indicated in square feet).
  - (2) The approximate location and area of driveways and parking and loading areas.
  - (3) The property lines of lots to be subdivided, measured to the nearest foot.
  - (4) The approximate location of sidewalks and bike or foot paths.
  - (5) The location of utility and drainage easements.
  - (6) The location and pipe diameter of sewer and water mains.
  - (7) The location of fire hydrants.
  - (8) Perimeter setbacks and buffer yards.
  - (9) Street information, including: location and widths of rights-of-way and cartways, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one inch equals fifty feet horizontal and one inch equals five feet vertical.
  - (10) A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.
  - (11) A general grading plan showing any major alterations to the topography of the site.
  - (12) The approximate location and area of proposed common or dedicated open space, including: the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes.
  - (13) A table shall be included on the plan describing each phase or section with quantitative data, including the total area of the development and approximate area of each phase.
  - (14) The total area devoted to each use, the number of residential units, the percentage of each type of use and the total nonresidential square footage in the development and in each phase.
  - (15) Building footprints in the development and each phase.

- (16) The area of streets, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the development and each phase or section.
- (17) The total area devoted to planned recreational or open space use throughout the entire development and in each phase.
- (18) The calculations of impervious surface in the development and in each phase.
- (d) Narrative Statement: The following information should be included with a narrative statement submitted with the site plan:
  - (1) A statement of the ownership of all of the land included within the Traditional Neighborhood Development.
  - (2) An explanation of the design and layout of the Traditional Neighborhood Development, with particular attention as to planning objectives to be achieved.
  - (3) A statement describing proposed innovative design concepts included in the plan, including their purpose and benefits.
  - (4) The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be used for such purposes in perpetuity.
  - (5) A description of how the proposed development meets standards and conditions of Section 706 A of the Pennsylvania Municipalities Planning Code, any variations necessary, and why such variations are in the public interest.
  - (6) A description of the proposed use and improvement of common open space and recreational facilities.
  - (7) Where all property in the proposed development is not owned by the applicant, a statement of how development will be integrated to present a cohesive neighborhood, or tentative acquisition plans.
  - (8) A statement of consistency with the City's Comprehensive Plan, particularly any Land Use Plans, and consistency with any design manuals or illustrative guidelines the City may adopt pursuant to this Section.
- (e) Development Schedule: When it is anticipated that development pursuant to an approved Tentative Plan will occur in phases over a period of years, the following shall be included with the application for site plan approval:
  - (1) The sequence of phases in which the land development will be submitted for final approval and the approximate date when each phase will be submitted for final plan approval.
  - (2) The approximate date when each phase will be completed.
  - (3) Any phase of development pursuant to an approved Tentative Plan shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.
- 4. The application for tentative approval of a Traditional Neighborhood Development shall include a written statement by the developer setting forth the reasons why, in

his opinion, a Traditional Neighborhood Development would be in the public interest and would be consistent with the comprehensive plan for the development of the City.

5. The application for tentative approval shall be forwarded to the City of Aliquippa Planning Commission for their review and comments. The Planning Commission shall complete their review and make their recommendations to the City Council within thirty (30) days of the date of the first review.

C. Public Hearings:

1. Within sixty (60) days after the filing of a completed application for tentative approval of a Traditional Neighborhood Development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the City Council in the manner prescribed in the Pennsylvania Municipalities Planning Code, Article VIIA.
2. The City Council may continue the hearing as deemed necessary, and where applicable, may refer the matter back to the Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

D. The Findings:

1. The City Council, within sixty (60) days following the conclusion of the public hearing provided for in this Section, shall, by official written communication, to the developer, either:
  - (a) Grant tentative approval of the development plan as submitted;
  - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - (c) Deny tentative approval to the development plan.
2. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the developer may, within 30 days after receiving a copy of the official written communication of the municipality to notify City Council of his refusal to accept all said conditions, in which case, the municipality shall be deemed to have denied tentative approval of the development plan. In the event the developer does not, within said period, notify City Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
3. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
  - (a) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;
  - (b) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

- (c) The purpose, location and amount of the common open space in the Traditional Neighborhood Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and mix of development proposed;
  - (d) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of a well-designed development;
  - (e) The relationship, beneficial or adverse, of the proposed Traditional Neighborhood Development to the neighborhood in which it is proposed to be established; and
  - (f) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Traditional Neighborhood Development in the integrity of the development plan.
4. In the event a development plan is granted tentative approval, with or without conditions, the municipality may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the developer, the time so established between grant of tentative approval and an application for final approval shall not be less than twelve (12) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than eighteen (18) months.

**E. Status of Plan After Tentative Approval:**

- 1. The official written communication provided for in this Section shall be certified by the City Manager and shall be filed in his office, and a certified copy shall be mailed to the developer. Where tentative approval has been granted, it shall be classified as an overlay district amending the zoning map, effective upon final approval, and shall be noted on the zoning map.
- 2. Tentative approval of a development plan shall not qualify a plat of the Traditional Neighborhood Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the developer (and provided that the developer has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the City of Aliquippa pending an application or applications for final approval, without the consent of the developer, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.
- 3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development plan and shall so notify the City Council in writing, or in the event the developer shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked

and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the City Manager.

F. Application for Final Approval:

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer within one year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, development agreement for applicable public improvements and such other requirements as may be specified in this Section, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being forwarded to the City Council. This review is to take place within thirty (30) days.
2. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Section and the official written communication of tentative approval, by the City shall, within forty-five (45) days of such filing, grant such development plan final approval.
3. In the event the development plan as submitted contains variations from the development plan given tentative approval, the City may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the developer may either:
  - (a) Refile his application for final approval without the variations objected; or
  - (b) File a written request with the City Council that it hold a public hearing on his application for final approval.
  - (c) If the developer wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the developer shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this Section for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the City shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this



section, be in the form and contain the findings required for an application for tentative approval set forth in this Section.

4. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the City and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Traditional Neighborhood Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the developer. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.
5. In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the City in writing; or, in the event the developer shall fail to commence and carry out the Traditional Neighborhood Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the City of Aliquippa Zoning Ordinance in the manner prescribed for such amendments.

## **SECTION 2112      ADDITIONAL DWELLINGS**

Individual lots or subdivided parcels one and a half (1.5) acres or more in size shall have no building or buildings in addition to the main building accommodating the principal use, on the same lot used for living purposes, except as a temporary single-family residential use for a fixed period of time as specified by City Council.

## **SECTION 2113      MOBILEHOME AND CAMPING AND RECREATIONAL EQUIPMENT STORAGE**

Trailers as defined within the terms of this Ordinance and including mobilehomes, travel trailers, pickup coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:

- A. Mobilehomes may only be placed and occupied in an approved mobilehome park or on a singular zoning lot.
- B. At no time shall parked or stored camping and recreational equipment be occupied or used for living or housekeeping purposes.
- C. Camping and recreational equipment may be parked on a residential property in residential districts provided a temporary trailer parking permit is obtained. Temporary trailer parking permits shall be limited to a maximum of one (1) consecutive two-week period in any one (1) calendar year.

- D. Permanent parking and storing of camping and recreational equipment shall be limited to the interior of automobile garages or other available on-lot accessory buildings or to that portion of the lot behind the principal building.

#### **SECTION 2114 OFF-STREET PARKING AND LOADING**

For every building hereafter erected or altered, or use hereafter established, there shall be provided off-street parking and loading as required in each district described in this Ordinance. Such areas together with access and turning areas shall be paved, graveled or slagged. Sufficient off-street parking and loading areas shall be provided to satisfy requirements of normal conditions. All such space provided shall be located on the same lot with the building except that the City Council may permit parking space within the C-1 Central Business District, the R-3 High Density Residential District and in any overlay district to be located on any lot wholly within three hundred feet (300') of the building if it deems it impractical to provide space on the same lot with the building.

#### **SECTION 2115 COMMERCIAL EQUIPMENT STORAGE**

Commercial equipment, including trucks over one (1) ton in capacity or larger, tandem tractor-trailers, tractors, or other commercial or construction or cargo-moving vehicles or equipment shall not under any conditions be stored or parked overnight in any residential district.

#### **SECTION 2116 HOME BASED BUSINESSES (NO IMPACT) AND HOME OCCUPATIONS**

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

- B. Where permitted, all Home Occupations shall comply with the following standards of operation:
1. The occupation, profession or limited commercial activity shall be conducted wholly within the principal building or accessory building thereto.
  2. No more than two (2) persons not members of the family shall be employed.
  3. No stock in trade shall be stored inside the building or on the exterior of the lot.
  4. No exterior signage shall be permitted except as otherwise provided for.
  5. Offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance shall not be generated by the home occupation.
  6. Off-street parking shall be provided for employee vehicles and visitors in addition to the minimum required for the residential dwelling.
  7. No home occupation shall utilize in excess of twenty percent (20%) of the gross floor area of the dwelling unit.
  8. A home occupation shall include, but not be limited to the following: day care home, dressmaking, hairdressing and nail shop, teaching or tutoring, office of a physician, dentist, optometrist, lawyer, engineer, architect, accountant, real estate agent or insurance agent.

## **SECTION 2117      ANNEXED AREAS**

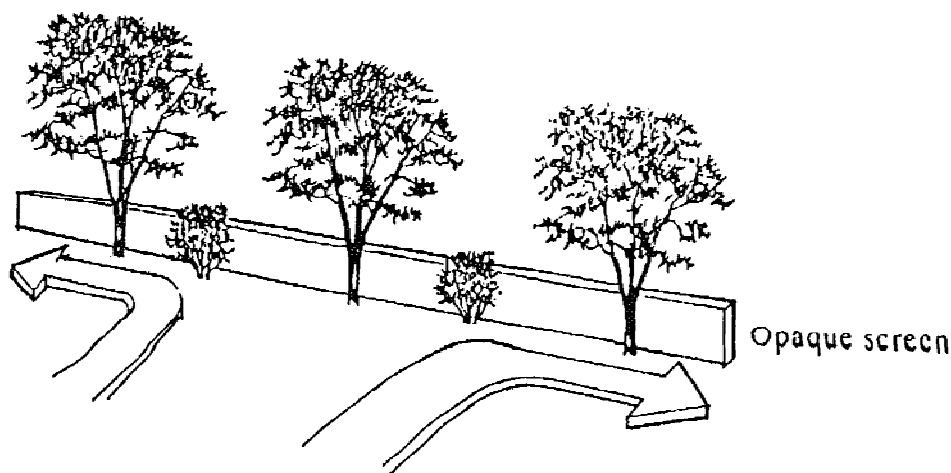
For zoning purposes, all areas annexed to the City after the adoption of this Ordinance shall be classified R-1 Low Density Residential District until such time as is required to officially amend the Ordinance to include the annexed areas and classify these areas in accordance with the Comprehensive Plan.

## **SECTION 2118      LANDSCAPING AND BUFFERYARDS**

- A. A planted visual barrier or landscape screen shall be provided and maintained on any lot proposed for development which abuts a previously developed lot except where natural, physical or man-made barriers exist which are deemed adequate by the Planning Commission and City Council and except where such contiguity has resulted from an amendment to the zoning district boundaries after the passage of this provision.
- B. There are hereby established three (3) types of screening applicable throughout the City. The "screening requirements" chart included in this Section shall be used to determine which type of screen the developing use must provide along the perimeter boundary abutting a developed lot.

- i. Opaque Screen, Type A - A screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may include a wall or fence, but a minimum of seventy percent (70%) of the screen shall consist of densely planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide. Suggested planting patterns follow:

#### Opaque Screen - Type A



TYPE A  
TYPICAL OPAQUE SCREENS



SMALL TREES PLANTED  
30' ON CENTER.

6' HIGH EVERGREEN  
SCREENING SHRUBS  
PLANTED 4' O.C.



LARGE TREES PLANTED  
40' ON CENTER.

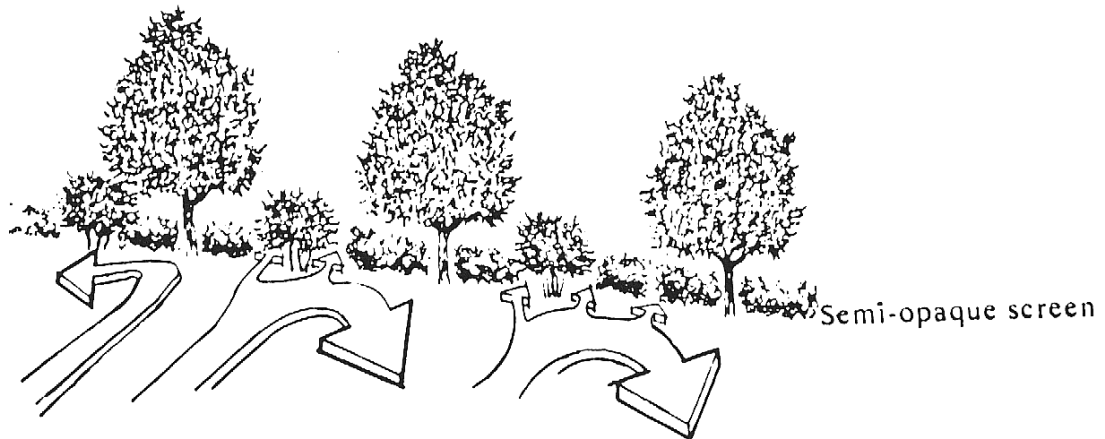
6' HIGH  
MASONRY WALL



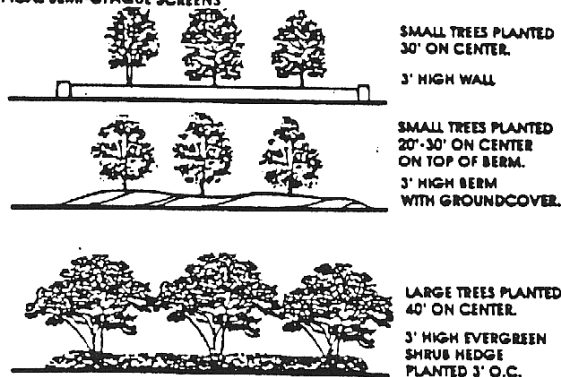
TALL EVERGREEN TREES  
STAGGER PLANTED,  
WITH BRANCHES  
TOUCHING GROUND.

- ii. Semi-Opaque Screen, Type B - A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen may include a wall, fence or landscaped earth berm, but a minimum of seventy percent (70%) of the screen shall consist of densely planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than fifteen feet (15') wide. Suggested planting patterns follow:

### Semi-Opaque Screen - Type B

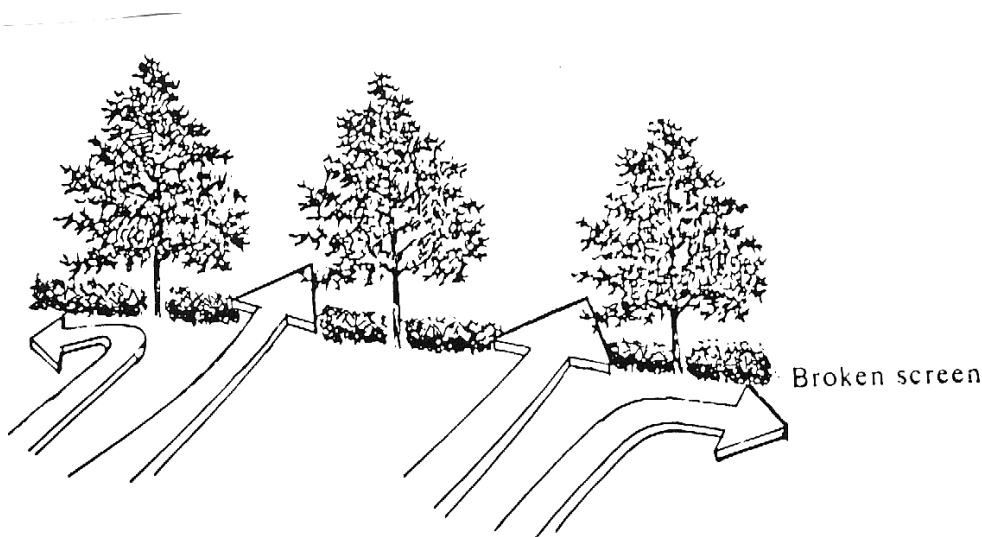


TYPE B  
TYPICAL SEMI-OPAQUE SCREENS

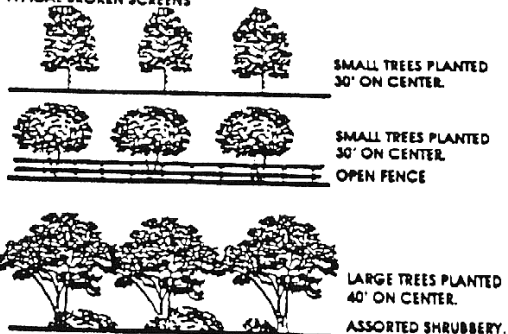


- iii. Broken Screen, Type C - A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. The broken screen may include of a wall, fence or landscaped earth berm, but a minimum of seventy percent (70%) of the screen shall consist of densely planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns follow:

#### Broken Screen - Type C



TYPE C  
TYPICAL BROKEN SCREENS



## SECTION 2119 SIGNS

### A. Permits, Inspection, Maintenance

1. No sign, or sign structure, except as provided herein, shall be erected, displayed, altered, relocated or replaced until a zoning/building permit has been issued by the Zoning Officer. A separate permit shall be required for each sign requiring a permit.
2. Applications for a permit shall be submitted on a form provided by the City and shall contain the following information:
  - (a) Name, address, telephone number of the applicant, owner of property (if different), and the owner of the property on which the sign is to be located;
  - (b) Address of property where the sign is to be located;
  - (c) Type of sign;
  - (d) Location of sign relative to the required setbacks and all other structures on lot;
  - (e) Written consent of the owner of the property on which the sign is to be located;
  - (f) Construction drawings and specifications of the proposed sign(s), showing materials, construction details, finishes, support structure, method of illumination (if any) and any additional information as may be required by the Zoning Officer;
  - (g) A fee, as provided for by the City Council in the Council's fee schedule.
3. Provided the application is in order, the Zoning Officer shall issue a zoning/building permit for the erection of the sign. Such permit shall expire twelve (12) months from the date of issuance. If construction or erection of the sign is not completed within this time frame, the permit shall be deemed null and void.
4. Inspections by the Zoning Officer shall be made to determine compliance with those regulations and specifications. Any discrepancies shall be identified, in writing, citing the irregularities and the action(s) required to address the requirements. If no action has been taken by the sign owner within thirty (30) days, the sign shall be deemed in violation and the permit shall be revoked, the sign may be requested to be removed, and legal actions may be undertaken.
5. The Zoning Officer may remove, or order the removal of, any sign erected, or placed, in violation of this Ordinance, at the expense of the sign owner
6. Signs which are found to present an immediate hazard to the public may be ordered removed immediately by the Zoning Officer, without notice, and the cost assessed to the sign owner.
7. Signs advertising places of business, or activities, which terminate operation shall be removed within sixty (60) days.

### B. Exempt Signs: The following types of signs shall not require a zoning/building permit for erection:

1. Address markers.
2. Signs identifying on-premises home occupations which contain only the name of the business and/or owner. Such sign shall not exceed two (2) square feet in area.
3. Signs erected by a public agency or utility providing warning or information to the public, and any signs erected by the City or under direction of the City.

4. Signs denoting the availability of property for lease or sale, located on the premises being leased or sold. The sign shall not exceed six (6) square feet in area and shall be removed within seven (7) days of the sale or lease of the property.

C. **Temporary Signs:** The following signs may be erected only after obtaining a zoning/building permit from the Zoning Officer. The permit shall cite, the length of time the sign may be displayed. For the purpose of this Ordinance, the following signs shall be considered "temporary":

1. Banner sign.
2. Portable sign.
3. Political sign.
4. Signs announcing new building or construction projects, erected after the beginning of the construction activity. The maximum size shall not exceed sixteen (16) square feet.
5. Signs announcing (including, but not limited to auctions, grand openings, new management, going out of business) special events. Any business, individual or organization may display once within a twelve (12) month period, a maximum of two (2) signs, for up to fourteen (14) days prior to a special event. Such signs shall not exceed sixteen (16) square feet and shall be removed immediately (within twenty-four [24] hours) following the event.

D. **General Regulations:**

1. No animated signs, no signs illuminated by a flashing, pulsating or intermittent source and/or no signs which create glare on adjacent properties or any adjacent street, shall be permitted.
2. Signs shall be placed no closer than ten feet (10') to any property line, or any right-of-way line, and shall not be erected over a street right-of-way.
3. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only), or, where the sign consists of raised letters, or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.
4. In the residential districts, the maximum height of a sign shall be fifteen feet (15'). In all other zones, in no case, shall a sign be permitted to be placed higher than the existing building.
5. No sign shall be erected in such a manner that would obstruct vision, ingress and/or egress, or interfere with traffic.
6. No sign shall be located so as to block doors, operable windows or fire escapes, or access to them; nor shall a sign be attached to a fire escape.
7. No sign shall be painted directly on a wall. Letters or other devices may be applied directly to a wall, but shall not extend more than twelve inches (12") from the wall.
8. Freestanding signs shall be permitted only on zoning lots with a minimum of one hundred feet (100') of street frontage.
9. Exterior political signs shall be permitted providing a deposit of \$50.00 has been made with the Zoning Officer and a permit obtained. Such signs shall not exceed six (6) square feet in area. All exterior political signs shall only be erected a maximum of twenty (20) days prior to the election and shall be removed within seven (7) days of the election, or the deposit shall be rescinded.



10. Nonconforming signs, lawfully existing at the time of enactment of this Ordinance, although such sign does not conform to the provisions of this Section, may continue to exist; however, if such nonconforming sign is discontinued or removed, any future sign on the same premises shall be in conformity with the provisions of this Section.

11. Off-premise advertising signs are hereby prohibited.

E. **Residential District Signs:** Within residential zoning districts, all signs except those specifically exempted shall require a zoning/building permit. The following signs are permitted in residential zones:

1. Address and/or name signs.
2. Home occupation signs.
3. Signs identifying property for sale or lease.
4. Signs identifying the development:
  - (a) Shall not exceed eighteen (18) square feet.
  - (b) Shall not exceed three feet (3') in height.
5. Signs displaying name, activities and/or functions for public institutions (churches, schools, public buildings, similar nonprofit uses), provided that:
  - (a) The maximum sign face shall not exceed twelve (12) square feet.
  - (b) Only one sign is permitted for the use.
6. Temporary signs, not to exceed twelve (12) square feet, only one (1) per use.

F. **Commercial, Industrial and Institutional Districts:** The following provisions identify the types of signs and sign areas permitted in commercial, industrial and institutional zoning district classifications, unless otherwise provided for in this Ordinance. Each business or principal use (in a single structure) shall be permitted one (1) wall, canopy or marquee sign and one (1) permanent freestanding sign. All signs except those specifically exempted shall require a permit.

1. All signs shall meet the following requirements.
  - (a) Any permitted signs shall be prohibited from advertising products not provided or sold on the premises.
  - (b) The maximum sign area of any freestanding sign shall be thirty-six (36) square feet.
  - (c) The maximum sign area of any canopy or marquee sign shall be twelve (12) square feet.
  - (d) Any wall sign shall be permitted to have a sign area not greater than ten percent (10%) of the wall area (including doors and windows) which faces the street. In the case of double street frontage, a wall sign may be permitted facing each street.
2. Where more than one business or industry operates from a single building, each operation shall be permitted to have a wall sign, with the aggregate sign area(s) not exceeding the size specified herein.
3. Where more than one business or industry operates from a single building, only one freestanding sign is permitted, which shall meet the standards established herein. The sign may provide information pertaining to each operation located in the building.

4. For buildings which house more than one (1) business or industry, one freestanding business directory sign shall be permitted which shall be a maximum of five feet (5') in height and sixteen (16) square feet in area.
5. For sites in single ownership, on which more than one business or industry is located, a directional sign on each street frontage may be permitted, such sign not to exceed four (4) square feet in size.

## **SECTION 2120 OFF-STREET PARKING AND LOADING**

**A. General.** Off-street vehicular parking facilities shall be provided in accordance with the following standards:

1. Off-street parking facilities may be located in any required front, side or rear yard, but not within an existing recorded right-of-way.
2. Except when provided for residential parking, off-street parking areas shall be constructed with a wearing surface over a minimum of four (4) inches of stone base and shall be properly graded and drained to dispose of all surface water in compliance with the City's stormwater management standards.
3. Commercial and industrial parking areas shall be arranged and marked for the orderly and safe circulation, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than ten cars after dusk.
4. If determined necessary by the City Council, parking areas for commercial and industrial uses which provide more than ten (10) parking spaces shall be screened from any abutting property used for residential purposes. Screening may be accomplished through the placement of adequate buildings, solid fencing and/or the provision and maintenance of heavy planting in the form of a mix of contiguous evergreen and deciduous trees or other suitable landscaping as approved by the City Council.

**B. Loading and Unloading Space.**

1. All commercial and industrial establishments shall provide off-street loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public right-of-way be used for loading or unloading of materials.
2. The minimum size loading space shall be 60 feet in depth, 12 feet in width, with an overhead clearance of 14 feet.

**C. Table of Spaces by Use.**

1. Each required off-street parking area shall provide for parking spaces at a minimum of 9'x 20'. Where access to such area is from a public street adequate turnaround space shall be provided out of the right-of-way.
2. The minimum number of spaces required are as follows:

USE	NO. OF SPACES
Business and professional offices	1 space for each 300 square feet of gross floor area
Medical office	1 space for each 200 square feet of gross floor

USE	NO. OF SPACES
	area
Restaurants, drinking establishments	1 space for every 3 seats plus 1 for each employee
Hospitals and clinics	5 spaces for each practitioner on duty, plus 1 space for each 2 beds
Retail business	5.5 spaces per 1,000 square feet of gross floor area
Motels, hotels	1.5 spaces for each sleeping rooms and 1 for each employee on the largest shift
Automotive service station with or without convenience store	1 space for each 200 square feet plus 2 spaces for each bay
Theaters and assembly halls	1 space for every 2.5 seats
Day care centers	1 space for each 200 square feet of floor area
Commercial recreation	1 space for every 4 persons at peak usage
Residential dwellings	Single family residential - 2 spaces for each dwelling; multi-family residential - 1.5 spaces for each dwelling unit
Funeral homes	1 space for every 5 seats
<del>Assisted living facilities</del> <b>Licensed community residential facilities and similar uses</b>	1 space for each 2 beds plus 1 space for each 2 employees
Assembly and processing plants and laboratories	1 for every 3 employees plus 1 for each 2,000 square feet of gross floor area
Distribution center and warehouses	1 space for each 2 employees on the largest shift plus 1 space for each 3,000 square feet of gross floor area
Churches and other worship facilities	1 space for every 3.5 seats in the main assembly room
Personal services including barber and beauty shops	1 space for each 200 square feet of gross floor area devoted to customer service or 2 spaces for each service chair and 1 space for every employee
Public or private grade or middle schools	1 space for each classroom plus 1 space for every 50 students at design capacity
Public or private high school	1 space for each teacher and staff member plus 1 space for every 10 students

## **SECTION 2121 MIXED USE STRUCTURES**

- A. General. Mixed use structures shall be permitted in the where designated in commercial districts contingent upon the requirement that the first floor use is solely commercial in nature, with the following additional standards:
1. Residential apartments or office uses may be located above any permitted commercial use.
  2. There shall be a minimum of two (2) parking spaces per each dwelling unit located within two hundred feet (200') of the mixed use structure.
  3. Each dwelling unit shall have at least two (2) means of egress, with at least one of them being directly outside, "at grade" or via an exterior stairway to grade.
  4. Office uses established above first floor commercial uses shall also provide adequate required parking in accordance with Section 2120.

## **SECTION 2122 DIMENSIONAL STANDARDS FOR PREVIOUSLY RECORDED LOTS**

- A. In the R-3 High Density Residential District where lots were previously recorded with twenty (20) or twenty-five (25) foot lot widths, the following dimensional standards shall apply:
1. Minimum Lot Area - No minimum
  2. Minimum Yards:
    - (a) Front yard depth - 15 feet, or less where the building line on adjacent developed lots within 100 linear feet in each direction has been established
    - (b) Side yards - Principal and accessory structures - 5'
    - (c) Rear yard - Principal and accessory structures - 25'
    - (d) Maximum lot coverage - 70% all principal and accessory structures
- B. In the R-3 High Density Residential District where lots were previously recorded with twenty (20) or twenty-five (25) foot widths, and are consolidated by the single owner of two (2) or more abutting lots, all standards and dimensional requirements listed in Section 905 shall apply.

## **ARTICLE XXII**

### **CONDITIONAL USES AND USES BY SPECIAL EXCEPTION**

Any use which is permitted as conditional use or a use by special exception in a district under the terms of this Chapter (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

#### **SECTION 2201      CONDITIONAL USES**

Where the City Council, in this Chapter, has stated conditional uses to be granted or denied by the City Council pursuant to express standards and criteria, and pursuant to recommendation by the Planning Commission, the City Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the City Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

- A. **Submission of Application:** The granting of a conditional use by the City Council shall be predicated upon the developer's submission of a written application demonstrating that the development for which the conditional use is sought:
1. Will not endanger the public health and safety if located where proposed, and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration;
  2. Meets all other requirements of this Chapter in the zoning district where the use is proposed;
  3. Is in general conformity with the Comprehensive Plan for the City of Aliquippa and in harmony with the area in which it is proposed; and
  4. Is an appropriate use on the proposed site.

The applicant/developer shall submit single deed and drawings to scale. The drawings shall indicate the boundaries of his property, location of adjacent streets, the location and height of proposed buildings on the property, proposed grading and storm drainage, and location and number of proposed parking spaces and proposed curb cuts.

- B. **Action by the Planning Commission:** Upon the filing of an application for a conditional use, the City Council shall submit each such conditional use application to the Planning Commission and Beaver County Planning Commission at least thirty (30) days prior to the hearing on such conditional use to provide the Planning Commission an opportunity to submit recommendations. Such recommendations shall be in writing with copies transmitted to the applicant and to the City Council.
- C. **Public Hearing:** The City Council shall call and hold a public hearing with proper notice as described in Section 2602 of this Chapter.
- D. **Action by City Council:** The City Council shall, upon review of the Planning Commission's report, determine whether or not the conditional use is to be granted and

forward its decision to the applicant within the time period established in Section 2502. If Council grants the conditional use, they shall instruct the Zoning Officer to issue a zoning/building permit or occupancy permit upon completion of the appropriate application. If the Council denies the conditional use, the applicant may reapply for the same use no sooner than one (1) year after the denial. The applicant may also appeal the decision of Council to the Beaver County Court of Common Pleas within thirty (30) days after notice of the decision is issued.

- E. **Permit expiration:** Once a conditional use approval has been granted, the applicant shall apply for a zoning/building permit and/or occupancy permit within twelve (12) months from the date of approval, or the conditional use shall become null and void. Council may, upon written request being filed at least thirty (30) days prior to expiration, grant a time extension not to exceed twelve (12) months. Upon granting any extension, Council shall ensure that the conditional use permit complies with all current Ordinances and codes.

## **SECTION 2202      COMMUNICATIONS TOWERS**

Conditional use in the I General Industrial District.

- A. **Lot Size:** The lot size dimensions (depth and width) shall be dictated by the fall radius of the tower. The minimum dimensions shall be the radius of the height of the tower in each direction. (Example - 200' high tower would be required to have a 400' diameter parcel).
- B. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
- C. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter (1/4) mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures. the City of Aliquippa may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- D. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed two hundred feet (200') in height.
- E. All communications towers must be stealth towers, where possible. A stealth tower is a Communications Tower which is not recognizable as a conventional Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo.
- F. The City Council may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values;

height; screening; number of uses per tower, including public uses; location; and actual setbacks.

- G. Setbacks from base of antenna support structure: If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
  - 1. One hundred percent (100%) of antenna height.
  - 2. The minimum setback in the underlying zoning district.
  - 3. Fifty feet (50') minimum.
- H. Fencing: A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height.
- I. Landscaping: The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. The City of Aliquippa may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
  - 1. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.
  - 2. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- J. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communications towers, measured from the base of the support structure.
- K. The communications company must demonstrate that it is licensed by the Federal Communications Commission.
- L. Antenna support structure under two hundred feet (200') in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures near airports, shall meet all Pennsylvania Department of Transportation, Bureau of Aviation and Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the Pennsylvania Department of Transportation, Bureau of Aviation and FAA.
- M. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access to public rights-of-way,

and all other items required in the City of Aliquippa Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

- N. In granting the use, the Supervisors may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.
- O. All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.

### **SECTION 2203      CONVERSION APARTMENTS**

Conditional use in the R-2 Medium Density Residential District.

- A. Each living unit provides a minimum of not less than five hundred (500) square feet of habitable living area.
- B. Each living unit shall contain one (1) bathroom and three (3) habitable rooms, at least one of which shall be a bedroom.
- C. Separate and private sanitary facilities, cooking and dining accommodations are provided for each living unit.
- D. Fire and safety provisions are certified to be adequate with respect to the City Fire Code. Group or cluster housing developments, See Section 2205.

### **SECTION 2204      FUNERAL HOMES**

Conditional use in the R-2 Medium Density Residential District.

- A. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- B. All off-street parking areas which adjoin residential zoning classification shall be screened by a six foot (6') dense, compact evergreen hedge.
- C. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

### **SECTION 2205      TRADITIONAL NEIGHBORHOOD DEVELOPMENT**

Conditional use in the R-2 Medium Density Residential and the C-2 Community Commercial Districts.

- A. Maximum areas devoted to residential uses shall be as follows:
  - 1. Single-family dwellings - thirty percent (30%) of total area proposed for development.
  - 2. Duplex, triplex and quadruplex - thirty percent (30%) of total area proposed for development.



3. Townhouse and garden apartments - ten percent (10%) of total area proposed for development.
- B. Minimum area devoted to neighborhood retail shall be ten percent (10%).
- C. Minimum area devoted to personal service uses shall be ten percent (10%).
- D. Minimum area devoted to open space shall be ten percent (10%).
- E. Developments shall conform to the design criteria set forth herein as follows:
  1. Neighborhood Center Area. One Neighborhood Center Area is required in a TND. The Neighborhood Center Area shall serve as the focal point of the TND containing retail, commercial, civic, and public services to meet the daily needs of community residents. A Neighborhood Center is pedestrian-oriented, and it is designed to encourage pedestrian movement between a Mixed Residential Area and a Neighborhood Center Area. Retail and commercial uses should generally be located adjacent to a square. Neighborhood Center Area uses include retail shops, restaurants, offices, banks, hotels, governmental offices, churches, community centers, and attached residential dwellings.
  2. Mixed Residential Area. At least one Mixed Residential Area is required in a Traditional Neighborhood Development containing a variety of residential land uses including single-family houses, duplexes, townhouses, and multifamily residences. Residential scale retail and commercial uses are permitted within a Mixed Residential Area with consistent architectural and land use controls. Retail and commercial uses in a Mixed Residential Area are required to blend into the residential character of the neighborhood. A Mixed Residential Area includes open spaces including small squares, pocket parks, community parks, and greenways. A Mixed Residential Area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic.
  3. Pedestrian Orientation. A TND is designed to be pedestrian oriented and less dependent upon the automobile. As a result, sidewalks and interconnected parks and open space are essential to the TND and providing mobility throughout the community by means other than the automobile. In addition, the street network shall be designed to provide for multiple routes to a single location by both automotive and non-automotive forms of transportation. Parking for the automobile shall be required but will be done in a manner that has minimal, physical, aesthetic and environmental impacts.
- F. Minimum Size: To qualify for designation, the minimum size of a Traditional Neighborhood Development must be such that it will be bound on all sides by an existing or proposed public street or alley. Traditional Neighborhood Developments meeting this minimum may extend beyond this area and end in mid-block.
- G. Uses: The following uses shall be permitted as a part of an approved Traditional Neighborhood Development:
  1. Single-Family Dwellings
  2. Duplex Dwellings
  3. Townhouse or Multi-Family Dwellings (maximum of four units per
  4. structure)

5. Upper-Floor Residences (mixed-use structures)
6. Private Clubs and Social Halls
7. Public Parks and Playgrounds
8. Civic and Cultural Buildings (includes Churches and Schools)
9. Home Occupations
10. Day Care Facilities
11. Financial Institutions
12. Neighborhood Scaled Retail Business
13. Personal Services
14. Parking Lot or Structure

H. Design and Development Standards for Public or Private Improvements:

1. Streets, sidewalks, and footpaths shall be integrated into the existing City systems to the maximum extent possible. Proposed new streets, except alleys, shall have sidewalks.
2. Any drive-through facilities shall be designed to enter and exit on the street or alley determined to have the least vehicular and pedestrian traffic.
3. Parking: All parking areas, except for safety and access considerations, shall be located to the rear or side of the building. In the case of parking structures, the design of exterior surfaces shall be of a form and material which relates to structures in the area. The entrance to all off-street parking lots or structures shall be designed to minimize pedestrian conflicts. Parking lots located in side yard areas shall have a maximum lot width of 60 feet.
4. Landscaping: All parking lots shall be landscaped consistent with Section 2118. If not existing, street trees shall be provided to the following standards:
  - (a) Street trees shall be planted in the strip between cartway edge and sidewalk.
  - (b) Such trees shall be 2" to 2.5" in diameter (dbh), when planted, and shall be spaced at intervals no greater than 50 feet along both sides of the street, including arterial or collector roads, but not including rear access lanes or alleys.
  - (c) Species shall be selected according to the following criteria: The species will cast moderate to dense shade in the summer; will be long-lived (over 60 years); will have a mature height of at least 50 feet<sup>1</sup>; will be tolerant of pollution and direct or reflected heat; will require little maintenance by being mechanically strong (not brittle) and insect- and disease-resistant; and will be able to survive two years with no irrigation after establishment.
  - (d) All common areas, transition areas between land uses, setback areas, and other spaces shall be landscaped.

I. Lot, Yard, Density, and Design Standards:

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<sup>1</sup> The mature height may be adjusted if street trees are planted in proximity of either overhead or underground utilities. The selection of specific tree species will generally be left to the applicant; however, the Planning Commission or City Council may reject a selected species if there is clear evidence that it cannot be used successfully.

1. Structures shall be placed close to the street at generally one-quarter of the width of the lot or less.
2. All multiple-family dwelling units shall have a private rear-yard patio, or upper-floor terrace, or front porch area. No multiple-family dwelling shall have a unit area of less than 550 square feet for any one bedroom unit, 650 square feet for any two bedroom unit, or 750 square feet for any unit with three bedrooms or more.
3. Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front toward and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity. Buildings shall be located to allow for adequate fire and emergency access.
4. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.
5. Buildings shall be located to front toward and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot. Blank windowless walls shall be discouraged on facades of buildings.
6. Buildings shall define the streetscape through the use of uniform setbacks along the building line for each block. The building line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges, or fences which define front yards.

**J. Traditional Neighborhood Development (TND) Option:**

Permitted Uses	Lot Requirements			Yard Setback and Height Requirements			
Permitted Uses	Maximum Permitted Density	Minimum Width	Maximum Impervious Coverage	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)
Single-family detached unit	10,000 sq ft	50 ft	40%	20 on local and collector streets; 50 on arterial	10	30	35
Duplex	7,500 ft per unit				10; 0 at common wall		
Triplex and quadruplex	5,000 sq ft per dwelling unit	150 ft					
Neighborhood commercial (excluding gasoline sales)	25,000 sq ft	150 ft	50%	50	50	75	35
Personal services	15,000 sq ft						
Government offices	25,000 sq ft						
Public and private schools	2 acres						
Public park and recreation areas	No minimum						
Accessory Uses							
Home occupation	See primary use above to which it is accessory						
Bed and breakfast home							
Customary and accessory to above							
Essential services							

## **SECTION 2206      LONG TERM AND INTERMEDIATE CARE FACILITIES**

- A. Long Term Care Facility: Conditional use in the R-2 Medium Density Residential District.
  - 1. The number of patients or residents permitted shall not exceed one per 5,000 square feet of lot area in the R-2 District.
  - 2. The facility shall be certified by the Commonwealth of Pennsylvania, or have certification in progress prior to opening.
  - 3. The facility shall be connected to public sewer and water services or to community systems approved by the State Department of Environmental Protection.
  - 4. Parking areas and service entrances shall be to the rear of the front wall of the building, and shall be screened to minimize the view of them from adjacent or nearby residences.
- B. Intermediate Care Facility: Conditional use in the R-3 High Density Residential District.
  - 1. Minimum lot size: forty thousand (40,000) square feet and not less than one thousand two hundred (1,200) square feet per resident in the R-3 District.
  - 2. Minimum side yard: twenty feet (20').
  - 3. Water and sewerage: the lot shall be served by public water and sewerage.
  - 4. Minimum distance from any other facility: One quarter (1/4) mile or one thousand three hundred and twenty (1,320) linear feet.

## **SECTION 2207      BUSINESS AND PROFESSIONAL OFFICES**

Conditional use in the R-1 Low Density Residential and R-2 Medium Density Residential Districts.

- A. If more than one structure, the minimum distance between structures shall be fifty feet (50').
- B. All parking, loading and access areas shall be screened from adjacent residential properties.
- C. All required parking shall be in the rear of the structures, where feasible, as per Section 2120.
- D. All structures within one hundred feet (100') of the perimeter property lines shall be screened from adjacent residential properties, as per Section 2118.
- E. All property not covered by structures or paving shall be landscaped and maintained.

## **SECTION 2208      RETAIL STORES**

Conditional use in the R-2 Medium Density Residential District.

- A. Minimum lot width - 50 feet.
- B. Minimum lot area - 6,000 square feet.

- C. Off-street parking requirements - one (1) for each four hundred (400) square feet of sales floor area plus one (1) for every two (2) employees.

## **SECTION 2209      TESTING AND PRODUCT DEVELOPMENT LABORATORIES**

Conditional use in the IS-2 Industrial Service District.

- A. All required local, Commonwealth and federal permits for operation shall be current and copies forwarded to the City upon issuance.
- B. No toxic or hazardous materials as classified for the Pennsylvania Department of Environmental Protection shall be stored on-site.
- C. All by-products of testing conducted on site which are classified as toxic or hazardous shall be transported to an approved disposal site within forty-eight (48) hours.
- D. Air and surface water quality shall be monitored on-site using appropriately calibrated instruments.

## **SECTION 2210      DELICATESSEN OR SANDWICH SHOP, PRIMARILY FOR TAKE OUT ORDERS**

Conditional use in the R-3 High Density Residential District.

- A. No drive thru services shall be permitted.
- B. All dumpsters shall be enclosed and properly screened by a six (6) foot high opaque fence.
- C. No lighting shall be permitted which causes glare conditions on adjacent properties.
- D. Parking shall be provided in accordance with the requirements of Section 2120.
- E. Landscaping and bufferyards shall be provided in accordance with the requirements of Section 2118.

## **SECTION 2211      DRUG STORES/PHARMACIES**

Conditional use in the R-3 High Density Residential District.

- A. No drive thru services shall be permitted.
- B. All dumpsters shall be enclosed and properly screened by a six (6) foot high opaque fence.
- C. No lighting shall be permitted which causes glare conditions on adjacent properties.
- D. Parking shall be provided in accordance with the requirements of Section 2120.
- E. Landscaping and bufferyards shall be provided in accordance with the requirements of Section 2118.

## **SECTION 2212      PROFESSIONAL OFFICES**

Conditional use in the TO Transitional Overlay District.

- A. If more than one structure, the minimum distance between structures shall be fifty feet (50').
- B. All parking, loading and access areas shall be screened from adjacent residential properties.
- C. All required parking shall be in the rear of the structures, where feasible, as per Section 2120.
- D. All structures within one hundred feet (100') of the perimeter property lines shall be screened from adjacent residential properties, as per Section 2118.
- E. All property not covered by structures or paving shall be landscaped and maintained.

## **SECTION 2213      STUDIO FOR ART, MUSIC, DANCE OR PHOTOGRAPHY**

- A. Conditional use in the TO Transitional Overlay District.
  - 1. If more than one structure, the minimum distance between structures shall be fifty feet (50').
  - 2. All parking, loading and access areas shall be screened from adjacent residential properties.
  - 3. All required parking shall be in the rear of the structures, where feasible, as per Section 2120.
  - 4. All structures within one hundred feet (100') of the perimeter property lines shall be screened from adjacent residential properties, as per Section 2118.
  - 5. All property not covered by structures or paving shall be landscaped and maintained.

## **SECTION 2214      DAY CARE CENTER FOR CHILDREN OR ADULTS**

Conditional use in the TO Transitional Overlay District.

- A. The facility shall be registered with or licensed by the Commonwealth, if applicable.
- B. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate.
- C. Outdoor play areas which adjoin residential lots shall be screened.
- D. The general safety of the property proposed for a day care center shall meet the needs of small children.
- E. Off-street parking shall be provided in accordance with the requirements of Section 2120 of this Ordinance.

## **SECTION 2215      USES BY SPECIAL EXCEPTION**

Where the City Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear

and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attached such reasonable conditions and safeguards, in addition to those expressed in this Chapter and the Pennsylvania Municipalities Planning Code, Act 247, as amended. A special exception shall not be granted by the Board unless and until:

- A. A written application for a special exception is submitted demonstrating that the development:
  - 1. Will not endanger the public health or safety if located where proposed and that the use will not generate nuisance conditions such as traffic congestion, noise, dust, glare or vibration;
  - 2. Will not cause substantial injury to the value of other property in the neighborhood where it is to be located;
  - 3. Meets all requirements of this Chapter in the zoning district where the use is proposed;
  - 4. Is in general conformity with the Comprehensive Plan for the City of Aliquippa and in harmony with the area in which it is proposed.
- B. The developer shall submit drawings to the Board indicating the boundaries of the property, location of adjacent streets, the location and height of proposed buildings on the property with dimensions from property lines, access to the property and the location and number of proposed parking spaces.
- C. The public hearing shall be held in accordance with Section 2602.
- D. The Board, before it grants a special exception, shall make findings of fact and state its reasons for granting the special exception. The Board shall have the authority to require and approve specific plans, to increase the requirements set forth in this Chapter, but in no case shall the Board have the authority to decrease the requirements of this Chapter for any use in the district it proposes to locate. Any such decrease in the requirements of this Chapter shall only be granted upon the issuance of a variance.
- E. All conditions required by the Board shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of special exception.

## **SECTION 2216 PUBLIC RECREATION**

Use by Special Exception in the C-1 CBD Commercial District.

- A. Public recreation as a special exception where use proposed provides required parking at full utilization, screened from occupied dwelling units in the district.
- B. Such uses shall neither be less than one hundred feet (100') from a residential district, church or school nor designed or related thereto, as to interfere with the enjoyment of such properties by reason of lights, noise or other physical factors.

## **SECTION 2217 AUTOMOBILE SERVICE STATIONS**

Use by Special Exception in the C-1 CBD Commercial District.



- A. Automobile service stations and other drive-in uses as special exceptions where the Zoning Hearing Board finds after a public hearing that such use will not create hazardous conditions and will otherwise meet the following requirements:
1. No street entrance or exit for vehicles and no portion or equipment of such service station shall be located:
    - (a) Within two hundred feet (200') of a street entrance or exit of any school, park or playground conducted for and attended by children.
    - (b) Within one hundred feet (100') of any hospital, church or public library.
    - (c) Within seventy-five feet (75') of a lot in a residential district as established in this Ordinance.
  2. No equipment above surface of ground for the service of motor vehicles shall be closer than thirty feet (30') of any property line.
  3. The width of any entrance driveway leading from the public street to such service station shall not exceed thirty feet (30') at its intersection with the curb line or edge of pavement.
  4. No two (2) driveways leading from a public street to such service station shall be within fifteen feet (15') of each other at their intersection with the curb or street line.
  5. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
  6. The dominant use is for the purpose of selling gasoline, oil and emergency accessories, lubrication, washing and waxing, excluding general automobile repair, used car sales, vehicle rentals and storage of disabled vehicles for repair parts, in addition to convenience items for personal use and/or off site consumption.

## **SECTION 2218 JUNKYARDS**

Use by Special Exception in the I General Industrial District.

- A. The site is completely enclosed by a sight-obscuring screen, masonry wall, wooden fence, compact evergreen hedge or chain link fence with evergreen vines at least eight feet (8') in height.
- B. The site contains one (1) entrance and one (1) exit less than thirty feet (30') in width.
- C. Storage is limited to non-organic material.
- D. The site is located a minimum of two hundred feet (200') from any adjoining district.
- E. The site is located a minimum one hundred feet (100') from any highway, City road or street, or access road.
- F. Off-street parking is provided within the site enclosure.
- G. On-site burning or incineration of vehicles is prohibited unless said burning is carried out in a completely enclosed incinerator, as approved by the City Fire Department and/or County Board of Health.

## **SECTION 2219 DRIVE IN OR DRIVE THRU USES**

Use by Special Exception in the C-1 Central Business District.

- A. Access drives shall provide adequate sight distance for motorists entering and exiting the property, and shall not disrupt the parking pattern of the lot.
- B. There shall be separate access lanes and service areas identified for customers.
- C. All areas not occupied by structures or paved shall be landscaped and maintained.
- D. All parking and/or service areas shall be screened from adjacent residential properties.

## **ARTICLE XXIII**

### **PLANNED RESIDENTIAL DEVELOPMENT**

#### **SECTION 2301      PURPOSE**

The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site while preserving the natural scenic qualities of open space.

#### **SECTION 2302      APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES**

The provisions of this Article for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance and the City Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance.

#### **SECTION 2303      SITE AREA, OWNERSHIP, USE AND DENSITY REQUIREMENTS**

- A. Site Area: In all cases, the minimum site required for a Planned Residential Development shall be eight (8) contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a Planned Residential Development.
- B. Site Ownership: The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.
- C. Dwelling Units Authorized: In the R-3 Zoning District, the following dwelling types may be included in a Planned Residential Development:
  - 1. Single family detached dwellings.
  - 2. Duplex dwellings.

In the R-3 Zoning District, a minimum of sixty percent (60%) of the total number of dwelling units in the PRD shall be single family detached dwellings.

- D. Recreational and Other Common Facilities for the Residents: In addition to the residential uses permitted in a Planned Residential Development, recreation facilities designed for the use of the residents of the Planned Residential Development shall be required. Such facilities may include, but shall not be limited to, hiking, biking, or exercise trails, tennis, paddle tennis, basketball, volleyball or other playing courts,

swimming pool and related facilities, golf course or putting green, community building for meetings and social activities, picnic pavilions, other active and passive recreational uses. City Council shall determine whether the proposed facilities are appropriate to the leisure and recreational needs and interests of the proposed residents of the Planned Residential Development based on the types of dwelling units proposed.

- E. Maximum Dwelling Unit Density: Regardless of whether a Planned Residential Development is comprised of a mix of dwelling unit types or a single type of dwelling unit, the maximum dwelling unit density authorized in the R-3 District shall be six (6) units per acre.
- F. Minimum Lot Area: The minimum lot area required for a single family dwelling in the R-3 District may be reduced to no less than four thousand (4,000) square feet. The minimum lot area required for a two-family dwelling in the R-3 District may be reduced to no less than three thousand five hundred (3,500) square feet for each dwelling unit or seven thousand (7,000) square feet for the two-family dwelling structure.
- G. Required Setbacks on the Perimeter of the Planned Residential Development Site: All principal and accessory structures and off-street parking shall conform to the minimum setback required in the R-3 District along the perimeter boundary of the Planned Residential Development site.
- H. Minimum Setbacks and Distances Between Buildings Internal to the Planned Residential Development Site:
  - 1. Where two (2) or more principal buildings are proposed on one (1) lot, there shall be a minimum of fifteen feet (15') between principal buildings.
  - 2. On lots located on the interior of the Planned Residential Development site that do not adjoin any perimeter boundary, the minimum required front yard setback may be reduced to no less than twelve feet (12'). The minimum required side yard setback may be reduced to no less than six feet (6'). The minimum required rear yard setback in the R-3 District may be reduced to no less than twenty-five feet (25').
  - 3. Two-family dwellings that are proposed for fee simple ownership of each unit shall maintain the minimum side yard on one (1) side and the side yard requirement on the side where the units are divided along the common wall shall be zero (0).
  - 4. In considering the requested reductions in the otherwise applicable setback requirements for lots that are on the interior of the Planned Residential Development site, City Council shall determine that the proposed setback reductions contribute to a more beneficial use of the site and will not be contrary to the public interest.
  - 5. Accessory structures shall comply with the minimum required setbacks in the R-3 District, except that a detached garage that is accessed from an alley may be located on the property line that is contiguous with the right-of-way for the alley.
- I. Modifications to Otherwise Applicable Zoning and Subdivision Regulations:
  - 1. Maximum dwelling unit density, minimum lot size, perimeter setback and maximum building height shall not be modified. Reductions in setback shall comply with Section 2303 H. Any other applicable requirement of the R-3 District may be modified in accordance with this Section 2303 I.
  - 2. Right-of-way width for a public or private street may be reduced to no less than forty feet (40'). Right-of-way width for an alley shall be fifteen feet (15').

3. All of the other Design and Construction Standards of the City Subdivision and Land Development Ordinance, other than right-of-way width, shall apply to all public improvements proposed in a Planned Residential Development unless a waiver or modification is granted by City Council.
4. All requests for modifications to the Subdivision and Land Development Ordinance or City Construction Standards for public improvements and any request for reduction in setbacks authorized by Section 2303 H shall be in writing and shall accompany and be a part of the application for Tentative Approval. Such written request shall specify the Ordinance section from which a modification is requested and shall state the grounds for the request, the justification for the request and whether it is the minimum modification necessary to carry out the proposed plan.
5. Whenever a request for modification is granted or denied, the reasons for such grant or denial shall be stated within the official written communication to the landowner. The grant of a modification request may be subject to reasonable conditions designed to protect the public interest and to promote the purposes set forth in this Article.

## **SECTION 2304 ACCESS AND AVAILABILITY OF PUBLIC SERVICES**

### **A. Access and Traffic Control:**

1. The principal entrance to the site of a Planned Residential Development (PRD) shall connect directly to an existing public street. In every PRD, a secondary means of access to a public street shall be provided.
2. Ingress and egress to and from the site shall be designed to comply with the minimum requirements of the City Subdivision and Land Development Ordinance. Private streets within the PRD site shall be constructed to City specifications for public streets. Internal access driveways serving the dwelling units shall not be considered private streets and shall not be subject to City construction specifications.

### **B. Public Water and Sewer Service:** All dwelling units and other principal structures in a Planned Residential Development shall be connected to a public water supply and public sanitary sewer service.

### **C. Sidewalks and Street Lighting:**

1. The developer shall provide sidewalks on at least one (1) side of every street, whether public or private, within the PRD site. Sidewalks shall be constructed in accordance with the City Construction Specifications.
2. The developer shall provide street lights at all public street intersections and at other locations deemed necessary by the City Engineer for public safety. Street lights shall be installed in accordance with the requirements specified by the local utility company.

### **D. Storm Drainage:**

1. The developer shall provide a storm drainage system within a Planned Residential Development that shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the Planned Residential Development and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and any stormwater management regulations adopted by the City.

2. All stormwater management facilities shall be owned and maintained by the Homeowners' Association or similar organization created to own and maintain the common open space with the PRD. The Homeowners' Association documents shall contain provisions assigning the maintenance responsibility to the Association or similar organization, including a maintenance schedule that is reviewed and approved by the City Engineer.

## **SECTION 2305      COMMON OPEN SPACE**

- A. Areas Required:
  1. Common open space shall comprise at least twenty-five percent (25%) of the total gross site area of the PRD.
  2. Of the required open space area, not more than fifty percent (50%) may be covered by water.
  3. Recreational facilities or structure and their accessory uses located in common open space areas shall be considered improved open space as long as the total impervious surface area constitutes no more than five percent (5%) of the total common open space.
  4. To the extent feasible, steep slopes, streams, lakes, ponds, woodlands, and other environmentally sensitive areas shall be incorporated into the common open space, however, no more than fifty percent (50%) of the open space area provided shall be in excess of a twenty-five percent (25%) slope.
  5. In the case of three (3) or more dwelling units on a single lot, the open area surrounding the dwelling units, excluding any open space within fifteen feet (15') of the building walls, may be included in the calculation of common open space, provided the lot is not proposed to be further subdivided for fee simple ownership of the individual units.
- B. Protection of Common Open Space: Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A Planned Residential Development shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent preservation, care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by City Council as to legal form and effect. In cases where the City will not be accepting dedication of recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.
- C. Common Open Space Maintenance: In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways, and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the City may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

## **SECTION 2306      ADMINISTRATION AND PROCEDURE**

The Planned Residential Development provisions of this Ordinance shall be administered by City Council. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to City Council. City Council shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code, Act 247, as amended. and shall have the final authority to approve, approve with conditions or disapprove a Planned Residential Development.

**A.    Preapplication Conference:**

1. Prior to filing an application for Tentative Approval, the applicant or his representative may meet with City staff to obtain application forms and to discuss application procedures and applicable ordinance requirements.
2. In addition, the developer may request a preapplication conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the City Zoning Officer at least five (5) calendar days prior to the regular meeting of the Planning Commission to request a preapplication conference with the Planning Commission.
3. The preapplication conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
4. While no formal application is required for a preapplication conference, the applicant should provide one (1) copy of readily available information with the request for a preapplication conference which shows the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Parcel Maps prepared by the Beaver County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.
5. A preapplication conference shall not constitute formal filing of any application for approval of a Planned Residential Development, shall not bind the Planning Commission to approve any concept presented in the preapplication conference and shall not protect the application from any subsequent changes in ordinance provisions that may affect the proposed development between the preapplication conference and the official date of filing of an application for Tentative Approval of a Planned Residential Development under the terms of this Ordinance.

**B.    Application for Tentative Approval:** At least twenty-one (21) calendar days prior to the regular meeting of the Planning Commission, thirteen (13) copies of an Application for Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:

1. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.

2. A written statement of planning objectives to be achieved by the Planned Residential Development through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
3. A written statement setting forth the reasons why the proposed Planned Residential Development would be in the public interest and would be consistent with the City's Comprehensive Plan.
4. A written statement of the requested modifications to City Zoning and Subdivision regulations otherwise applicable to the property, if any.
5. A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings, and structures within two hundred feet (200') of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
6. A set of Development Plans prepared at a minimum scale of one inch equals one hundred feet (1" = 100') or a maximum scale of one inch equals fifty feet (1" = 50'), whichever is practical depending on the size of the site, showing the following information:
  - (a) Existing contours at intervals of five feet (5'), watercourses, floodplains, wetlands, woodlands, steep slopes, and other natural features.
  - (b) Proposed lot lines.
  - (c) The location of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary building elevations and architectural renderings for all structures other than single family dwellings shall be provided.
  - (d) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
  - (e) The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the Planned Residential Development to public rights-of-way.
  - (f) The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
  - (g) The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
  - (h) A plan showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways, and existing woodlands.
  - (i) A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
  - (j) Any additional information required by the City Subdivision and Land Development Ordinance for a Preliminary Plat.
7. In the case of development plans that call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule



shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

8. Application filing and review fees.

C. Review of Application by Zoning Officer and Planning Commission:

1. The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant within ten (10) days of the date of submission specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, an application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.
2. If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the City shall constitute the Official Date of Filing. Within fifteen (15) days of receipt of a complete and properly filed application, the City Zoning Officer shall transmit a copy to the Beaver County Planning Commission for review and comment and shall refer the application to the City Planning Commission for review and recommendation.
3. If, during review by the Planning Commission, the applicant revises the application to address comments from the Planning Commission or to demonstrate compliance with this Ordinance, a new application shall not be required. If, during review by the Planning Commission, the applicant initiates substantial revisions to the application which are not the result of Planning Commission comments and which are not mandated to demonstrate compliance with this Ordinance, the applicant shall withdraw the application and submit a new application which shall be subject to the payment of the required application filing fee.
4. The Planning Commission shall forward a written recommendation on the application for Tentative Approval to City Council by the date established for City Council's public hearing required by Section 2306 D of this Ordinance.

D. Council's Public Hearing on Application for Tentative Approval:

1. Within sixty (60) days following the Official Date of Filing of an application for Tentative Approval of a Planned Residential Development which contains all of the required documentation, a public hearing to public notice shall be held by City Council.
2. In addition to the public notice, the City shall send notices of the public hearing by regular mail at least fourteen (14) days, but no more than twenty-one (21) days prior to the public hearing to all residents and/or landowners within three hundred feet (300') of the site for which the application for Tentative Approval of a Planned Residential Development has been submitted. It shall be the responsibility of the applicant to provide the names and addresses of said residents and/or landowners with the application for Tentative Approval.
3. The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and all references to the Zoning Hearing Board in Article IX shall apply to City Council. The public hearing or hearings shall be concluded within sixty (60) days of the first hearing.

4. The City may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the City and the mediating parties shall meet the stipulations and follow the procedures set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

E. Tentative Approval:

1. Within sixty (60) days following the conclusion of the public hearings or within one hundred eighty (180) days of the date of filing of the application, whichever occurs first, City Council shall, by official written communication to the landowner either:
  - (a) Grant Tentative Approval of the Development Plan, as submitted;
  - (b) Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
  - (c) Deny Tentative Approval.
2. Failure to act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of City Council, notify City Council of his refusal to accept all said conditions, in which case, City Council shall be deemed to have denied Tentative Approval of the Development Plan. In the event that the landowner does not, within said period, notify City Council of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

## **SECTION 2307      CRITERIA FOR TENTATIVE APPROVAL**

City Council shall grant Tentative Approval if, and only if, all applicable requirements of this Article are met and all of the following criteria are met.

- A. Compatibility: The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Ordinance, preserves the Community Development Objectives of this Ordinance, and is found by City Council to be compatible with the public interest and consistent with the City's Comprehensive Plan.
- B. Modifications Proposed: Where the proposed application for Tentative Approval proposes reductions in setbacks and/or modifications to the City Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety, and welfare and shall be in the public interest.
- C. Common Open Space: The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.
- D. Physical Design: The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

- E. Relationship to Surrounding Area: The proposed Development Plan will afford adequate protection of natural watercourses, floodplains, wetlands, topsoil, woodlands, steep slopes, and other natural features and will prevent erosion, landslides, siltation and flooding.
- F. Phasing: In the case of a Development Plan which proposes development over a period of year, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the Final Development Plan.

## **SECTION 2308 APPLICATION FOR FINAL APPROVAL**

Unless extended by City Council for good cause shown, the developer shall submit thirteen (13) copies of the application for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan, within one (1) year after the Development Plan is granted Tentative Approval by City Council. No zoning/building permit shall be issued until Final Approval has been granted by City Council for the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the phase or section by City Council, unless extended by City Council for good cause shown.

- A. Review of Application by Zoning Officer and Planning Commission:
  - 1. The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant within ten (10) days of the date of submission specifying the effects in the application and returning the application for resubmission.
  - 2. If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the City shall constitute the Official Date of Filing. Within fifteen (15) days of receipt of a complete and properly filed application, the Zoning Officer shall refer the application to the Planning Commission for review and recommendation.
  - 3. Within thirty (30) days of receipt of a complete and properly filed application for Final Approval, the Planning Commission shall forward a written recommendation to City Council.
  - 4. A public hearing on an application for Final Approval shall not be required, provided the development plan is in compliance with the development plan given Tentative Approval and with any specified conditions attached thereto.
- B. Action by City Council on Application for Final Approval: In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, City Council shall, within forty-five (45) days of the Official Date of Filing, grant Final Approval to the Development Plan.
- C. Variations from the Plan Granted Tentative Approval:
  - 1. In the event that the development plan submitted contains variations from the development plan granted Tentative Approval, City Council may refuse to grant Final

- Approval and may, within forty-five (45) days of the Official Date of Filing of the application for Final Approval, advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one (1) or more of the variations are not in the public interest. In the event of such refusal, the landowner may either:
- (a) Refile the Application for Final Approval without the variations objected; or
  - (b) File a written request with City Council that it hold a public hearing on the Application for Final Approval.
2. If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance.
  3. If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.
- D. Optional Public Hearing on Final Application That Varies from Plan Granted Tentative Approval:
1. Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Article for public hearings on an application for Tentative Approval.
  2. Within thirty (30) days after the conclusion of the public hearing, City Council shall, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval.
- E. Changes in the Approved Plan: Changes in the location and siting of buildings and structures deemed minor by City Council may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, gross density and the type and distribution of dwellings established at the time of Tentative Approval shall not be increased without a public hearing.
- F. Application for Final Approval: The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, as a minimum, the following information:
1. All data required by the City Subdivision and Land Development Ordinance for a Final Plan, including application filing, application review and inspection fees.
  2. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
  3. The number of dwelling units in each residential building and the use of each nonresidential building or structure.
  4. Building elevation drawings for all principal structures, other than single family dwellings.
  5. A lighting plan, showing the location, height, and type of any exterior lighting fixtures proposed and a photometric plan showing the distribution of lighting on the site and at the site boundaries.

6. A Landscaping Plan, as defined by this Ordinance, including the location and types of materials of plant materials, sidewalks, trails and recreation facilities authorized by this Ordinance.
  7. Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, building and structures and for the organization proposed to own, maintain and operate the common open space facilities.
  8. An engineering report which shall include the following data, wherever applicable:
    - (a) Profiles and specifications for proposed public and private streets.
    - (b) Profiles and other explanatory data concerning installation of storm sewers and sanitary sewers.
    - (c) Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
  9. A grading plan subject to review and approval by the City Engineer.
  10. A copy of the Erosion and Sedimentation Control Plan as submitted to the Beaver County Conservation District.
  11. A stormwater management plan prepared in compliance with the requirements of the City Stormwater Management Ordinance.
- G. Performance Bond and Developer's Agreement: As a condition of Final Approval of a Planned Residential Development, the Performance Bond and Developer's Agreement required by the City Subdivision and Land Development Ordinance shall be required.
- H. Recording: A Final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by City Council and shall be filed of record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by the City Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.
- I. Revocation of Final Approval: In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify City Council in writing; or, in the event that the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, Act 247 as amended, after Final Approval has been granted, no further development shall take place on the property included in the Development Plan until a new application for Tentative Approval of a Planned Residential Development is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations.

## ARTICLE XXIV

### PERFORMANCE STANDARDS

#### SECTION 2401 COMPLIANCE

No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the health, safety, moral or general welfare of the community or to any other person or property in the City. All uses in all districts shall be subject to the following standards of operation.

#### SECTION 2402 ENVIRONMENTAL PERFORMANCE STANDARDS

Any developer proposing a residential or nonresidential development shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, regrading, filling or clearing of vegetation prior to approval of the plans for development shall be a violation of this Article.

- A. Floodway Delineation: One hundred (100) year floodways shall be delineated by provisions of the current City ordinance. Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance, and do not require structures, fill or storage of materials and equipment.
  - 1. Agricultural uses;
  - 2. Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing;
  - 3. Accessory residential uses such as yard areas, gardens and play areas.
- B. Floodplains Development: Development activities shall be regulated as per the provisions of current floodplain regulations, as amended from time to time, and applicable Commonwealth regulations, specifically Chapter 105, Title 25 of the Pennsylvania Code.
- C. Steep Slopes: In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
  - 1. 16-25%: No more than sixty percent (60%) of such areas shall be developed and/or regraded or stripped of vegetation.
  - 2. 26% or more: Earth disturbance activities are generally restricted except as authorized by the City Engineer.
- D. Forest: No more than fifty percent (50%) of any forest as defined may be cleared or developed.

- E. Ponds, Watercourses or Wetlands: No development, filling, piping or diverting shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate state, county or regulatory agency.
- F. Stormwater Drainage and Management: All plans shall comply with the provisions of state and local regulations in effect at the time of final approval.
- G. Soil Erosion and Sedimentation: With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law P.L. 1987", Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a Soil Erosion and Sediment Control Plan (ES & SC Plan) shall be required as part of the application for any City permit where earth disturbance or excavation will occur. As a minimum where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single family construction.

## **SECTION 2403 GENERAL PERFORMANCE STANDARDS**

- A. **Odor:** Those standards for the control of odorous emissions established by Allegheny County or the Pennsylvania Department of Environmental Protection shall be applied in all zoning districts. Where an odor is deemed offensive, a duly authorized City representative shall refer the matter to the proper agency.
- B. **Storage and Waste Disposal**
  - 1. No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over five hundred [500] gallons), above ground except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
  - 2. All permanent bulk outdoor storage facilities for fuel over five hundred (500) gallons, raw materials and products and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
  - 3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies. A Pennsylvania Department of Environmental Protection approved plan for spill containment shall be submitted to the City for review by the City Engineer prior to the issuance of any required permit.
  - 4. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

- C. **Air Pollution:** No emission at any point from any chimney or otherwise of visible smoke in excess of that permitted by the Air Pollution Control Regulations of Allegheny County or the Pennsylvania Department of Environmental Protection shall be permitted.
- D. **Dust, Fumes, Vapors, and Gases:** The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.
- E. **Glare:** No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines or onto any public road. Illumination levels shall not exceed one (1) foot-candle per square foot at the lot boundary line where the light source is located.
- F. **Vibrations:** No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of vibration produced as a result of temporary construction activity.
- G. **Discharge:** No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted.
- H. **Heat, Cold, Dampness or Movement of Air:** No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.
- I. **Noise:** No new use proposed in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted by a person at the property line of the parcel upon which the offending use is located, will be permitted based upon the following standards:
  - 1. Residential Uses:
    - (a) Noise in excess of sixty (60) dba for any period of time between the hours of 10:00 p.m. and 7 a.m. is prohibited.
    - (b) Noise in excess of eighty (80) dba for any period of time between the hours of 7:01 a.m. and 9:59 p.m. is prohibited.
    - (c) The use of maintenance equipment including, but not limited to, power mowers, on a temporary basis, in residentially zoned districts shall be exempt from the standards in this Section.
  - 2. Commercial Uses: Noise in excess of ninety (90) dba for more than two (2) hours during a twenty-four (24) hour period is prohibited.
  - 3. Industrial Uses: Noise in excess of ninety (90) dba for two (2) hours during a twenty-four (24) hour period is prohibited.
- J. **Electrical Disturbance or Radioactivity:** No activities which emit dangerous radioactivity at any point are permitted and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.



## **SECTION 2404      MAINTENANCE OF PROPERTY**

The owner or lessee of the property, except land being actively farmed, whether occupied or vacant located within or adjacent to any developed area, shall maintain such premises so that all portions of the property shall be kept free of junk, debris, disabled motor vehicles, and dangerous, objectionable or noxious matter.

## **SECTION 2405      VEHICLE AND EQUIPMENT MAINTENANCE**

- A. In commercial or industrial zoning districts, all movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.
- B. In residentially zoned areas, minor vehicle maintenance activities may be conducted in driveways, but in no case shall repairs be made on vehicles and movable equipment which would result in the permanent storage of said vehicles or movable equipment on the exterior of the lot.

## **ARTICLE XXV**

### **NONCONFORMING USES**

#### **SECTION 2501      DEFINITION**

A nonconforming use is the lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this Ordinance, or in the case of an amendment of this Ordinance, then at the time of such amendment, although such use does not conform with the Zoning Regulations.

#### **SECTION 2502      WHEN PERMITTED**

Subject to the provisions of this Section, a use of building or land existing at the time of the legal adoption of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance for the district in which it is located.

#### **SECTION 2503      UNSAFE STRUCTURE**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

#### **SECTION 2504      ALTERATIONS**

A nonconforming building or structure may be altered, improved or reconstructed provided such work does not exceed fifty percent (50%) of the fair market value of the building or structure or provided the building or structure is changed to a conforming use.

#### **SECTION 2505      RESTORATION**

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or Act of God subsequent to the date of legal acceptance of this Ordinance wherein the expense of such work does not exceed fifty percent (50%) of the fair market value of the building or structure at the time such damage occurred.

#### **SECTION 2506      EXTENSION**

A nonconforming use may be extended as a special exception upon approval through application to the Zoning Hearing Board subject to the following:

- A. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
- B. The extension does not encroach upon the yard height requirements of the district in which the nonconforming use is presently located.
- C. The extension is for the purpose of expanding the nonconforming use in existence at the time of the legal acceptance of this Ordinance.

- D. Extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.

## **SECTION 2507 CHANGES**

No nonconforming building, structure or use shall be changed to another nonconforming use.

## **SECTION 2508 CONSTRUCTION APPROVED PRIOR TO LEGAL ENACTMENT OF THIS ORDINANCE**

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning/building permit has been issued and the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit, and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the date of legal enactment of this Ordinance.

## **SECTION 2509 ABANDONMENT**

A legal nonconforming use of a building or land which has been abandoned intentionally shall not thereafter be returned to such nonconforming use and shall be considered abandoned under the following circumstances:

- A. When the intent of the owner to discontinue the use is apparent; or
- B. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one hundred and eighty (180) days, unless other facts show an intention to resume the nonconforming use; or
- C. When a nonconforming use has been discontinued for a period of one (1) year; or
- D. When it has been replaced by a conforming use; or
- E. When it has been changed to another use as authorized by the Zoning Hearing Board.

## **SECTION 2510 UNLAWFUL USE NOT AUTHORIZED**

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of the effective date of legal enactment of this Ordinance.

## **SECTION 2511 DISTRICT CHANGES**

- A. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.
- B. Upon final approval of an application for a Traditional Neighborhood Development, either in whole or in part, a designation of Traditional Neighborhood Development shall be applied to all lands included in the development plan.

## **SECTION 2512      RECORDING OF NONCONFORMITIES**

The Zoning Officer may prepare a list of all nonconforming uses, lots and structures existing at the time of the legal enactment of this Ordinance and such list shall be maintained for public use and information.

## **ARTICLE XXVI**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 2601      ADMINISTRATION**

A Zoning Officer shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, and the issuing of zoning/building, occupancy, and any other permits. No zoning/building or occupancy permit shall be issued by said Zoning Officer except where the provisions of this Ordinance have been complied with. The Zoning Officer shall be appointed by City Council.

#### **SECTION 2602      ZONING/BUILDING PERMIT**

- A. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Zoning Officer. All applications for zoning/building permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board no such zoning/building permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- B. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed one hundred percent (100%) of the fair market value of the existing structure.
- C. There shall be submitted with all applications for zoning/building permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot, and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.
- D. One (1) copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with the permit to the applicant upon payment of a fee as predetermined from a fee schedule adopted by the City Council.
- E. Additional construction details as determined by the person or company providing inspection services to the City of Aliquippa for the purpose of administering the provisions of the Pennsylvania Uniform Construction Code, shall be provided by the applicant prior to the issuance of a zoning/building permit.

#### **SECTION 2603      OCCUPANCY PERMIT**

- A. Completion of the authorized new construction, alteration, remodeling, change or use of building or land under the provisions of a zoning/building permit shall not be occupied until an occupancy permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within one (1) week of receipt of the request for the proposed use provided the use is in conformity with the provisions of this Ordinance and

other effective and applicable Ordinances. The Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

- B. Occupancy permits are required for the following:
  - 1. Occupancy of a new building or structure.
  - 2. Occupancy and use of a building hereafter moved or altered so as to require a zoning/building permit.
  - 3. Change in the use of an existing building other than to a use of the same category.
  - 4. Occupancy and use of unimproved or vacant land.
  - 5. Change in the use of land except to another use of the same type.
  - 6. Any change in use of a nonconforming use.
- C. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this Ordinance and all other applicable Ordinances, that the City is deemed to authorize such permit and is required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of this Ordinance.

#### **SECTION 2604      TEMPORARY USE PERMIT**

- A. Temporary use permits are required where it is intended that a mobile, temporary or seasonal use be located anywhere within the City for a limited period of time. Temporary permits are limited to a two (2) week period renewable for a maximum of four (4) weeks during any one (1) calendar year, except as otherwise stated.
- B. Temporary use permits are required for the following activities:
  - 1. Selling of Christmas trees in commercial districts or at churches, schools, clubs and lodges, a maximum of four (4) weeks.
  - 2. Carnival, circus or street fairs, a maximum of one (1) week.
  - 3. Mobile amusements and lighting equipment for promotion, advertisement and grand openings, a maximum of one (1) week.
  - 4. Vintage or classic car rallies, a maximum of one (1) week.
  - 5. Selling of seasonal produce, a maximum of six (6) months.
- C. No temporary use permit shall be issued for any temporary use where said use would violate any of the provisions of this Ordinance except upon review and approval of the Planning Commission.

#### **SECTION 2605      ENFORCEMENT NOTICE**

- A. If it appears to the City that a violation of any zoning provision enacted under this act Ordinance or prior enabling laws has occurred, the City shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive

enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

- C. An enforcement notice shall state at least the following:
  - 1. The name of the owner of record and any other person against whom the City intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - 5. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
  - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the zoning hearing board the City shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the City if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

## **SECTION 2606 CAUSES OF ACTION**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act the Pennsylvania Municipalities Planning Code or prior enabling laws, the City Council or, with the approval of the City Council, an officer of the City, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least 30 days prior to the time the action is begun by serving a copy of the complaint on the City Council of the City of Aliquippa. No such action may be maintained until such notice has been given.

## **SECTION 2607 ENFORCEMENT REMEDIES**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a City, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation,

unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the City whose ordinance has been violated.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section.



## **ARTICLE XXVII**

### **ZONING HEARING BOARD**

#### **SECTION 2701      OPERATION OF THE BOARD**

- A. There is hereby created for the City a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- B. The membership of the Board shall consist of three (3) residents of the City appointed by resolution by the City Council. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the City Council 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 City. Members of the Board shall hold no other elected or appointed office in the City, nor shall any member be an employee of the City.
- C. The City Council may appoint by resolution at least one (1) but no more than three (3) residents of the City to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 906 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Pennsylvania Municipalities Planning Code and as otherwise provided by law. Alternates shall hold no other office in the City, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code unless designated as a voting alternate member pursuant to Section 906 of the Pennsylvania Municipalities Planning Code.
- D. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the City Council taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- E. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.
- F. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the City and laws of the Commonwealth. The Board shall keep full

public records of its business, which records shall be the property of the City and shall submit a report of its activities to the City Council as requested by the City Council.

- G. Within the limits of funds appropriated by the City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the City Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the City Council.

## **SECTION 2702      HEARINGS**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice 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 notices 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. In addition, when the hearing involves a particular property or properties, notice shall be sent to the owners of property within one hundred feet (100') of the edge of the affected property or properties. The applicant shall provide the Secretary of the Board with the names and addresses of the property owners to be sent notices.
- B. The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within two hundred (200) days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- C. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the City, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the City, any person 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 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.

- E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. 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.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. 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.
- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall 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.
- J. The Board or the 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. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this 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 has 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. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Subsection B of this Section, 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 for in 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.

- K. 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.
- L. The City Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

## **SECTION 2703 JURISDICTION**

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  - 1. Substantive challenges to the validity of any land use ordinance, except those brought before the City Council pursuant to §609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
  - 2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
  - 3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - 4. Appeals from a determination by the City Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - 5. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
  - 6. Applications for special exceptions under this Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
  - 7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
  - 8. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
  - 9. Appeals from the determination of the Zoning Officer or City Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same

related to development not involving applications under Article V or VII or the Pennsylvania Municipalities Planning Code, Act 247, as amended.

- B. The City Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. All applications for approvals of planned residential developments under Article VII of the Pennsylvania Municipalities Planning Code pursuant to the provisions of §702 of the MPC, Act 247, as amended.
  2. All applications pursuant to §508 of the MPC, Act 247, as amended, for approval of subdivisions or land developments under Article V of the MPC, Act 247, as amended.
  3. Applications for conditional use under the express provisions of this Ordinance.
  4. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
  5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, Act 247, as amended.
  6. Appeals from the determination of the Zoning Officer or the City Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Article V and VII of the MPC, Act 247, as amended. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the City Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

## **SECTION 2704      VARIANCES**

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Article inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. That such unnecessary hardship has not been created by the applicant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attached such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

## **SECTION 2705      INFORMATION REQUIRED ON APPLICATIONS TO BOARD**

All applications to the Board shall be in writing on forms prescribed by the Board and provided by the City. Every application shall include the following:

- A. The name and address of the applicant or the appellant;
- B. The name and address of the owner of the lot to be affected by such proposed change or appeal;
- C. A brief description and location of the lot to be affected by such proposed change or appeal;
- D. A statement of the section of this Ordinance under which the application is made, and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal; and
- E. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

## **SECTION 2706      STAY OF PROCEEDINGS**

- A. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, 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 thereunder, 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.

- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

## **SECTION 2707 PARTIES APPELLANT BEFORE THE BOARD**

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the City Council pursuant to the Pennsylvania Municipalities Code); procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the City Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the City, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

## **SECTION 2708 EXPIRATION OF APPEAL DECISION**

Unless otherwise specified by the Board, a decision on any appeal or request for a variance or special exception shall expire if the applicant fails to obtain any necessary zoning/building permit, or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

## **SECTION 2709 APPEAL FROM DECISION OF BOARD**

Shall be in accordance with Article 10 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

## **SECTION 2710 ZONING APPEALS**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been

approved by the City if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

- B. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

## **SECTION 2711 ZONING APPEALS TO COURT**

### **A. Appeals to Court:**

1. The Courts may act upon appeals from the decisions of the Board and findings and conclusions of the Board in proceedings to challenge the validity of the Ordinance or other development regulations of the City.
2. The court having jurisdiction shall be the Beaver County Court of Common Pleas.
3. Zoning appeals may be taken to court by any party before the Board or any officer or agency of the City of Aliquippa.
4. All zoning appeals shall be filed not later than thirty (30) days after issuance of notice of the decision or report of the Board.
5. A developer having received approval from the City for his development and faced with an appeal brought by others before the Board may petition the Court to order those bringing the appeal to post a bond in an amount established by the Court as a condition of the appeal's continuation before the Board. The Court shall hear the petition, determine whether the appeal is frivolous or is designed to delay, and if so may require the posting of the bond.

- B. If any application for a variance, or appeal from the Zoning Officer is denied by the Board, another application for the same request shall not be filed within a period of one (1) year from the date of denial except upon order of the Court or if the application is substantially changed.

- C. Optional validity challenges as provided for in Article I, Section 108 of the Pennsylvania Municipalities Planning Code, as amended, for procedural or substantive defects or decisions shall be filed consistent with procedures outlined in said Section 108 of the Pennsylvania Municipalities Planning Code.

## **SECTION 2712 MEDIATION OPTION**

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.



- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The City of Aliquippa assures that in each case, the mediating parties, assisted by the mediator as appropriate, will develop terms and conditions for:
1. Funding mediation;
  2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
  3. Completing mediation, including time limits for such completion;
  4. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body, if either is not a party to the mediation;
  5. Identifying all parties and affording them the opportunity to participate;
  6. Subject to legal restraints, determining whether some, or all, of the mediation sessions shall be open or closed to the public;
  7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other sections of this act.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## **ARTICLE XXVIII**

### **AMENDMENTS**

#### **SECTION 2801 REVISIONS**

Whenever public necessity, convenience or general welfare indicates, City Council may, by Ordinance in accordance with applicable laws of the City Code and the authority of the Pennsylvania Municipalities Planning Code, amend, supplement or change the regulations, restrictions, boundaries or classifications of buildings, structures and land, as the same are established by this Ordinance, or may hereafter be made a part thereof.

#### **SECTION 2802 AMENDMENT BY COUNCIL**

- A. The City Council may, from time to time on its own motion or petition and after public notice and hearing, amend the regulations and districts established therein. However, no amendment shall become effective unless the same shall have first been submitted to the Planning Commission for approval, and said Commission shall have been allowed a reasonable time for consideration and report. Furthermore, no amendment which has been disapproved by said Commission shall take effect unless subsequently passed by a two-thirds vote of City Council.
- B. Before voting on the enactment of an amendment, the City Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- C. In addition to the requirement that notice be posted Subsection B, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the City at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

#### **SECTION 2803 CURATIVE AMENDMENTS**

Procedure Upon Curative Amendment: A landowner who desires to challenge on substantive grounds the validity of this Ordinance, the Official Zoning Map attached and made a part hereof, or any provision hereof, which prohibits or restricts the use or development of land in which he has an interest may submit a Curative Amendment to the City Council with a written request that his challenge and proposed amendments or amendment be heard and decided in the manner prescribed for in Article VI, Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and as further defined below:

- A. Procedure for Filing for Curative Amendment:

1. The landowner shall make a written request to the City Council that it hold a hearing on his challenge. The request shall contain a short statement reasonably informing the City Council of the matters that are at issue and the grounds for the challenge;
  2. Such request may be submitted at any time but if an application for a permit or approval is denied under this Ordinance, the request shall be made not later than thirty (30) days after notification of such denial. In such case, if the landowner elects to make the request to the Board of Commissioner and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not begin to run until the request is finally disposed of; and
  3. The request shall be accompanied by plans and other materials describing the use of development proposed by the landowner. Such plans and other material may be general in nature, but should provide a sufficient base for evaluating the challenge.
- B. The City Council shall publish the proposed ordinance or amendment once in one (1) newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
1. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
    - (a) In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the City Council shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
    - (b) Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- C. Public Hearings:
1. Upon petition, the City Council shall hold a hearing thereon within sixty (60) days of the filing of the request;
  2. At least thirty (30) days prior to the hearing, the City Council shall refer the proposed amendment to the City Planning Commission and the Beaver County Planning Commission for recommendations;
  3. The public notices of the hearing in addition to the requirements for advertisement for any amendment must indicate that the validity of this Ordinance or Zoning Map is in question and shall indicate the place and times when a copy of the landowner's request, including all plans submitted and the proposed amendment(s) may be examined by the public;
  4. The public hearing shall be conducted within the following guidelines:
    - (a) The Chairman or Acting Chairman of the City Council presiding shall have the power to administer oaths and issue subpoena to compel the attendance of

- witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.
- (b) The parties 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.
  - (c) Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.
  - (d) The City Council shall keep a stenographic record of the proceedings and a transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.
  - (e) The City Council shall not communicate, directly or indirectly, with any party of his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present; and
5. The hearing may be postponed or continued at the request of the landowner or by mutual consent of the parties.
- D. Procedure for Rendering Formal Action: Upon completion of the hearing, a decision and communication by registered mail of said decision to all parties shall be made within thirty (30) days.
- 1. Approval of the Amendment shall be granted by formal affirmative vote at a regular or special meeting of the City Council.
  - 2. The landowner's request shall be considered denied when:
    - (a) The City Council notifies the landowner that it will not adopt the amendment;
    - (b) The City Council adopts another amendment which is unacceptable to the landowner; or
    - (c) The City Council fails to act on the landowner's request within thirty (30) days of the close of the last hearing, unless the time is extended by mutual consent to the landowner and the City Council.
- E. Appeal: Any action taken or decision rendered under this Article may be appealed by any parties aggrieved by said action or decision under the provisions and procedures of Article X, Appeals, of the Pennsylvania Municipalities Planning Code (Act 247), as amended.

## **SECTION 2804      PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENTS**

If the City of Aliquippa determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The City of Aliquippa shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, City Council shall:

1. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
    - (a) Reference to specific uses which are either not permitted or not permitted in sufficient quantity;
    - (b) Reference to a class of use or uses which require revision; or
    - (c) Reference to the entire ordinance which requires revisions.
  2. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred and eighty (180) days from the date of the declaration and proposal, the City of Aliquippa shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, in order to cure the declared invalidity of the Zoning Ordinance.
- C. Upon the initiation of the procedures, as set forth in this Section, City Council shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon completion of the procedures as set forth in this Section, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 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.
- D. The City of Aliquippa, having utilized the procedures as set forth in this Section, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to this Section; provided, however, if after the date of the declaration and proposal there is a substantially new duty or obligation imposed upon the City of Aliquippa by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the City of Aliquippa may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

## **ARTICLE XXIX**

### **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 of or sections remaining shall remain in effect as though the part or section declared unconstitutional has never been a part thereof.

## **ARTICLE XXX**

### **INTERPRETATION, PURPOSE AND CONFLICT**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises.

## **ARTICLE XXXI**

### **ENACTMENT**

This Ordinance shall take effect and be in full force ten (10) days following the final passage of City Council.

---

President of Council

Passed: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Secretary

## APPENDIX A

### ZONING MAP AMENDMENTS

#### ***Ordinance No. 10, January 4, 1995.***

Description: Changing eight (8) lots in West Aliquippa from R-3 High Density Residential District to I General Industrial District.

- A. The designation of Lot Nos. 600, 601, 602, 603, 604, 605, 607, and 609 in the Ohio River Improvement Company Plan of Lots recorded in the office of the Recorder of Deeds of Beaver County, In Plan Book Volume 1, Page 85 (also described as Beaver County Tax Parcel Nos. 08-002-0900, 08-002-0902, 08-002-0903, 08-002-0939, and 08-002-0940) as part of the R-3 High Density Residential District is changed to made and included in the I General Industrial District, which is contiguous to said lots.
- B. The portions of Rolfe Street and Main Avenue which lay between said lots and the contiguous I General Industrial District are included in the I General Industrial District.
- C. The appropriate part of Beaver County Tax Parcel Map 08-002 is attached hereto, as Exhibit "1," showing the area to be included in the I General Industrial District.

#### ***Ordinance No. 5-1995, December 6, 1995***

Description: To create a new zoning district to be known as R-2A Medium Density Residential District; to change the zoning map of the City of Aliquippa by changing the lots having frontage on Mill Street between Golf Course Road and the City and Township boundary line from an R-2 Medium Density Residential District to an R-2A Medium Density Residential District; and rescinding Resolution No. 53 of 1989 which authorized the City Solicitor to prepare an ordinance changing the area along Kennedy Boulevard between 21st Street and Brodhead Road from R-2 Medium Density Residential District to R-3 High Density District.

Section 2: Section 401 of the City of Aliquippa Zoning Ordinance is hereby amended as follows:

The designation of those lots and parcels of land having frontage on the northerly side of Mill Street, from Golf Course Road westerly to the City and Township boundary line, as part of an R-2 Medium Density Residential District is changed to be made and included in an R-2A Medium Density Residential District, as shown on the map attached hereto as Exhibit "A."

#### ***Ordinance No. 6-2000, June 7, 2000***

Description: To change the Zoning Map of the City of Aliquippa by changing parcel numbers 08-043-1308 and 08-043-1309, commonly numbered as 1915 Kennedy Boulevard, Aliquippa from R-1, Low Density Residential to C-2, Neighborhood Commercial.

- A. The designation of all that certain lot or piece of ground situate in the City of Aliquippa, commonly referred to as 1915 Kennedy Boulevard, Parcel Numbers 08-043-1308 and 08-043-1309 as a part of the R-1 Low Density Residential District is changed to be made and included in the C-2 Neighborhood Commercial District.

***Ordinance No. 2 of 2001, June 27, 2001.***

***Ordinance No. 8 of 2005, December 7, 2005***

***Ordinance No. \_\_\_\_\_ of 2009, \_\_\_\_\_.***



## APPENDIX B

### TABLE 1

#### ALLOCATION OF NET RESIDENTIAL LAND TO MAJOR DWELLING USES, DWELLING DENSITIES AND BUILDING COVERAGE\*

DWELLING TYPE	TOTAL LOT AREA PER	LAND AREA: SQUARE FEET PER FAMILY			OFF-STREET PARKING	NET DWELLING DENSITY <sup>2</sup>	NET BUILDING COVERAGE <sup>2</sup>
		COVERED BY BUILDINGS	OUTDOOR LIVING	SERVICE WALKS AND SETBACKS			
2-story	1,505	435	415	455	200	30	30
3-4 story	940	260	300	180	200	45	30
5-6 story	490	100	150	40	200	75	25
7-9 story	460	95	140	25	200	85	20

NOTE: This table shall be used as the basis for computing the minimum lot area for various types of residential dwellings proposed in the residential district.

<sup>1</sup> Units per acres of net residential land.

<sup>2</sup> Percent of net residential land built over.

\* The standards of this table apply only to net residential land

## APPENDIX B

### TABLE 2

#### ALLOCATION OF NET RESIDENTIAL LAND TO MAJOR DWELLING USES, DWELLING DENSITIES AND BUILDING COVERAGE\*

		LAND AREA: SQUARE FEET PER FAMILY				NET DWELLING DENSITY <sup>4</sup>		NET BUILDING COVERAGE
DWELLING TYPE	TOTAL LOT AREA	COVERED BY BUILDINGS	OUTDOOR LIVING	SERVICE WALKS AND SETBACK	OFF-STREET PARKING	STANDARD: DESIRABLE	STANDARD: MAXIMUM	STANDARD: MAXIMUM
		ONE - AND TWO - FAMILY (INDIVIDUAL ACCESS AND SERVICES)						
1-family detached	6,000	varies within lot area				5	7	30
1 family semi-detached or 2-family detached	4,000	varies within lot area				10	12	30
1-family detached or 2-family semidetached	2,400	varies within lot area				16	19	30
MULTI-FAMILY COMMON ACCESS AND SERVICES								
2-story	1,505	435	415	455	200	25	30	30
3-4 story**	940	260	300	180	200	40	45	30
5-6 story**	490	100	150	40	200	65	75	25
7-9 story**	460	95	140	25	200	75	85	20

NOTE: This table shall be used as the basis for computing the minimum lot area for various types of residential dwellings proposed in the residential district

<sup>4</sup> Units per acres of net residential land.

Zoning District	Minimum lot size	Min lot width	Front setback	Side setback	Rear setback	Max height	Max lot coverage	Accessory structures
<b>R-1</b>	Single family 8,712 sf	70'	25'	20' total, 8' minimum one side; See Section 605 C. 2 for other requirements	50'	2 ½ stories or 30'	40%	Must be in rear of property, 5' minimum setback
	Two-family 10,890 sf	70'	25'	20' total, 8' minimum one side; See Section 605 C. 2 for other requirements	50'	2 ½ stories or 30'	40%	Must be in rear of property, 5' minimum setback
	All other uses 8,712 sf	70'	25'	20' total, 8' minimum one side; See Section 605 C. 2 for other requirements	50'	2 ½ stories or 30'	40%	Must be in rear of property, 5' minimum setback
<b>R-2</b>	Single family	50'	25'	Greater of ½ height of structure or 16'; 8' minimum one side;	50'	3 stories or 35'	40%	Must

**CITY OF ALIQUIPPA**

**ZONING ORDINANCE #\_\_\_\_\_**

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