

CITY OF ALIQUIPPA
BEAVER COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 of 2021

AN ORDINANCE OF THE CITY OF ALIQUIPPA, BEAVER COUNTY, PENNSYLVANIA, REPEALING IN ITS ENTIRETY THE CURRENT ZONING ORDINANCE & OFFICIAL ZONING MAP, AS ORDINANCE NO. 7-2004 OF THE CITY CODE OF ORDINANCES, AND ENACTING A NEW COMPREHENSIVE CITY ZONING ORDINANCE & OFFICIAL ZONING MAP.

WHEREAS, the Council of the City of Aliquippa is authorized by the Pennsylvania Municipalities Code (MPC) to regulate land use within the City through its Zoning Ordinance, currently Ordinance No. 7-2004 of the City Code of Ordinances, as amended; and

WHEREAS, the Council has reviewed the current Zoning Ordinance (Ordinance No. 7-2004, as amended) and determined that the ordinance needed to be updated to reflect current land uses and trends not previously recognized in earlier years or in the prior ordinances; and

WHEREAS, upon the recommendation of the City Manager, City Code Enforcement Officer, the City Engineer, and the Planning Commission, the Council wishes to repeal in its entirety the current Zoning Ordinance and Official Zoning Map and enact a new comprehensive City Zoning Ordinance and Official Zoning Map and

WHEREAS, the City has, in accordance with the requirements of the MPC, submitted the proposed amendment to the City's Planning Commission, which gave its recommendations regarding the proposed Zoning Ordinance and Official Zoning Map at a duly noticed public meeting on June 23, 2021; and

WHEREAS, the City, in accordance with the requirements of the MPC, submitted the proposed amendment to the Beaver County Planning Agency, for review and comment on April 26, 2021; and

WHEREAS, on August 4, 2021, the City held duly noticed and advertised public hearing (advertised on July 11, 2021 and July 18, 2021) to take public comment on the proposed Zoning Ordinance and Official Zoning Map, which concluded on August 4, 2021; and

NOW, THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Council of the City of Aliquippa:

Section 1: Ordinance Adoption

The current Zoning Ordinance and Official Zoning Map, Ordinance No. 7-2004 of the City Code of Ordinances, is repealed in its entirety and the new comprehensive City Zoning Ordinance and Official Zoning Map as set forth in Exhibit "A" attached hereto is hereby enacted.

Section 2: Severability

That is any sentence, clause, section, or article of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionally, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or

articles of this Ordinance. It is hereby declared as the intend of the Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 3: Conflict

Any ordinance or any part of any ordinance which conflicts with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 4: Effective Date

That this Ordinance shall take effect immediately upon enactment as provided by law.

Duly presented and adopted at a regular meeting of the City of Aliquippa Council, Beaver County, Pennsylvania, held on the 4th day of August, 2021.

ATTEST:

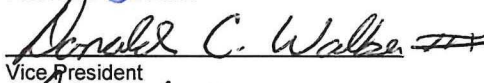
CITY OF ALIQUIPPA CITY COUNCIL



City Manager



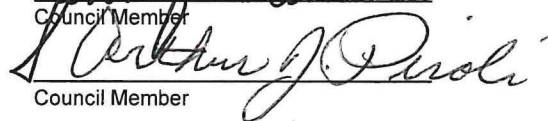
President of Council



Vice President



Council Member



Council Member

Council Member

CITY OF ALIQUIPPA
ZONING ORDINANCE
ORDINANCE No. 1 OF 2021

ADOPTED: AUGUST 4, 2021

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Article I: General Provisions

Section 101: Title

- A. The official title of this Ordinance is “City of Aliquippa Zoning Ordinance”.

Section 102: Interpretation

- A. In the event of conflicts between the provisions of this Ordinance and any other Ordinance or regulation, the more restrictive provisions shall apply.
- B. In the interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety, and general welfare of the public.
- C. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the City Council, to be in favor of the landowner and/or developer and against any implied extension of the restriction.
- D. 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 Articles or Sections remaining shall remain in effect as though the Article or Section declared unconstitutional has never been a part thereof.

Section 103: Community Development Objectives

- A. This Ordinance is adopted to achieve the following objectives:
 - 1. Land Use Goals.
 - a. Encourage an organized land use pattern in harmony with the existing character and natural constraints of the City of Aliquippa providing for a safe, attractive, and economically viable community for its residents.
 - b. Objectives.
 - i. Preserve the established land use patterns of the City encouraging development and redevelopment appropriate to the scale and character of the established and developed nature of the City’s neighborhoods.
 - ii. Promote opportunities for development and redevelopment of diversified economic activities in appropriate areas of the City while maintaining the quality of life and promoting the City’s varied resources.
 - 2. Housing Goals.

- a. Provide for a range of housing types in the City satisfying all housing needs as well as preserving the established residential neighborhoods by maintaining and upgrading the existing housing stock.
 - b. Objectives.
 - i. Support the stabilization of the existing housing stock to the advantage of the community, through rehabilitation efforts that are specifically geared toward the deteriorating housing stock of low- and moderate-income households.
 - ii. Continue to ensure opportunity for the diverse population residing in the City by encouraging the provision of a range of housing types, where appropriate.
 - iii. Seek the preservation of residential neighborhoods and their housing stock through the continuation and expansion of homeownership opportunities in the City, particularly for low-, moderate-, and middle-income households.
3. Transportation and Circulation Goals.
- a. Ensure a coordinated circulation system which enables the safe and efficient movement of all people and goods.
 - b. Objectives.
 - i. Improve the local transportation and circulation system securing safety in the movement of people and goods and enhancing movement through cooperation, where possible and feasible, with the regional transportation and circulation system.
 - ii. 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.
 - iii. In conjunction with other governmental bodies, form a comprehensive transportation and circulation system in the City which coordinates land use planning and transportation planning with capital improvements programming.
4. Community Services and Infrastructure Goals.
- a. Guarantee the provisions of an adequate range of services and facilities to accommodate the changing needs of the City in an effective and efficient manner.
 - b. Objectives.
 - i. Promote the efficient delivery of services ensuring all areas of the City are adequately served.

- ii. Plan for changes in land use and demographic character which require changes in City services and their delivery.
 - iii. 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.
 - iv. Assure the upgrading of City services, particularly the older infrastructure ensuring safety and attainment with mandates in an efficient manner through coordination with the City's capital improvement program.
- 5. In accordance with the MPC, the following are Comprehensive Plan Policy Elements and recommendations to effectuate the above outlined goals and objectives herein for the City.
 - a. The purpose of the City's Comprehensive Plan recommendations will be to maintain the existing land use patterns of the City while anticipating and accommodating development and/or redevelopment in agreement with the existing and anticipated infrastructure.

Section 104: Compliance

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

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Article II: Definitions

Section 201: Interpretation

- A. For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:
1. Words in the present tense include the future.
 2. Words in the singular include the plural, and the plural the singular.
 3. The word "shall" is intended to be mandatory.
 4. The word "lot" shall include the word "plot" or "parcel."
 5. The word "person" includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual.
 6. A building or structure includes any part thereof.
 7. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
 8. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 9. The words "either" and "or" indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.
 10. The word "City" means the City of Aliquippa, Pennsylvania.
 11. The word "County" means the County of Beaver, Pennsylvania.
 12. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
 13. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.
 14. When a word or phrase is not specifically defined in this Ordinance, or referenced in another Ordinance, then the common meaning of the word or phrase, or the definition contained in Webster's Dictionary, most current version, shall apply.

Section 202: Meaning of Words

ACCESSORY DWELLING UNIT – A separate and accessory living space that is attached to the primary dwelling. Attached accessory dwelling units typically include living, sleeping, kitchen, and bathroom facilities that are accessed from a lockable entrance door. An accessory dwelling unit does not include multi-family dwellings.

ACCESSORY STRUCTURE – A structure the use of which is customarily accessory to and incidental to that of the principal structure and which is located on the same lot.

ACCESSORY USE – See “Use, Accessory” in this Section.

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

ADAPTIVE RETAIL USE – A commercial use permitted in an existing nonresidential structure or existing commercial building (including strip malls, office buildings, and retail facilities) which lie within the Mixed Use District of the City. The purpose of adaptive retail uses is to encourage the continued use and occupancy of existing commercial structures.

ADJACENT PROPERTY – Property that is contiguous with the boundaries of any side of the subject property.

ADULT BUSINESSES – See “Sexually Oriented and Adult Businesses” in this Section.

AFTER HOURS CLUB – A use that permits the consumption of alcoholic beverages by five (5) or more unrelated persons between the hours of 2 a.m. and 4 a.m. and involves some form of monetary compensation paid by such persons for the alcohol and/or for the use of the premises.

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

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

ALTERATIONS – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location to another, or any change in use from that of one (1) Zoning District classification to another.

ALTERATIONS, STRUCTURAL – Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

AMBIENT NOISE LEVEL – The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions such as wind greater than three (3) meters per second or precipitation and then adjusting the noise level to eliminate any noise associated with existing developments or facilities.

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

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

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

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

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

ANIMAL GROOMER – A retail facility that provides bathing and trimming services for small animals on a commercial basis. Animal groomers do not include medical or surgical treatment or overnight boarding facilities. See also "Kennel" in this Section.

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

ANSI – The American National Standards Institute.

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

APARTMENT – A multi-family dwelling. See "Dwelling Types" in this Section.

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

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

APPURTENANCES – Exterior architectural features that are visible, functional, or ornamental objects attached to a structure or building.

ARCHITECT – An architect registered by the Commonwealth of Pennsylvania. See "Registered Professional" in this Section.

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

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

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

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

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

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

ASSISTED LIVING FACILITY – See “Care Facilities and Senior Housing” in this Section.

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

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

AUTOMOBILE DEALERSHIP, NEW – A business that is principally engaged in the receipt of new, previously untitled motor vehicles or trailers from their manufacturer and the resale, lease, or rental of the same directly to the general public.

AUTOMOBILE DEALERSHIP USED – A business that is principally engaged in selling, leasing, or renting previously titled and owned motor vehicles or trailers.

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

AUTOMOBILE GRAVEYARD – See “Salvage/Junk Yard” in this Section.

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

AUTOMOBILE REPAIR AND SERVICE – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles weighting less than 8,500 pounds Gross Vehicle Weight Rating (GVWR). This classification shall not include heavy duty vehicles over 8,500 lbs. GVWR. Related land use classifications include: “Bus or Truck Maintenance Facility,” “Commercial Motor Vehicle Repair,” and “Heavy Equipment Repair.” See also “Supply Yard” in this Section with regards to equipment sales.

AUTOMOBILE SALES – The sales of new or used motor vehicles, watercraft, recreational vehicles, or trailers, including outdoor display areas, service areas within a completely enclosed building, and a showroom and offices within the building.

BAKERY, RETAIL – A place for preparing, baking, and selling baked goods and products prepared on the premises.

BASEMENT – That portion of a building which is partly or completely, or having a floor, below grade.

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

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

BEST MANAGEMENT PRACTICES, OIL AND GAS OPERATIONS – State of the art mitigation measures applied to oil and natural gas drilling and production to help ensure that energy development is conducted in an environmentally responsible manner.

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

BILLBOARDS – See “Signs” in this Section.

BOARD – Anybody granted jurisdiction under a land use Ordinance or by the MPC to render final adjudications.

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

BREWERY – An establishment for brewing large quantities of beer or other malt liquors for wholesale distribution. This land use does not provide for retail sales and/or consumption of alcoholic beverages on the premises. See also “Micro-brewery” in this Section.

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

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

BUILDING – A structure used for sheltering any use or occupancy.

BUILDING CODE – The Unified Construction Code of 2015 of Pennsylvania as adopted and periodically amended by the City of Aliquippa (adopted February 2016).

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

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

BUILDING PERMIT – A permit for activities regulated by the Uniform Construction Code as adopted by the City of Aliquippa, including construction, alteration, repair, demolition, or an addition to a structure.

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

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

BUS TERMINAL – A terminal that serves bus passengers.

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

CAR WASH TYPES:

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

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

CARE FACILITIES AND SENIOR HOUSING – An establishment that contains dwelling units, intended or designed to be used, rented, leased, let, or hired out to be occupied for living purposes based on age and/or resident needs. Each care facility type designated below is provided for separately in the land use chart under “Care Facility Type.”

CARE FACILITY AND SENIOR HOUSING TYPES:

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

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

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

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

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.

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

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

CARPORT – A detached accessory structure that includes private parking area(s) for the storage of one (1) or more vehicles. A carport may be covered by a roof supported by columns or posts and has no more than two (2) walls. An attached carport is an extension of the principal building and subject to the related building codes and zoning regulations of the permitted principal use. See also “Garage, Private.”

CARTWAY – That portion of a street or alley intended for vehicular use.

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

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

CEMETERY – Any site containing at least one (1) burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries. This land use classification includes mausoleums.

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

CLEAN WOOD – Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood coated with paint, stain, oil, resin, or any other preservative, fire retardant, or decorative materials; impregnated with preservatives or fire retardants; exposed to salt water; nor manufactured with the use of adhesives, polymers, or resins, such as strand, particle, and veneer lumber and recycled lumber.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye, which is assumed to be three and three-fourths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway as specified in this Ordinance and the SALDO, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision.

CLOSED-LOOP SYSTEM – A system utilized while drilling so that various types of pits are not used, and instead steel bins or closed containers are used to collect all drilling waste.

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

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

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

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

COMMERCE PARK – A development with separate buildings for offices, storage, assembly, or research and supporting ancillary uses, operated as an integrated facility.

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

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

COMMERCIAL RECREATION, INDOOR – An establishment operated by a profit-making corporation, partnership, or other business entity for the pursuit of sports, amusement, and recreational activities, available to the general public for a fee, where the principal use is conducted entirely within a completely enclosed building, including, but not limited to such principal uses as health or racquet and/or swim clubs, fitness centers, roller or ice rinks, karate schools, gymnasiums, arenas, sports courts or playing fields, bowling alleys, amusement arcades, virtual reality and simulation gaming parlors, billiard parlors, shooting ranges, and dance halls, but not including any adult business.

COMMERCIAL RECREATION, OUTDOOR – An establishment operated by a profit-making corporation, partnership, or other business entity for the pursuit of sports, amusement, and recreational activities, available to the general public for a fee, where the principal use is outdoors, but which may include accessory uses that are indoors, including, but not limited to such principal uses as miniature golf courses, batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks, and similar facilities.

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.

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

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

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

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

COMPREHENSIVE PLAN – The Comprehensive Plan for the City of Aliquippa, as amended.

CONDITIONAL USE – See “Use, Conditional” in this Section.

CONFERENCE CENTER – A specialized hotel (usually in a less busy but easily accessible location) designed and built almost exclusively to host conferences, exhibitions, large meetings, seminars, training sessions, etc. A conference center often also provides office facilities and a range of leisure activities.

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

CONSTRUCTION STANDARDS – The City of Aliquippa Standard Construction Details, as amended (Ord. 13, 1993).

CONVENIENCE STORE – A small market that carries a limited selection of goods and is open long hours. Convenience stores may sometimes be located in conjunction with a Gas Station use but only when the Gas Station use is also allowable in the Zoning District.

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

CORRECTIONAL FACILITY – Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense, including but not limited to halfway houses, homes licensed for juvenile offenders or other facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

COUNCIL – The Council of the City of Aliquippa, Beaver County, PA.

COUNTY – Beaver County, Commonwealth of Pennsylvania.

CREMATORIUM – An establishment containing a furnace where a corpse can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection (DEP).

CUSTOM PRINTING – The production of a text, picture, etc. by applying specialized inked types, plates, blocks, or the like, to paper or other material either by direct pressure or indirectly by offsetting an image onto an intermediate roller.

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

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

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

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

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

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

DENSITY – The number of dwelling units per acre.

DEPARTMENT – Pennsylvania Department of Transportation (PennDOT).

DETERMINATION – The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder except the governing body; the Zoning Hearing Board (ZHB); the planning agency, only if and to the extent the

planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance (SALDO) or PRD provisions.

DEVELOPMENT – See “Land Development” in this Section.

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

DEVELOPMENT 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.

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

DIAMETER BREAST HEIGHT (DBH) – The total diameter, in inches, of a tree trunk or trunks measured at a point four and one-half (4.5) feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

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

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

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

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

DRILLING – Any digging or boring of a new well to explore, develop, or produce oil, gas, or other hydrocarbons or to inject gas, water, or any other fluid or substance into the earth.

DRILLING PAD – See “Oil and Gas Pad/Well” in this Section.

DRILLING SITE – An area that includes the perimeter of the surface area of drilling operations.

DRIVE-THROUGH FACILITY – Drive-through facilities shall be considered accessory uses which are attached to another authorized principal use which involves a window, service lane, bay, or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to: drive-in or drive-through windows at fast-food restaurants, banks, drug stores or other businesses, exterior automated teller machines (ATMs), quick oil-change facilities, car washes and similar automotive services, and other such facilities. Stand-alone ATM facilities shall be considered principal uses when deemed necessary by City Council.

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

DRUG STORE – See “Pharmacy” in this Section.

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

DWELLING TYPES:

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

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

GARDEN APARTMENT – A multi-family structure, not exceeding three (3) stories in height, sometimes designed around courts or common open areas, frequently having private balconies or patios.

MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days; also referred to as a "mobile home."

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

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

ROW HOUSE – See “Townhome” in this Section.

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

TINY HOME – A dwelling that is 400 sq. ft. or less in floor area, excluding lofts.

TOWNHOME – A single-family dwelling unit constructed in a group of not less than three (3) but not more than six (6) attached units in which each unit shares no more than one (1) common wall that extends from the foundation to the roof.

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

EASEMENT – A ROW 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.

EDUCATIONAL INSTITUTION – A structure, part of a structure, or structures designed and used for training and teaching of children, youths, or adults, including laboratories appurtenant thereto. An educational institution does not include “School” or “College/University,” as defined in this Section.

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

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

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

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

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

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

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.

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

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.

EROSION – The removal of surface materials by the action of natural elements.

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

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

EXPLORATION – Temporary geologic or geophysical activities, drilling in context with the zoning definition in this Ordinance, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

EXTENDED STAY HOTEL/MOTEL – A hotel or motel with accommodations for sleeping along with in-unit full kitchen and bathroom facilities. Occupancy of any extended stay unit shall be allowed for more than 30 days as long as the units comply with all residential building and fire codes.

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

FAMILY – An individual; two (2) or more persons related by blood, marriage, or adoption; or not more than three (3) unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests and shall be included in the

three (3) unrelated persons. The foregoing restrictions do not apply to persons with disabilities as defined in the *Fair Housing Act, 42 USC §3601 et seq.*

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

FCC – Federal Communications Commission.

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

FENCE, PRIVACY – A fence erected or constructed to block the view of the enclosed property.

FENCE, SECURITY – A fence erected or constructed to serve as a barrier to persons, animals, or vehicles entering the property.

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

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

FLAG – Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, or the City. A flag is not a sign.

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

FLOODPLAIN – As defined by the City of Aliquippa Floodplain Management Ordinance, as amended (Ord. 2, 2015).

FLOODPLAIN MANAGEMENT ORDINANCE (FMO) – The City of Aliquippa Floodplain Management Ordinance, as amended (Ord. 2, 2015).

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

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

FLOWBACK WATER – The murky, salty water from fracking natural gas wells. It consists of frack fluid which returns to the surface as well as produced water.

FOOD TRUCK – A self-contained vehicle either motorized or with a trailer which may, upon issuance of a permit by the City of Aliquippa and conformance with the regulations established by this Article, temporarily park on public streets, sidewalks, curbs or private property and engage in the service, sale, or distribution of ready-to-eat food for individual portion to the general public, directly from the vehicle. The term shall include trucks and trailer hitch units used for food vending and encompasses all mobile food service units with the exception of pushcarts. Food trucks should be no larger than 30 feet by eight and one-half (8.5) feet.

MOBILE FOOD FACILITY – A movable retail food facility, such as a stand, bicycle, trailer, vehicle, cart, basket, box, or similar structure or conveyance, from which food is stored, prepared, processed, distributed, or sold operating as an extension of and under the managerial authority of the permit holder of its permitted base of operation.

SELF-CONTAINED MOBILE FOOD FACILITY – A facility that meets the same requirements as a permanent facility where all the food preparation is done in the facility. At a minimum, the facility must have mechanical holding facilities, gas or electric cooking equipment, water tanks, hand sinks, three (3) compartment sinks, storage for all food, single service items, and cleaning supplies.

FOOD TRUCK PARK/COLLECTIVE – An area on private property approved by the issuing agency to accommodate two (2) or more food trucks within the C-1, C-2, and MU Zoning Districts only. Food truck park/collective permit will be in effect from the issuing agency until business is permanently closed or by the City of Aliquippa revoking said permit.

FOOD TRUCK COLLECTIVE PERMIT APPLICATION – Application for more than one (1) permit applied for by the owner and/or operator of a food truck park/collective on behalf of individual mobile food facilities. This permit application option allows multiple vendors and/or mobile food facilities to be submitted at one (1) time by the food truck park/collective. All permits, if issued, will be allocated as independent permits.

FOOD VENDOR – Any person who transports, distributes, or sells to the public foods, prepared foods, or readily perishable food of a kind deemed by the health officer to be capable of causing human foodborne illness from a truck, trailer, cart, bicycle, or other vehicle.

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

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

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

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

FRONTAGE – See “Street Frontage” in this Section.

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

GARAGE – A building or portion thereof to be used for the storage of servicing of vehicles, but not including automobile sales.

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

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

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.

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

GARAGE, PUBLIC – Any garage available to the general public not included within the definition of “Garage, Private.” This includes public parking structures or ramps.

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

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

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

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

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

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

GOVERNING BODY – The Council of the City of Aliquippa.

GRADING ORDINANCE – The Grading Ordinance of the City of Aliquippa, as amended (Ord. 10, 2010).

GRAIN SILO – A principal or accessory structure for storing bulk materials such as grain or fermented feed known as silage. Other typical bulk storage items include coal, green feeds, and woodchips.

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

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

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

1. More than eight (8) residents who are mentally or physically handicapped;
2. Any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) adjudicated by the court system; or
3. Mentally disturbed persons of any age.

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

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

HALFWAY HOUSE – A residential facility designed to aid people who are transitioning into permanent living structures that provides a supervised environment to ease the transition of its residents between institutional living and independent living, and is conducted under the regulations of the Commonwealth of Pennsylvania and the auspices of a social service agency. See also “Correctional Facility” in this Section.

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

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

HEAVY EQUIPMENT REPAIR – The repair, rebuilding, painting, or reconditioning of heavy equipment not classified as a motor vehicle for use on public roadways. See also “Supply Yards” in this Section regarding equipment sales. Related land use classifications include: “Automobile Repair and Service,” “Bus or Truck Maintenance Facility,” and “Commercial Motor Vehicle Repair” in this Section.

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

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

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

HISTORIC STRUCTURE – Any structure that is:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Registry;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a District preliminarily determined by the Secretary to qualify as a registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION BUSINESS – Any use customarily carried on entirely within a dwelling, by the occupant thereof, which use is clearly incidental and subordinate to the use of the dwelling. Examples include, but are not limited to, professional services such as legal, financial, accounting, engineering, barber and beauty shops, and music and tutoring instruction. Home occupations are limited to one (1) student, customer, or client at a time. Home Occupation Businesses are different than no-impact home-based businesses. See also “No-Impact Home-Based Business” in this Section.

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

HOTEL – A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests. Hotels have a common reception area on the premises which is staffed 24 hours a day where clients check in to obtain access to a room.

HYDRAULIC FRACTURING (FRACKING) – See “Oil and Gas Well/Pad” in this Section

IGSHPA – The International Ground Source Heat Pump Association.

IMPERVIOUS SURFACE – As defined by the City of Aliquippa Stormwater Management Ordinance, as amended (Ord. 8, 2014)

IMPERVIOUS SURFACE RATIO – As defined by the City of Aliquippa Stormwater Management Ordinance, as amended (Ord. 8, 2014).

INCINERATOR – See “Solid Waste Combustor or Incinerator” in this Section.

INJECTION WELL – A well that is used to place fluid underground into porous geologic formations. These underground formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids may include water, wastewater, brine (salt water), or water mixed with chemicals.

INTERMEDIATE CARE FACILITY – A facility that provides health care, rehabilitation, and active treatment services for persons with several physical developmental delays such as cerebral palsy, muscular dystrophy, epilepsy, or similar conditions diagnosed before the age of 22 and results in three (3) or more functional limitations of daily living. Services are not designated for persons with mental illness or mental retardation.

INTERNAL DRIVEWAY SYSTEM – The portion of the parking lot devoted to providing access to individual parking lot aisles.

JUNK YARD – See “Salvage/Junk Yard” in this Section of the Ordinance.

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

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

LAND DEVELOPMENT – Includes any of the following activities:

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

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

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

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

LANDSCAPE BUSINESS – Landscape businesses shall include green industry businesses such as landscape design, landscape construction, turf grass maintenance, and landscape maintenance operations. Landscape businesses may include retail and/or offices space related to the sales and distribution of the principal use. Supply yards and/or storage yards may be permitted as accessory uses. See also “Supply Yards” and “Storage Yards” in this Section.

LANDSCAPE PLAN – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation. The requirements of a landscape plan are identified in the SALDO, as amended.

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

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

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

LICENSED COMMUNITY RESIDENTIAL FACILITY – See “Care Facilities and Senior Housing” in this Section.

LIFE CARE COMMUNITY – See “Care Facilities and Senior Housing” in this Section.

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

LOADING SPACE OR BERTH – A space within the main building or on the same lot providing for the standing, loading, or unloading of vehicles.

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

LOT TYPES (also see “Figure 1” at the end of this Article):

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

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

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

LOT AREA – The total area within the boundary of the lot excluding any areas contained in a public street ROW.

LOT COVERAGE – That percentage of the lot area covered by all principal structures, accessory structures, and impervious surfaces.

LOT LINE – A line that denotes the boundary of a lot or parcel of land, as defined herein.

LOT LINE TYPES:

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

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

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

LOT, WIDTH – The horizontal distance between side lot lines, measured at the front setback line.

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

MAGISTRATE OFFICE AND COURT – A court having limited jurisdiction over civil and criminal matters, and matters of contracts not exceeding a particular threshold.

MAILED NOTICE – Notice given by the City by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURING FACILITY, LIGHT – The manufacture, fabrication, assembly, or processing of goods and materials, excluding heavy manufacturing facilities.

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

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

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.

MEDICAL CLINIC – An establishment where human patients are examined and are treated by or under the care and supervision of doctors, dentists, or other medical practitioners, but where patients are not hospitalized overnight.

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

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

MEDICAL MARIJUANA GROWER/PROCESSOR – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana.

MEDICAL OFFICES – A place where medical or dental diagnosis, evaluation, and treatment is prescribed or provided.

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

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

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

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.

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

MINERAL DEVELOPMENT TYPES:

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

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

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

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

MOBILE HOME – See “Dwelling Type” in this Section.

MOBILE HOME LOT – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

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

MONOPOLE – A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

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

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

MUNICIPAL BUILDING – A building occupied by the principal offices and departments of the City.

MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247, as reenacted and amended (53 P.S. §10101 et seq.).

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

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

or an adult-oriented establishment, as either are elsewhere defined and regulated in this Ordinance.

NO-IMPACT HOME-BASED BUSINESSES – 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 the 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.

No-impact home-based businesses are different than home occupation businesses. See “Home Occupation Business” in this Section.

NON-CONFORMING LOT – Any lot which does not comply with the applicable area and bulk provisions of this Ordinance or an amendment thereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NON-CONFORMING STRUCTURE – A structure or part of a structure that does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Nonconforming signs are included in this definition.

NON-CONFORMING USE – A use, whether of land or of a structure, that does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – All non-tower WCFs, including but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground-level.

NURSERY SCHOOL – See “Day Care, Child” in this Section.

NURSING HOME – See “Care Facility and Senior Housing” in this Section.

OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Article III of this Ordinance.

OCCUPANCY – The physical possession upon, on, or within any lot or structure for a use.

OCCUPANCY PERMIT – A permit for the occupancy of a building, structure, or lot indicating compliance with all provisions of this Ordinance.

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

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

OIL AND GAS DEVELOPMENT OR DEVELOPMENT – The well site preparation, well site construction, drilling, fracturing, and/or site restoration associated with an oil and gas well of any depth; water and other fluid storage; gas reservoir; impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance, and repair of oil and gas pipelines, not regulated by the Pennsylvania Public Utility Commission (PUC) or United States Department of Transportation, Office of Pipeline Safety, and associated equipment; and all other equipment and activities associated with the exploration for, production of, and transportation of oil and gas, including natural gas compressor stations and natural gas processing plants, structures, defined as other support facilities or structures performing similar functions that operate as midstream facilities.

OIL AND GAS DRILLING SUBSURFACE FACILITIES – Activities performed under the surface of the ground that are part of the operation of oil and gas drilling, as defined herein, whether or not located on properties within the unit for a particular well site, but that are not included in the well site, including, but not limited to horizontal drilling and hydraulic fracturing zones, underground gathering and transmission pipelines established in accordance with PUC guidelines, water distribution lines, and similar underground facilities incidental to oil and gas drilling.

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

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

OPEN BURNING – Any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chimney, fire pit, outdoor fireplace, or grill.

PARK, PUBLIC OR SEMIPUBLIC – A parcel of land owned by the Commonwealth of Pennsylvania, Beaver County, and/or the City that is dedicated, either publicly or privately, specifically for outdoor use for open space and/or active or passive recreation purposes. A park shall also include a parcel of land owned by a homeowners' association or condominium association, as part of a City-approved subdivision, land development, and/or PRD that is dedicated, either publicly or privately, specifically for the use as a park, open space and/or active or passive recreation area. A park shall not include a commercial recreation facility, as defined herein.

PARK AND RIDE FACILITY – A facility designed for patrons to park their private vehicle and transfer to other private or public transportation.

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

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

PARKING STRUCTURE, ACCESSORY – An accessory structure used exclusively for the temporary storage of motor vehicles and associated with a permitted principal use.

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

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

PAWN SHOP – A business or establishment which loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price.

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

PERSONS – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that person does not include, or apply to, the City or to any department or agency of the City.

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

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

PLANNED RESIDENTIAL DEVELOPMENT (PRD) – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one (1) District created, from one (1) time-to-time, under the provisions of Article X of this Ordinance.

PLANNING COMMISSION – The Planning Commission of the City of Aliquippa.

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

PLAT – The map or plan of a subdivision or land development, whether preliminary or final.

POLE-MOUNTED/SHARED USE COMMUNICATIONS FACILITY – Any antenna used for the transmission or reception of any radio wave or radio signal, which is to be mounted

upon a preexisting steel or metal electrical transmission tower owned or operated by a public utility.

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

POP-UP EVENT – A temporary event hosted in unique venues ranging from temporary fixtures in open, public spaces to unused retail or commercial space, in yards, or on private property.

PORCH – A roofed or uncovered accessory structure without enclosing walls that is attached to or part of the principal building and which has direct access to and from the principal building.

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

POWER GENERATION FACILITY, ELECTRIC – A facility that generates electricity by means of geothermal power, burning of coal, oil, or gas, or by hydropower. Accessory generators for hospitals, schools, and other similar uses shall not be considered a power generation facility.

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.

PROFESSIONAL CONSULTANT – Persons who provided expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

PROTECTED STRUCTURE – Any occupied structure. The term shall not include any structure whose owner has signed a waiver relieving the operator from implementation of the measures established herein or other applicable provisions of the City Code. In the waiver, the owner must acknowledge that the operator is explicitly relieved from complying with the regulations applicable to a protected structure. The waiver must be notarized.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the City Council or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC AND SEMIPUBLIC USES – Uses operated by the public or semipublic body such as schools, public libraries, public safety buildings, museums, public meeting halls, and community centers. This definition shall not include hospitals and continuing care facilities.

PUBLIC IMPROVEMENTS – All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices, and other facilities to be dedicated to or maintained by the City.

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (relating to open meetings).

PUBLIC NOTICE – A 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 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

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

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

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

RECORDING STUDIO – An environment to allow for the capture, manipulation, and mastering of an auditory product.

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, goal or batting practice facilities, ice rinks, tennis courts, swimming pools, and similar facilities.

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

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

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

REFRIGERATED WAREHOUSE OR COLD STORAGE – See “Warehouse and Storage Services” in this Section.

REGIONAL PLANNING AGENCY – A planning agency that is comprised of representatives of more than one (1) county. Regional planning responsibilities shall include providing

technical assistance to counties and municipalities, mediating conflicts across county lines, and reviewing county comprehensive plans for consistency with one another.

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

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

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

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

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

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

RESTAURANT, DRIVE-IN – A restaurant with or without a drive-through, where the food is primarily brought to and consumed within a patron's vehicle. An outdoor seating area may be provided.

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

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

RETAIL STORE – Any establishment not otherwise specifically defined in this Article that sells commodities and/or services on the premises directly to consumers, but not including the on-site manufacturing or processing of any product or any wholesale sales.

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

REVERSE SUBDIVISION – The consolidation of two (2) or more previously subdivided lots into a smaller number of lots.

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

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

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

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

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

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

SALT STORAGE FACILITY, MUNICIPAL – A municipal-owned and maintained structure used to house salt that is used to treat City roadways.

SALVAGE/JUNK YARD – Any premises devoted wholly or in part to the storage, buying or selling, sorting, exchanging, salvaging, recycling, or otherwise handling or dealing in junk, including automotive wreckage.

SCHOOL – Any public, private, or parochial place of instruction which teaches those academic subjects that are fundamental and essential in general education and which provide pre-primary and/or kindergarten through twelfth grade, or a vocational school and meet the requirements of the Department of Education of the Commonwealth of Pennsylvania. Schools exclude educational institutions and college/universities as defined within this Section.

SELF-STORAGE FACILITY – An enclosed area or consisting of individual self-contained, self-service storage spaces, and/or controlled-access stalls leased to the general public for a specified period of time for the storage of personal property.

SETBACK LINE – A line parallel to a lot line, defining the building setback required by this Ordinance.

SETBACK LINE, FRONT – The building setback line that is parallel to the front lot line, located at a distance as required by this Ordinance.

SETBACK LINE, REAR – The building setback line that is parallel to the rear lot line, located at a distance as required by this Ordinance.

SETBACK LINE, SIDE – The building setback line that is parallel to the side lot line, located at a distance equal to the side yard required by this Ordinance.

SEWAGE TREATMENT PLANT – A facility designed to receive the wastewater from domestic sources and to remove materials that damage water quality and threaten public health and safety when discharged into receiving streams or bodies of water.

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

TYPES OF SEXUALLY AND ADULT ORIENTED BUSINESSES:

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

ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE – A retail-type establishment that sells the following: (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM or DVD discs or other computer software, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

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

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

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

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

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

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

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

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

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

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

SHORT TERM RENTAL, ACCESSORY – A dwelling unit that is occupied by the property owner for more than 50% of the year and is periodically rented as short-term lodging to transients. Rentals are generally facilitated by an online tool that allows for peer-to-peer lodging options where the lodging facilities are generally owned by private individuals. This use includes rentals commonly called by industry names including but not limited to Airbnb, HomeAway, Flip Key, WorldEscape, Uproost, etc.

SHORT TERM RENTAL, PRINCIPAL – A dwelling unit that is occupied by the property owner less than 50% of the year and is rented for the majority of the year as short-term lodging to transients. Rentals are generally facilitated by an online tool that allows for peer-to-peer lodging options where the lodging facilities are generally owned by private

individuals. This use includes rentals commonly called by industry names including but not limited to Airbnb, HomeAway, Flip Key, WorldEscape, Uproost, etc.

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

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

ADDRESS – The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services.

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

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

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

BILLBOARD – A permanently installed and permitted off-premises sign displaying changeable advertising copy which is unrelated to or unavailable on the premises on which the sign is located.

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

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

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

DIGITAL SIGN – A computer programmable sign capable of displaying words, numbers, symbols, figures, or picture images that can be altered or rearranged by remote or automatically without physically altering the face or surface of the sign.

These signs typically utilize light-emitting diode, plasma, or liquid crystal display technology to produce the character and graphic of the display. Digital signs shall include static alphanumeric displays and electronic message boards.

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

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

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

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

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

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

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

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

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

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

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

MURAL – A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For

definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

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

OFF-PREMISE – A sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located. See also “Billboard” in this Section.

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

PANEL – The primary surface of a sign that carries the identifying/advertising message.

PENNANT – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

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

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

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

REAL ESTATE SIGN – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

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

RESIDENTIAL DEVELOPMENT IDENTIFICATION – Any sign used to identify the name of a residential development containing no commercial message and located at the principal entrances of such development.

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

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

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

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

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

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

TRAFFIC CONTROL SIGN – A sign regulating traffic.

WALL SIGN – Any sign painted, attached to, or affixed to a building or structure, attached flat against the wall surface, in such a way that only one (1) face of a sign is visible.

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

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

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

SITE AREA – The total project area as determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels. See “Lot Area” as defined in this Section.

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

SLOPES – The ratios of the vertical change in elevation of a land over a specified distance, often expressed as a percent.

SMALL-SCALE MANUFACTURING – Establishments that manufacture and/or assemble small products primarily by hand, including jewelry, pottery, and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments that produce small products not classified in another major manufacturing group, including brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; candy; etc.

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

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

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

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

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

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

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

waste. Such facility shall not include a junkyard, leaf composting, clean fill, sewage, or sludge application.

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

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

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

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

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

STEEP SLOPE – Those slopes identified on a topographic survey prepared by a land surveyor registered in the Commonwealth of Pennsylvania as any area over a 100 horizontal distance, the slope exceeds 25% from the top to bottom of a break in grade. Said break in grade must be at least a change in grade of five percent (5%) before consideration. All areas over 25% shall be outlined on the topographic plan.

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

STORAGE YARD, ACCESSORY – As an accessory use, a storage yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/or equipment within a storage yard are not offered for commercial sale or are accessible to the public. See also “Supply Yard” in this Section.

STORAGE YARD, PRINCIPAL – As a principal use, a storage yard is an otherwise vacant lot or parcel that is used to store construction equipment, vehicles, and/or construction materials. Materials and/or equipment within a storage yard are not offered for commercial sale or are accessible to the public. See also “Supply Yard” in this Section.

STORMWATER MANAGEMENT FACILITIES – See the definition provided by the City Stormwater Management Ordinance, as amended (Ord. 8, 2014).

STORMWATER MANAGEMENT ORDINANCE – The City Stormwater Management Ordinance, as amended (Ord. 8, 2014).

STORY – That portion of a building between the surface of any finished floor and the surface of the finished floor above it or, if there shall be no floor above it, then the space between any floor and the ceiling next above it. In determining the number of stories for purposes of height measurement, a basement shall be counted as a story if the ceiling is more than five (5) feet above the average adjoining ground level at the front setback, and a mezzanine shall be counted as a story if it covers 50% or more of the area of the story underneath such mezzanine. An attic or a cellar shall not be counted as a story.

STREET – Includes a 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. The term shall not include the term “Driveway.”

TYPE OF STREETS: As defined in the SALDO.

STREET FRONTAGE – The length of front lot line. See also “Lot Line.”

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

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

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) – The City of Aliquippa’s Subdivision and Land Development Ordinance as adopted and amended by City Council.

SUBSTANTIAL CHANGE TO A WIRELESS COMMUNICATION FACILITY – A modification to an existing WCF that substantially changes the physical dimensions of a tower or base station and meets any of the following criteria:

- A. For communications tower outside the public ROW, it increases the height of the facility by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for communications towers in the ROW it increases the height of the facility by more than ten percent (10%) or ten (10) feet, whichever is greater;
- B. For communications tower outside the public ROW, it protrudes from the edge of the WCF by more than twenty (20) feet, or more than the width of the tower structures at the level off the appurtenance, whichever is greater; for those communications tower in the public ROW, it protrudes from the edge of the structure by more than six (6) feet;
- C. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;

- D. It entails any excavation of deployment outside the current site of the communications tower; or
- E. It does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

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

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

SWIMMING POOL – A man-made enclosure, designed to impound water for the purpose of creating depth of water suitable for swimming, or other types of water recreation or therapy, including but not limited to water slides, lap pools, whirlpools, soaking tubs, or hot tubs.

TANK FARM – An area used exclusively for storing petroleum or petroleum products in large tanks.

TATTOO PARLOR – An establishment in which tattooing is carried out professionally.

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

TEMPORARY FOOD FACILITY – A food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

TEMPORARY USE OR STRUCTURE – Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for less than three (3) consecutive months. Structures intended to be used for more than three (3) months shall be considered permanent and shall meet the use and structure requirements for permanent structures.

THEATER – A building or part of a building devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

THREE-QUARTER HOUSE – A transitional housing unit that provides a sober living environment and typically a lower level of supervision than a traditional halfway house and that is not regulated by the Commonwealth of Pennsylvania.

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

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

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

TOWNHOME – See “Dwelling Types” in this Section.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – An area of land typically 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. A TND is relatively compact 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 (2) or more major streets. Generally, there is a hierarchy of streets laid out with an interconnected network of streets and blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

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

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

TRANSITIONAL CARE FACILITIES – A facility for persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration and other such transitional and/or supervised short-term assignments.

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

TREE – Any object of natural growth.

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

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

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

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

USE, BY SPECIAL EXCEPTION – An authorized use in a particular Zoning District pursuant to Article V of this Ordinance which may be granted only by the ZHB in accordance with express standards and criteria.

USE, CONDITIONAL – An authorized use which may be granted only by the City Council pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendation by the Planning Commission and hearing by the City Council.

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

VARIANCE – Relief granted pursuant to the provisions of Articles VI and IX of the MPC.

VETERINARIAN SERVICES – See “Animal Hospital and Veterinarian Services” in this Section.

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

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

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

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

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

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

WELL SITE – A site that consists of the area occupied by any of the facilities, structures, and equipment associated with or incidental to the construction, drilling, fracturing,

production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ZONING DISTRICT – An area in the City in which regulations under this Ordinance uniformly apply including Overlay Districts.

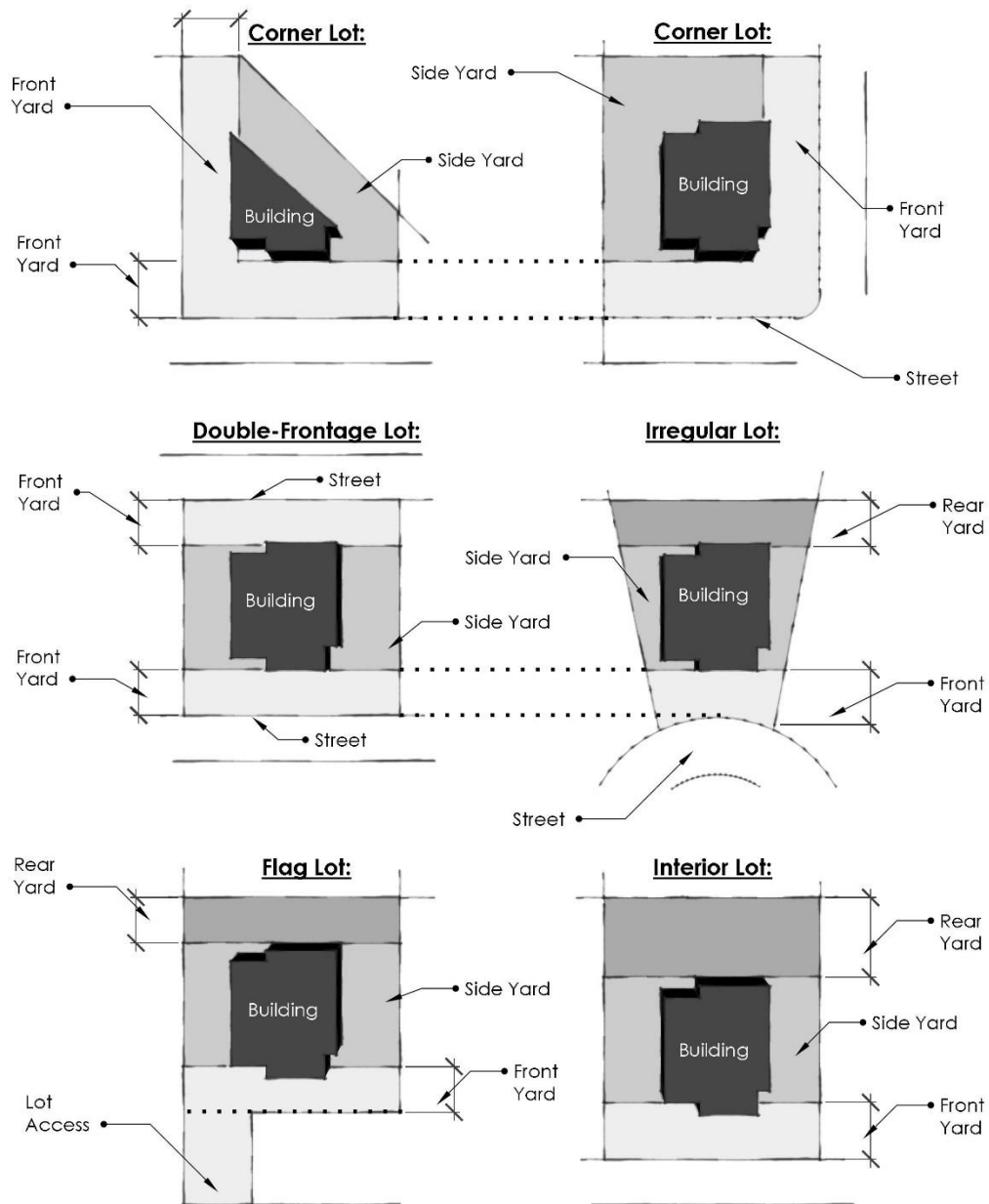
ZONING HEARING BOARD (ZHB) – The ZHB of the City of Aliquippa, Beaver County, Pennsylvania as defined by and appointed in accordance with the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

ZONING MAP – The Official Zoning Map delineating the Zoning Districts of the City of Aliquippa, Beaver County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER – The designated official or authorized representative appointed by the City Council whose duty it shall be to administer this Ordinance and as identified in §614

of the MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

FIGURE 1: YARD TYPE ILLUSTRATION



Article III: District Regulations

Section 301: District Designation

- A. For the purpose of this Ordinance, the City is hereby divided into the following Zoning Districts:

R-1	Low Density Residential
R-2	Medium-High Density Residential
IT	Institutional
MU	Mixed Use
C-1	Central Business
C-2	Highway Commercial
I	Industrial
IS-1	Industrial Service
C	Conservation

Section 302: Map Designation of Zoning Districts

- A. The aforesaid Zoning Districts are bounded and defined on a map entitled "Official Zoning Map of the City of Aliquippa," adopted on the ____ day of ____, ____, as amended, and certified by the City Manager, which map accompanies this ordinance and is hereby made a part thereof.

Section 303: Boundaries

- A. Where uncertainty exists as to the location of the boundaries of Zoning Districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
 4. Boundaries indicated as parallel to or extensions of features indicated in Section 304 herein shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 5. 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 Section 304 herein, the ZHB shall interpret the District boundaries.

Section 304: Use of Property

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the Zoning District in which it is located.
- B. No land, structure, building, or development approval shall be issued unless the proposed development conforms to the regulations prescribed within the applicable Zoning District and this Ordinance.
- C. Three (3) classifications of principal uses are established in this Ordinance. No principal use is permitted unless it is listed as a Permitted Use by Right (P), Conditional Use (CU), or Special Exception (SE) and as identified in Table 10. Uses permitted as principal uses or structures within each Zoning District are those uses listed in Table 10. The classification of uses include:
 - 1. Permitted Uses by Right (P) are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer's review of the application for development if the application for development indicates compliance with this Ordinance.
 - 2. Conditional Uses (CU) are those authorized uses which are permitted by approval of the Council in accordance with this Ordinance and more specifically Article V Express Standards and Criteria for Special Exceptions and Conditional Uses.
 - 3. Uses by Special Exception (SE) are those authorized uses which are permitted by approval of the ZHB in accordance with this Ordinance and more specifically Article V Express Standards and Criteria for Special Exceptions and Conditional Uses.
- D. Uses Not Listed. It is the intent of this Ordinance to group similar or compatible land uses into specific Zoning Districts. Uses not specifically listed in Table 10 are allowable subject to the provisions of this Section of the Ordinance and subject to the following:
 - 1. Uses which are not specifically listed on the Tables of Authorized Uses (Principal and Accessory), shall not be permitted in the City unless determined to be a legitimate use, similar to a use specifically listed on the Tables of Authorized Uses (Principal and Accessory).
 - 2. Uses which are not specifically listed but are similar to a specifically listed use shall be permitted by conditional use in the same Zoning District in which the similar specifically listed use is permitted.
 - 3. City Council shall make findings with regard to the similarity of the uses. In the event the City Council finds the use is similar and permissible as a conditional use within the proposed District, all standards and requirements related to the similar use within the District shall be applicable to the proposed use.
- E. Uses Preempted by State Statute. Notwithstanding any provision of this Section to the contrary, uses that are required to be permitted in any Zoning District by state or federal statute may be permitted in accordance with state or federal law whether or not the use is included in the Tables of Authorized Uses (Principal and Accessory).

- F. In all Residential Zoning Districts, there shall only be one (1) principal use and structure on a lot.
- G. In all Nonresidential Zoning Districts authorized by this Ordinance, two (2) or more nonresidential principal buildings can occupy the same lot and two (2) or more authorized nonresidential uses may occupy the same lot or building. Provided in all cases that all applicable requirements for each of the structures or uses can be met on the lot.
- H. In addition to the provisions for principal uses, accessory uses shall also be permitted in accordance with the provisions of this Ordinance. In all Zoning Districts, all accessory uses and structures shall be located on the same lot with the principal structure and use to which they are accessory. Accessory uses regulations are set forth in this Section.

Section 305: Bulk and Area Regulations

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

Section 306: Restrictions

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

Section 307: R-1 Low Density Residential District

- A. 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.
- B. Authorized Principal Uses. See Section 316, Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the R-1 District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the R-1 District.
- D. Area and Bulk Regulations. The area and bulk regulations within the R-1 Zoning District shall be subject to the standards identified in Table 1, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.
- E. Off-Street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 1: R-1 LOW DENSITY RESIDENTIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations R-1 Low Density Residential Zoning District		
	Single-Family	Two-Family
Lot size (minimum)	3,800 sq. ft.	2,800 sq. ft.
Lot Width (minimum)	40 ft.	40 ft.
Height (maximum)	30 ft. (2.5 stories)	30 ft. (2.5 stories)
Front Setback (minimum)	15 ft.	15 ft.
Side Setback (minimum)	5 ft.	5 ft.
Rear Setback (minimum)	20 ft.	15 ft.
Lot Coverage (maximum)	50%	50%
*If a dwelling unit is located within an existing developed neighborhood or area, the front building setback shall be consistent with or in-line with the front setbacks of adjoining properties.		

Section 308: R-2 Medium-High Density Residential District

- A. Purpose. The purpose of the Medium-High Density Residential District is to provide areas for a variety of residential dwelling types with a moderate development intensity pattern with a mix of supplemental uses compatible with residential neighborhoods.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the R-2 District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the R-2 District.
- D. Area and Bulk Regulations. The area and bulk regulations within the R-2 Zoning District shall be subject to the standards identified in Table 2, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 2: R-2 MEDIUM-HIGH DENSITY RESIDENTIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations					
R-2 Medium-High Density Residential Zoning District					
	Single-Family	Two-Family	Townhome	Multi-Family	All Other Permitted
Lot Size (Minimum)	2,800 sq. ft.	2,000 sq. ft.	2,000 sq. ft.	1,000 sq. ft./unit	3,000 sq. ft.
Lot Width (Minimum)	25 ft.	25 ft./unit	25 ft.	40 ft.	40 ft.
Height (Maximum)	36 ft.	36 ft.	36 ft.	72 ft.	36 ft.
Front Setback (Minimum)	10 ft.	5 ft.	5 ft.	15 ft.	10 ft.
Side Setback (Minimum)	3 ft.	3 ft.	3 ft.	10 ft.	5 ft.
Rear Setback (Minimum)	15 ft.	10 ft.	10 ft.	20 ft.	20 ft.
Lot Coverage (Maximum)	60%	70%	70%	70%	80%

Section 309: IT Institutional District

- A. Purpose. The purpose of the 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.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the IT District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the IT District.
- D. Area and Bulk Regulations. The area and bulk regulations within the IT Zoning District shall be subject to the standards identified in Table 3, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 3: IT INSTITUTIONAL BULK AND AREA REGULATIONS

Bulk and Area Regulations IT Institutional Zoning District	
Lot Size (Minimum)	21,780 sq. ft.
Lot Width (Minimum)	75 ft.
Height (Maximum)	72 ft. (6 stories)
Accessory Structures	24 ft. (2 stories)
Front Setback (Minimum)	50 ft.
Side Setback (Minimum)	15 ft.
Rear Setback (Minimum)	40 ft.
Accessory Structures	20 ft.
Lot Coverage (Maximum)	80%

Section 310: MU Mixed Use District

- A. Purpose. The purpose of the Mixed Use District is to provide a mix of residential and low intensity neighborhood commercial facilities intended to serve the immediate area with goods and services. The intent is to maintain a residential character for properties in the Mixed Use District so that the impact of use is minimal to nearby homes. The Mixed Use District is not intended to house facilities which are high impact, and which may be more regional in their draw.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the MU District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the MU District.
- D. Area and Bulk Regulations. The area and bulk regulations within the MU Zoning District shall be subject to the standards identified in Table 4, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 4: MU MIXED USE BULK AND AREA REGULATIONS

Bulk and Area Regulations					
MU Mixed Use Zoning District					
	Single-Family	Two-Family	Townhome	Multi-Family	All Other Permitted
Lot Size (Minimum)	3,000 sq. ft.	3,000 sq. ft.	1,600 sq. ft./unit	1,000 sq. ft./unit	3,600 sq. ft.
Lot Width (Minimum)	30 ft.	30 ft.	20 ft.	40 ft.	50 ft.
Height (Maximum)	36 ft.	36 ft.	36 ft.	36 ft. (3 stories)	36 ft.
Front Setback (Minimum)	10 ft.	5 ft.	5 ft.	15 ft.	10 ft.
Side Setback (Minimum)	3 ft.	3 ft.	3 ft.*	10 ft.	5 ft.
Rear Setback (Minimum)	15 ft.	10 ft.	10 ft.	20 ft.	20 ft.
Lot Coverage (Maximum)	60%	70%	70%	70%	80%
*Side setbacks are not required for dwellings that share common walls along the shared wall. The side setback applies to end units only.					

Section 311: C-1 Central Business District

- A. Purpose. The purpose of the Central Business District is to provide for a variety of retail and commercial uses in the downtown area. While concentrations of commercial and service land use exist, the character of adjacent residential use and convenience of pedestrian and vehicular traffic shall be protected.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the C-1 District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the C-1 District.
- D. Area and Bulk Regulations. The area and bulk regulations within the C-1 Zoning District shall be subject to the standards identified in Table 5, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 5: C-1 CENTRAL BUSINESS DISTRICT BULK AND AREA REGULATIONS

Bulk and Area Regulations C-1 Central Business Zoning District	
Lot Size (Minimum)	4,840 sq. ft.
Lot Width (Minimum)	20 ft.
Height (Maximum)	72 ft. (6 stories)
All Accessory Structures	24 ft. (2 Stories)
Front Setback (Minimum)	0 ft.*
Side Setback (Minimum)	0 ft.
Adjoining Commercial or Industrial District	0 ft.
Adjoining Residential District	15 ft., or 0.5 the height of the structure, whichever is greater
Rear Setbacks:	5 ft.
Adjoining Residential District or Existing Alley	30 ft.
Lot Coverage (Maximum)	No maximum
*If a dwelling unit is located within an existing developed neighborhood or area, the front building setback shall be consistent with or in-line with the front setbacks of adjoining properties.	

Section 312: C-2 Highway Commercial District

- A. Purpose. The purpose of the Highway Commercial District is to provide areas with access to higher volume roadways and area that are separated from low density residential uses, for a variety of commercial and service-related uses.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the C-2 District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the C-2 District.
- D. Area and Bulk Regulations. The area and bulk regulations within the C-2 Zoning District shall be subject to the standards identified in Table 6, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 6: C-2 HIGHWAY COMMERCIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations C-2 Highway Commercial Zoning District	
Lot Size (Minimum)	7,260 sq. ft.
Lot Width (Minimum)	50 ft.
Height (Maximum)	36 ft. (3 stories)
Accessory Structures	24 ft. (2 stories)
Front Setback (Minimum)	35 ft.
Side Setback (Minimum)	10 ft.
Adjoining Residential Districts	15 ft.
Adjoining Commercial or Industrial Districts	10 ft.
Rear Setback (Minimum)	25 ft.
Abutting Residential Districts	30 ft.
Abutting Commercial or Industrial Districts	25 ft.
Accessory Structures	20 ft.
Lot Coverage (Maximum)	75%

Section 313: I Industrial District

- A. Purpose. The purpose of the Industrial District is to allow for a variety of commercial and industrial uses and economic opportunities relative to those uses.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the I District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the I District.
- D. Area and Bulk Regulations. The area and bulk regulations within the I Zoning District shall be subject to the standards identified in Table 7, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 7: I INDUSTRIAL BULK AND AREA REGULATIONS

Bulk and Area Regulations	
I Industrial Zoning District	
Lot Size (Minimum)	7,260 sq. ft.
Lot Width (Minimum)	60 ft.
Height (Maximum)	72 ft. (6 Stories)
Accessory Structures	24 ft. (2 stories)
Front Setback (Minimum)	20 ft.
Side Setback (Minimum)	10 ft.
Abutting Residential Districts	20 ft.
Abutting Commercial or Industrial Districts	10 ft.
Rear Setback (Minimum)	40 ft.
Adjoining Residential District	40 ft.
Adjoining Industrial, Commercial, or Mixed Use District	25 ft.
Accessory Structures	20 ft.
Lot Coverage (Maximum)	70%

Section 314: IS-1 Industrial Service District

- A. Purpose. The purpose of the 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.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the IS-1 District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the IS-1 District.
- D. Area and Bulk Regulations. The area and bulk regulations within the IS-1 Zoning District shall be subject to the standards identified in Table 8, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 8: IS-1 INDUSTRIAL SERVICE DISTRICT BULK AND AREA REGULATIONS

Bulk and Area Regulations	
IS-1 Industrial Service Zoning District	
Lot Size (Minimum)	10,890 sq. ft.
Lot Width (Minimum)	75 ft.
Height (Maximum)	48 ft. (4 stories)
All Accessory Structures	24 ft. (2 Stories)
Front Setback (Minimum)	25 ft.
Side Setback (Minimum)	20 ft.
Adjoining Conservation District	15 ft.
Adjoining Industrial District	10 ft.
Accessory Structures	10 ft.
Rear Setbacks (Minimum)	25 ft.
Adjoining Conservation District	40 ft.
Adjoining Industrial District	25 ft.
Accessory Structures	10 ft.
Lot Coverage (Maximum)	60%

Section 315: C Conservation District

- A. Purpose. The purpose of the Conservation District is to limit development and its impacts on areas with steep topography and environmental constraints.
- B. Authorized Principal Uses. See Section 316 Table of Authorized Principal Uses (Table 10), for authorized principal uses and method of authorization in the C District.
- C. Authorized Accessory Uses. See Section 318, Table of Authorized Accessory Uses (Table 11), for authorized accessory uses and method of authorization in the C District.
- D. Area and Bulk Regulations. The area and bulk regulations within the C Zoning District shall be subject to the standards identified in Table 9, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- E. Off-street Parking and Loading. See Article VII of this Ordinance for off-street parking and loading requirements.

TABLE 9: C CONSERVATION DISTRICT BULK AND AREA REGULATIONS

Bulk and Area Regulations		
Conservation Zoning District		
	Principal Uses	Conditional Uses
Lot Size (Minimum)	21,780 sq. ft.	21,780 sq. ft.
Lot Width (Minimum)	75 ft.	75 ft.
Height (Maximum)	24 ft. (2 stories)	36 ft. (3 stories)
Front Setback (Minimum)	50 ft.	50 ft.
Side Setback (Minimum)	25 ft.	20 ft.
Abutting Commercial or Industrial Districts	25 ft.	-
Abutting Residential Districts	30 ft. or half (0.5) the height of the structure, whichever is greater	-
Rear Setback (Minimum)	25 ft.	35 ft.
Abutting Commercial or Industrial Districts	25 ft.	-
Abutting Residential Districts	35 ft.	-
Lot Coverage (Maximum)	20%	20%

Section 316: Table of Authorized Principal Uses

- A. Table 10 establishes the authorized principal uses and the Zoning Districts where the principal use is authorized and the method of authorization.

P – Permitted Use by Right

SE – Use by Special Exception (see General and Express Standards in Article V)

CU – Conditional Use (see General and Express Standards in Article V)

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

TABLE 10: TABLE OF AUTHORIZED PRINCIPAL USES

Use	R1	R2	IT	MU	C1	C2	I	IS1	C
Adaptive Reuse				CU					
Adaptive Retail Use				P					
After Hours Club							CU		
Ambulance Station				P	P	P			
Amphitheater				CU	P				
Amusement Arcade						CU			
Animal Day Care				CU		P			
Animal Groomer				P		P			
Animal Hospitals and Veterinarian Services						P	P		
Art Gallery				P	P				
Arts and Craft Studio				P		P			
Asphalt/Concrete Plant							P	P	
Auditorium			P	P					
Automobile Dealership, New						P			
Automobile Dealership, Used						P			
Automobile Detailing						P			
Automobile Repair and Service						P	P		
Automobile Rental Facility						P			
Bakery, Retail				P	P	P			
Bed and Breakfast Inn		CU		P					
Beverage Distributor						P	P		
Billboards	Subject to Article VIII								
Boarding House								CU	
Brewery							P		
Bus or Truck Maintenance Facility							P	P	
Bus Terminal							P	P	
Car Wash						P	P		
Care Facilities and Senior Housing:									
Assisted Living Facility				CU		CU			
Independent Living Facility				CU		CU			
Licensed Community Residential Facility				CU		CU			
Life Care Community				CU		CU			
Nursing Home				CU		CU			
Retirement Housing Facility				CU		CU			

Use	R1	R2	IT	MU	C1	C2	I	IS1	C
Catering (Kitchen/Food Preparation Only)				P		P			
Catering/Event Venue				P		P			
Cemetery & Mausoleums						CU	CU		
Clubs/Lodges (not including Commercial Recreation Uses)					P				
College/University						P	P		
Commerce Park							P	P	
Commercial Motor Vehicle Repair						CU	P		
Commercial Recreation – Indoor				CU		P			
Commercial Recreation – Outdoor				CU		P			
Community Center		CU		P	P	P			
Conference Center					P	P			
Construction-related Business						CU	P	P	
Convenience Store				CU	CU	P			
Correctional Facility							CU		
Crematorium								P	
Custom Printing				P	P	P			
Day Care, Adult				P		P			
Day Care, Child				P	P	P			
Distillery							P		
Distribution Center							P	P	
Dormitories							P		
Dwelling Types:									
Conversion Dwellings		CU		CU					
Garden Apartment		P		P	P				
Duplex/Two-family	P	P		P					
Manufactured Home	P	P		P					
Mobile Home									CU
Multi-family Dwellings		P		CU	CU				
Quadruplex		P							
Single-Family Dwellings	P	P		P					
Townhomes		P		P	P				
Educational Institution			P						
Emergency Operation Center						P			
Emergency Shelter						P			
Essential Services	P	P	P	P	P	P	P	P	P
Extended Stay Hotel/Motel						P			
Farmers Market				P	P				

Use	R1	R2	IT	MU	C1	C2	I	IS1	C
Financial Institution		P		P	P				
Fire Station		P		P	P	P			
Flea Market				P	P	P			
Forestry	P	P	P	P	P	P	P	P	P
Funeral Home		CU				P			
Garden Center				P		P			
Gas/Fuel Station				P		P			
Golf Course									CU
Golf Driving Range									CU
Greenhouse/Nursery						P	P		
Group Care Facility						CU	CU		
Group Home		P							
Hazardous Waste Recycling Facility							SE		
Halfway House							P	P	
Heavy Equipment Repair							P	P	
Hospital						P			
Hotel						P			
Injection Well							CU		
Intermediate Care Facility				CU					
Kennel							CU	CU	
Laboratory							P		
Landscape Business				CU		P	P	P	
Laundromat					P	P			
Library		P	P	P	P				
Live-work Units							P		
Magistrate Office and Court				P	P				
Manufactured Home Sales							CU		
Manufacturing Facility, Light							P	P	
Manufacturing Facility, Heavy							P	P	
Massage Establishment							CU		
Medical Clinic					P	P			
Medical Marijuana Dispensary						P			
Medical Marijuana Grower/Processor							P	P	
Medical Offices				CU		P			
Methadone Treatment Facility							CU	CU	
Micro-brewery				CU	P	P			
Micro-distillery				CU	P	P			

Use	R1	R2	IT	MU	C1	C2	I	IS1	C
Mineral Development							CU		CU
Mixed Use		CU		P	P	P			
Mobile Home Park									CU
Motel						P			
Municipal Building					P				
Nature Preserve									P
Night Club								P	
Offices, Business, Professional		CU	P	P	P	P			
Oil and Gas Compressor Station							CU		
Oil and Gas Processing Plant							CU		
Oil and Gas Well/Pad							CU		
Park	P	P	P	P	P	P			CU
Park and Ride Facility						P	P		
Parking Lot, Commercial				P	P	P			
Parking Structure, Commercial					CU				
Pawn Shop							P		
Personal Services				P	P	P			
Pharmacy				CU	P	P			
Place of Worship	CU	CU		P		P			
Planned Residential Development (PRD)		CU		CU					
Police Station		P			P				
Post Office					P	P			
Power Generation Facility - Electric							CU		
Railroad Facility							P		
Railroad Freight Transloading and Distribution Terminal							P		
Recording Studio							CU		
Recycling Business							P		
Repossession Business							P		
Research and Development							P		
Restaurant					P	P			
Restaurant, Drive-in					SE	P			
Restaurant, Neighborhood		CU		CU	P	P			
Restaurant, Outdoor Dining				CU	P	P			
Retail Store				CU	P	P			
Roadside Stand, Principal						P			

Use	R1	R2	IT	MU	C1	C2	I	IS1	C
Salt Storage Facility						P			
Salt Storage Facility, Municipal	P	P	P	P	P	P	P	P	P
Salvage/Junk Yard							P		
School			P						
Self-storage Facility							P		
Sewage Treatment Plant							P		
Sexually Oriented Businesses								CU	
Shopping Center						P			
Short-term Rental, Principal		CU		CU					
Skilled Nursing Facility				P					
Small-Scale Manufacturing				CU	CU	CU	P		
Solar Energy Facility, Large							CU	CU	
Solid Waste Combustor or Incinerator							CU		
Solid Waste Landfill Facility							CU		
Solid Waste Transfer Station							CU		
Specialized Industrial Facility							P	P	
Storage Yard							P		
Supply Yard							P		
Tank Farms							CU		
Tattoo Parlor					P	P			
Tavern or Bar				CU	P	P			
Theater				CU	P	P			
Three-quarter House							P	P	
TND		CU		CU					
Towing or Other Road Services						P	P		
Transitional Care Facilities								P	
Urban Agriculture (limited)	P	P		CU					
Warehouse & Storage Services							P	P	
Water Intake Wells							P		
Wind Energy Facility, Large							CU		
Wireless Communications Facilities	Subject to Article IX								
Uses Not Listed	Subject to Article V								

Section 317: Accessory Uses and Structures

- A. Applicability. This Section applies to any subordinate use of a building or other structure, or use of land that is:

1. Conducted on the same lot as the principal use to which it is related; and
2. Clearly incidental to, and customarily found in connection with, the principal use or principal structure.

B. Establishment of Accessory Uses.

1. Accessory structures, buildings, or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established.
2. In no instance shall an accessory building or use be established on a vacant lot.

Section 318: Table of Authorized Accessory Uses and Structures

A. Accessory uses shall be permitted in accordance with Table 11:

P – Permitted Use by Right

SE – Use by Special Exception (see General and Express Standards in Article V)

CU – Conditional Use (see General and Express Standards in Article V)

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

- B. All accessory structures and uses are also subject to the general standards listed in Section 319 and the supplemental regulations found in Article VI of this Ordinance.**
- C. Standards related to the specific accessory structures and uses are found in Section 320 of this Ordinance.**

TABLE 11: TABLE OF AUTHORIZED ACCESSORY USES AND STRUCTURES

Use	R1	R2	IT	MU	C1	C2	I	IS1	C
Accessory Dwelling Unit	CU	CU		CU					
Amusement Arcade						P			
Billboards	Subject to Article VIII								
Carport	P	P		P					
Community Food Bank			P	P	P	P			
Day Care, Home	CU	CU							
Deck	P	P		P					
Drive-through Facilities				CU	CU	CU			
Fence	P	P	P	P	P	P	P	P	P
Garage, Private	P	P		P					
Gazebo	P	P	P	P	P	P	P	P	P
Golf Driving Range						CU			
Home Occupational Business				CU					
Hot Tubs and Outdoor Spas	P	P		P					
Loading Space/Berth			P	P	P	P	P	P	
No-Impact Home-Based Business	P	P		P					
Parking Structure, Accessory			P	P	P	P			
Patio	P	P		P					
Porch	P	P		P					
Restaurant, Outdoor Dining				CU	P	P			
Roadside Stand, Accessory				P	P	P			
Shed	P	P		P					
Short-term Rental, Accessory	CU	CU		CU					
Signs	Subject to Article VIII								
Solar Energy System, Small	P	P		P					
Storage Building					P	P	P	P	
Storage Yard, Accessory				CU	CU	CU	CU	CU	
Supply Yard, Accessory				CU	CU	CU	CU	CU	
Swimming Pool	P	P	P	P					
Temporary Use Structure			P	P	P	P	P	P	P
Tennis/Basketball/Sports Courts	P	P	P	P	P	P	P	P	P
Trailer, Sales or Construction			P	P	P	P	P	P	
Wind Energy System, Small	P	P		P					
Wireless Communications Facilities	Subject to Article IX								
Any other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building	CU	CU	CU	CU	CU	CU	CU	CU	

Section 319: General Standards for all Accessory Uses and Structures

- A. Permitted Accessory Uses. Accessory uses and structures permitted by this Ordinance are listed in the Table of Authorized Accessory Uses and Structures (Table 11). Accessory uses and structures which are not specifically listed in the Table shall not be permitted in the City.
- B. If an accessory structure or building is attached to the principal structure, then it shall be considered part of the principal structure and shall be subject to all requirements relating to the principal structure.
- C. Location of Accessory Structures and Uses.
 - 1. Accessory structures and uses, with the exception of authorized signs and fences, shall not be located in the required front yard of any lot in any Zoning District unless a 100 ft. setback is provided from the required front setback line.
 - 2. The location of permitted nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
 - 3. All accessory structures shall be set back a minimum of five (5) feet from any side or rear property line except where specifically authorized elsewhere in this Ordinance or in the specific area and bulk regulations of the Zoning District in which the property is located.
 - 4. Accessory uses shall be conducted on the same lot as the principal use to which it is related; and clearly incidental to, and customarily found in connection with, the principal use or structure.
- D. Architectural Easement. Architectural Easements shall be permitted in all Residential Zoning Districts for the construction of a front porch or deck onto the front of an existing or new dwelling unit subject to the following criteria:
 - 1. The architectural easement may be used for a porch or deck only. The porch or deck may have a roof structure over top of the structure.
 - 2. No enclosure of the porch or deck may be made at any time to convert the space to habitable space in the structure.
 - 3. In all Zoning Districts, the maximum encroachment within the front yard shall be eight (8) feet.
 - 4. Any existing structure which is located less than ten (10) feet from the current setback line shall be permitted a maximum encroachment of half the distance between the setback line and the existing structure.
- E. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the Zoning District in which it is located when considering all structures on the lot.

- F. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.
- G. While properties can have multiple accessory structures, not more than one (1) accessory structure by type shall be permitted on an individual lot (e.g. shed, play structure, pool, etc. are types of accessory structures).
- H. Accessory structures shall not exceed the height of the principal structure unless the accessory structure is directly related to an agricultural operation.
- I. Accessory buildings or uses shall not be constructed or established on a lot until the construction of the principal structure is completed or the principal use is established.
- J. Trailers including utility, commercial, mobile homes, living trailers, and motorized recreational vehicles may not be stored in any front or side yard, as defined by this Ordinance.

Section 320: Specific Standards for all Accessory Uses and Structures

A. Accessory Agricultural Buildings.

- 1. Accessory agricultural buildings shall be located on a minimum of ten (10) acres.
- 2. Accessory agricultural buildings shall be located outside of the required setbacks of the underlying Zoning District.
- 3. Accessory agricultural buildings shall not exceed the height requirements of the underlying Zoning District.

B. Accessory Dwelling Units.

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

C. Agricultural Operations, Accessory.

- 1. Accessory agricultural operations shall be located on a minimum of ten (10) acres.

D. Carports.

- 1. The maximum size and height of carports are listed in the Table of Carport Size and Heights (Table 12).

TABLE 12: TABLE OF CARPORT SIZE AND HEIGHTS

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

E. Day Care, Home.

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

F. Drive-through Facilities.

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

G. Fence and Walls.

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

H. Garage, Private.

1. A private garage may include the maximum storage of one (1) private vehicle not registered to family and/or individuals living within the permitted principal use.
2. No part of an accessory garage shall be occupied as a residential living area.
3. All detached private garages shall be set back a minimum of seven and one-half (7.5) feet from any property line.
4. The maximum size and height of detached private garages are listed in the Table of Detached Garage Size and Heights (Table 13).

TABLE 13: TABLE OF DETACHED GARAGE SIZE AND HEIGHTS

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

I. Home Occupational Business.

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

J. Restaurant, Outdoor Dining.

1. The area to be utilized shall be accessory to an existing permitted restaurant and shall abut the sidewalk or ROW of the permitted restaurant. The dining area shall not extend beyond the actual width of the building in which the restaurant is located.
2. The portion of the sidewalk or ROW to be used shall be no greater than one-half (0.5) of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than six (6) feet shall be provided between the curb and the sidewalk dining area. The unobstructed area

shall be clear of utility poles, traffic meters, water hydrants, street trees, planter boxes, trash receptacles, etc.

3. The sidewalk dining area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately three (3) feet and shall be removed when the restaurant is closed. The barrier shall be of material and design in keeping with the character of the neighborhood and shall not create a hazard to pedestrians.
4. No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, building entry, building exit, or building corner or within ten (10) feet of any bus stop.
5. The hours of operation of outdoor dining services shall be determined by City Council at the time of the conditional use approval.
6. Council shall determine whether the proposed sidewalk dining in any way endangers the health, safety, or welfare of the public or is detrimental to surrounding property values.
7. The sidewalk dining area shall be properly maintained, and the entire sidewalk shall be kept free of litter.
8. No additional signage shall be permitted on the sidewalk.

K. Roadside Stands, Accessory.

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

L. Sheds.

1. No part of a shed shall be occupied as a residential living area.
2. A shed greater than 400 sq. ft. shall be set back a minimum of seven and one-half (7.5) feet from any property line.
3. The maximum size and height of sheds are listed in the Table of Shed Size and Heights (Table 14).

TABLE 14: TABLE OF SHED AND SIZE HEIGHT

Maximum Size and Height of Storage Buildings		
Lot size	Gross Floor Area (Maximum)	Height of Structure
Lots ≤ 0.5 Acres	144 sq. ft.	15 ft.
Lots > 0.5 Acre ≤ 1 Acres	400 sq. ft.	15 ft.
Lots > 1 Acres	650 sq. ft.	15 ft.

M. Short-term Rental, Accessory.

1. Subject to Section 505 of this Ordinance.

N. Solar Energy System, Small.

1. Zoning approval is required for the construction of any solar-energy facility that is an accessory use on any site or lot.
2. The zoning permit application shall indicate the location of the proposed facility, including the percentage of roof coverage, if the facility is mounted on a building.
3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
4. Where the installation of the facility constitutes a land development, all provisions of applicable Ordinances shall be met.
5. Noise from any solar-energy facility shall not exceed fifteen (15) dBa at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded with the County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*
6. Construction of any solar-energy facility shall comply with all applicable rules, laws, and regulations of the FAA. Documentation of compliance shall be provided to the City.
7. To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania Uniform Construction Code (UCC) and the regulations adopted by the Pennsylvania Department of Labor and Industry (PA L&I).
8. Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.

9. Transmission and power lines shall be placed underground or out of sight.
10. Where installed on the roof of a building, no solar-energy facility shall be installed such that more than 50% of each roof area is covered by the facility.
11. No solar-energy facility or facilities may exceed in total 30% of the total lot or site area.
12. Solar-energy facilities shall meet the accessory structure setbacks that may apply in the Zoning District within which the facility is constructed, and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line.
13. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.
14. No facility shall be installed immediately adjacent to a swimming pool or other open body of water.
15. All businesses and residences within the City that have solar panels, whether ground-mounted or roof-mounted, shall display a window sign on the building that states "Solar-Equipped" to alert the City Fire Department. This sign shall be provided by the City at the property owner's expense.

O. Storage Building.

1. The location of permitted storage buildings is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures of the underlying Zoning District.
2. No part of an accessory storage building shall be occupied as a residential living area.
3. The maximum size and height of storage buildings are listed in the Table of Detached Garage Size and Heights (Table 15).

TABLE 15: STORAGE BUILDING SIZE AND HEIGHT

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

P. Storage Yard, Accessory.

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

Q. Supply Yard, Accessory Use.

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

R. Swimming Pools.

1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a side and/or rear yard, provided that they are no closer than five (5) feet to any lot line.
2. In-ground pools in all Zoning Districts shall be enclosed by a fence, as required by the City's Building Code.
3. Above-ground pools in all Zoning Districts having vertical barriers, as required by the City's Building Code.
4. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

S. Trailers, Construction or Sales.

1. Construction sheds or trailers shall be permitted in any Zoning District of the City subject to the following restrictions:
 - a. Such construction trailers and construction sheds shall be located on the lot on which construction is progressing and shall not be located within 25 feet of the boundary line of any abutting residential lot.
 - b. Such construction trailers and construction sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies, and not for any dwelling use whatsoever.
 - c. No combustible materials shall be stored in the construction trailer or construction shed.

- d. All construction trailers or construction sheds shall have at least ten (10) feet on all sides for clearance. Two (2) or more construction trailers can be joined for passage from trailer-to-trailer.
- e. Such construction trailers shall not be moved to or construction sheds erected on a construction site until the date on or after which construction actually commences and shall be removed from such site within 30 days after completion of construction. If construction is interrupted and ceases for more than 60 days, the construction trailer shall be removed until actual construction commences again.

T. Wind Energy System, Small.

- 1. City zoning approval is required prior to the construction of any wind-energy facility on any site or lot.
- 2. The zoning permit application shall indicate the location of the proposed facility.
- 3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- 4. Where the installation of the facility constitutes a land development, all provisions of applicable Ordinances shall be met.
- 5. Noise from any WEF shall not exceed fifteen (15) dBA at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Beaver County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in *AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."*
- 6. Construction of any WEF shall comply with all rules, laws, and regulations of the FAA. Documentation of compliance shall be provided to the City.
- 7. To the extent applicable, all wind-energy facilities shall comply with the UCC and the regulations adopted by the PA L&I.
- 8. All electrical components of wind-energy facilities shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
- 9. WEFs shall not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety.
- 10. WEFs shall not display advertising, except for reasonable identification of the facility manufacturer.

11. Transmission and power lines shall be placed underground or out of sight.

12. Setbacks.

- a. From Buildings. one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
- b. From Property Lines. one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
- c. From Public Roads. one and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.

13. Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by one and one-tenth (1.1) times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.

14. Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the Zoning District within which the facility is constructed; and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line or the distance set forth above, whichever is greater.

15. Maximum Height. Where the facility is an independent structure and not mounted to a building, twenty (20) feet maximum height in residential Zoning Districts and 75 feet maximum height in Commercial Zoning Districts, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be ten (10) feet higher than the tallest point on the building.

16. Minimum vertical clearance between ground level and the lowest movable component of the WEF when at its lowest point shall be fifteen (15) feet.

17. The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five (5) sq. ft.

U. Stables, Private.

1. Private stables shall be located on a minimum of two (2) acres.
2. Private stables shall be setback a minimum 50 feet from all property lines.

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

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Article IV: Design Standards

Section 401: Purpose

- A. The following design guidelines and standards are established to preserve and promote the unique urban character of the City, and specifically the Franklin Avenue Business District/C-1 Zoning District, through the review and regulation of design characteristics.

Section 402: City Wide Standards

- A. All buildings, structures, sites, signs, and public spaces should be designed to:
 - 1. Reflect and enhance the existing dominant aesthetic and/or visual qualities of the City's neighborhoods and the City as a whole, to the extent possible.
 - 2. Encourage and promote design continuity that relates to the historic past of the City and to the ongoing revitalization and redevelopment efforts within the City.
 - 3. Assure that proposed developments are consistent with the existing design, building forms, and land uses within the City.
 - 4. Ensure that blank end walls shall incorporate building components and/or design features and that blank rear walls shall be screened with landscaping.
 - 5. Incorporate pedestrian-oriented and human-scaled ROWs, public spaces, and streetscapes that promote safe pedestrian movement, access, and circulation.
 - 6. Ensure that loading areas and garages are located in the rear and be accessed from an alley, when feasible.
 - 7. Protect, expand, and enhance green space within the City in both public and private developments that enhances landscaping design details, including but not limited to trees, lawns, and plantings.

Section 403: Streets, Alleys, and Sidewalks

- A. The following Table 16 provides the recommended lengths, depths, widths, and/or locations for sidewalks, planting strips, curbs, parking lanes, travel lanes, cartways, ROWs, amenities, bump outs, and streets trees.

TABLE 16: STREETS, ALLEYS, AND SIDEWALK TYPES

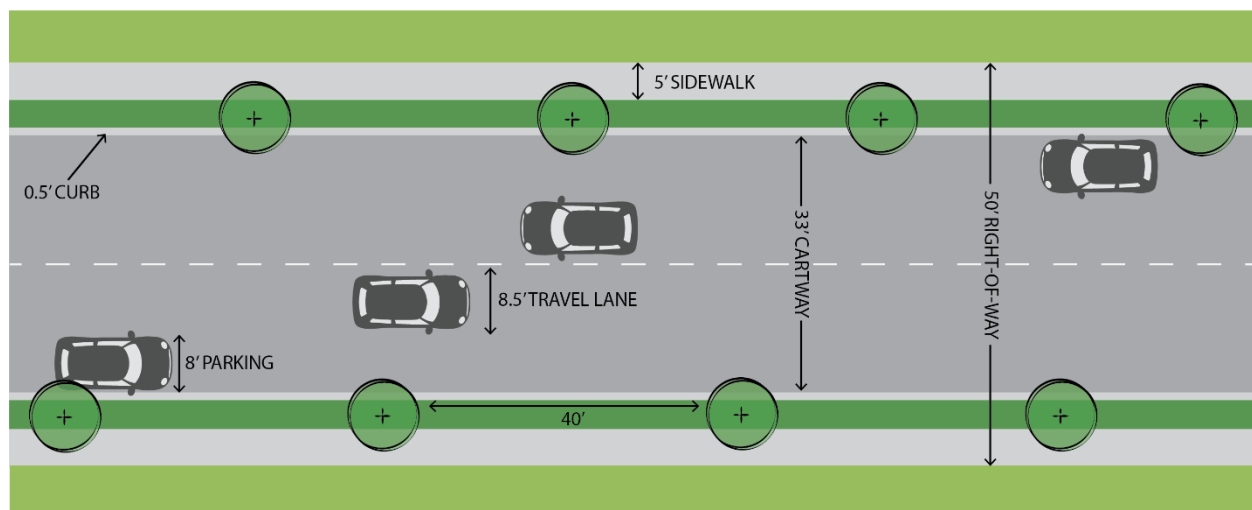
	Residential	Nonresidential	Alley
Sidewalk	5 ft.	10 ft.	NA
Planting Strip	4 ft. (min.)	NA	NA
Curb	0.5 ft.	0.5 ft.	NA
Parking Lane	8 ft.	8 ft.	NA
Travel Lane	8.5 ft.	12 ft.	8 ft.
Total Cartway	33 ft.	36 ft.	16 ft.
ROW	50 ft.	60 ft.	20 ft.
Amenities			
Corner Bump-Out	NA	Yes	NA
Street Trees	40 ft. OC	40 ft. OC	NA

B. Miscellaneous Street, Alley, and Sidewalk Standards.

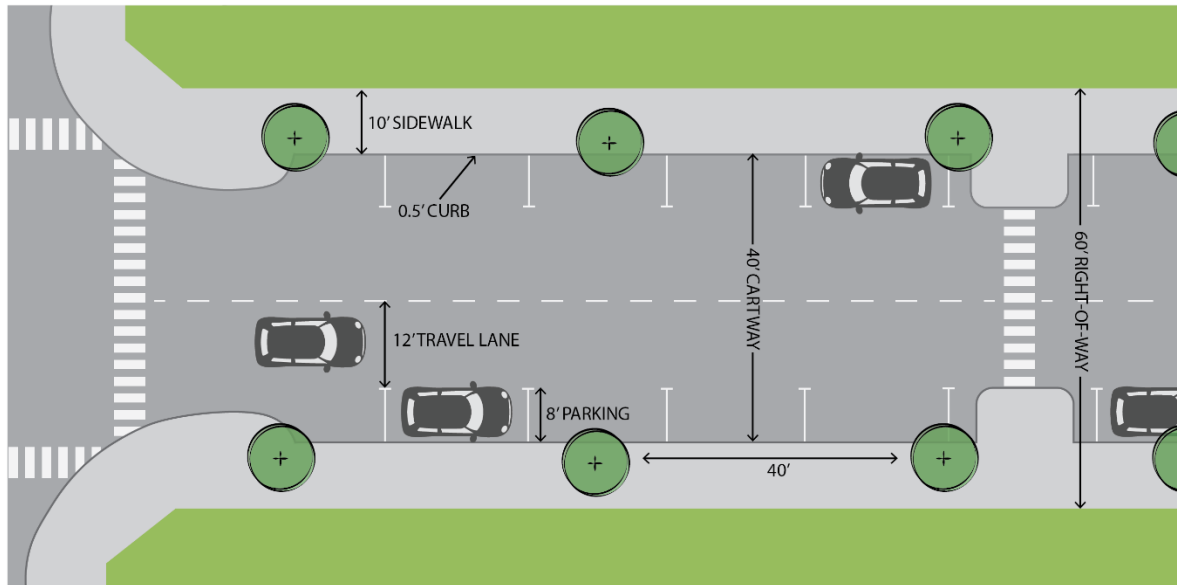
1. One-way Alley. The required minimum widths are as follows: an eight (8) ft. minimum cartway and a ten (10) ft. minimum ROW for a one-way alley. These are minimum values. A ROW of fifteen (15) feet for an alley is encouraged and recommended.
2. Street trees shall be planted in the planting strip along residential streets and tree wells along commercial streets.
3. Street, alley, and sidewalk design and off-street parking associated with demolition or reconstruction will be determined necessary on a case-by-case basis due to existing site conditions and restraints.

FIGURE 2: RESIDENTIAL STREETS AND COMMERCIAL TREE WELLS EXAMPLE

RESIDENTIAL STREET



COMMERCIAL STREET

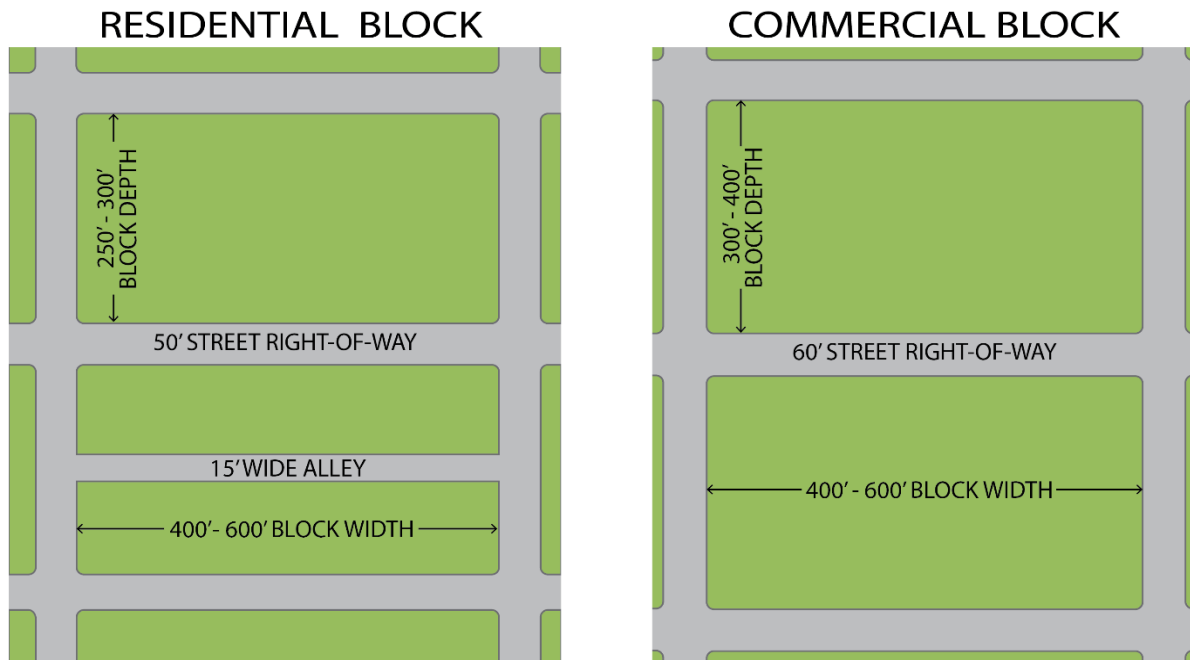
**Section 404: Blocks**

- A. The following are general land development standards for the design of new streets and blocks. While the length and depth of the blocks shall fall within the standards outlined within this Ordinance, they are not meant to imply they have to conform to a rigid grid pattern. Street and block layout should be modified as necessary to meet site conditions, such as site topographic and hydrologic features.
- B. New blocks shall be connected to the City's network of streets, alleys, and sidewalks to enable a continuous network for vehicles and pedestrians. The following Table 17 provides the recommended lengths and depths of residential and commercial blocks.

TABLE 17: BLOCK REQUIREMENTS

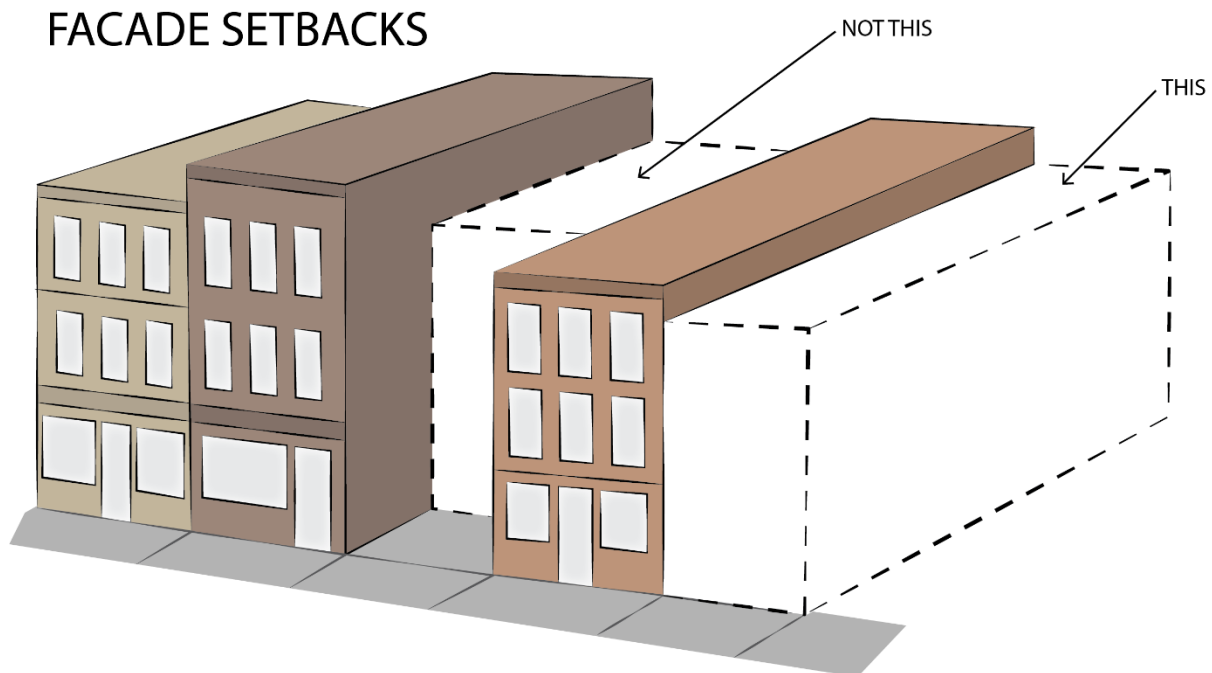
	Residential	Commercial
Length	400 to 600 feet	400 to 800 feet
Depth (Street to Street)	250 to 300 feet	300 to 400 feet

FIGURE 3: RESIDENTIAL AND COMMERCIAL BLOCK EXAMPLES

**Section 405: Percent Lot Coverage and Setback Relative to Adjacent Structures**

- A. New or expanded buildings should be setback from the street consistent with the character of the Franklin Avenue Business District, particularly those adjacent to it.

FIGURE 4: FACADE SETBACK EXAMPLE



Section 406: Building Placement and Access

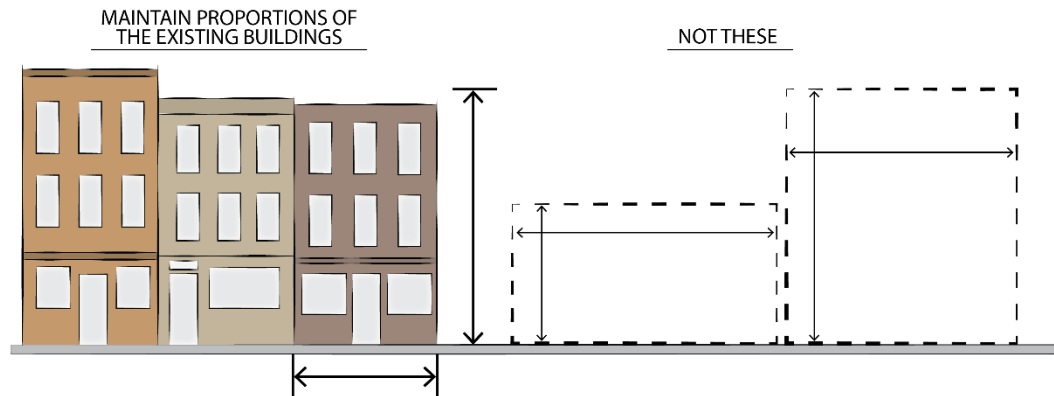
- A. Whenever feasible, buildings shall not be accessed directly from the street and there shall be no parking in the front yard, particularly if alley access is available.
- B. When front yard access is necessary, it shall be designed to avoid vehicles parking in the front yard and garage doors shall be set back at least twenty (20) feet from the front building façade.
- C. Civic and institutional buildings may be set back past their build-to line to enhance their architecture and civic function along the street.
- D. The façade of dwellings and principal nonresidential buildings shall be oriented or face towards a street or public or private open space designed as a green or a plaza that includes walkways for pedestrian circulation.
- E. Mechanical equipment, such as air conditioning and heating systems, shall not be located in the front yard or in front of the building.

Section 407: Building Size

- A. Height. The height of new construction or additions to existing buildings, shall not be twenty percent (20%) or more over or under the average height of the adjacent buildings, including those within a 250' radius of the parcel.

FIGURE 5: CONTIGUOUS FACADES EXAMPLE

CONTIGUOUS FACADES



In all Zoning Districts other than the Industrial Districts, the individual buildings with street frontage shall not have any street wall greater than 150 feet in length without a mid-building change in the street wall plane for a minimum of eight (8) feet in depth and twenty (20) feet in width.

- B. Mid-building change in any street wall plane shall provide adequate architectural detail, buffering, and/or screening.
- C. In no case shall a single building or a contiguous block of attached buildings be greater than 300 feet in width, regardless of changes in street wall planes.
- D. Mid-block spacing shall meet the building spacing and area and bulk requirements of the Zoning District in which it is located.
- E. Accessory Buildings. Accessory buildings shall be designed to be:
 - 1. Subordinate, incidental, and completely accessory to the scale and design of the principal building.
 - 2. Smaller in scale and bulk than the principal building.
 - a. The accessory building footprint shall not be more than two-thirds (0.67) that of the principal building.
 - b. The accessory building height shall be no more than two (2) stories. If the principal building height is one (1) story, an accessory building shall not exceed the height of the principal building.
 - c. The number of accessory buildings shall be no more than two (2).
 - d. When front yard access is necessary, it shall be designed to avoid vehicle parking in the front yard and garage doors shall be set back at least twenty (20) feet from the front building façade.

3. Accessory structures shall have architectural features similar to the overall character of the Franklin Avenue Business District.

Section 408: Façade

- A. Door and window openings shall be spaced within the elevation of the exterior walls to maintain a consistent balance of solids and voids in a manner that is consistent with the character of the Franklin Avenue Business District.
- B. Large areas of unbroken wall or walls that are entirely open or transparent should be avoided.
- C. Windows should generally be subdividing with mullions or panes. Large unbroken picture or display windows are generally discouraged.

Section 409: Relationship of Materials to Existing and Adjacent Structures

- A. New buildings, building additions, or building renovations shall use materials (detail and trim, materials, colors, and textures) that are consistent with the character of the Franklin Avenue Business District.
- B. Brick, masonry, and other materials including mortar shall be consistent with the character of adjacent buildings and the Franklin Avenue Business District as a whole.

Section 410: Relationship of Architectural Details

- A. The specific character of architectural details, particularly those drawn from historic styles, may vary depending on the nature of the project.
 1. Renovations. In the case of renovations or minor additions to an existing historic building, the details shall mimic those of the existing structure, when appropriate. Minor renovations shall include the repainting of previously painted surfaces, the addition or replacement of storm windows or storm doors, and/or other work that does not change the exterior historic appearance of the building as viewed from a public street.
 2. Additions. In the case of a major addition to an existing structure, the addition shall show a differentiation between the original building and the new construction, while being compatible with the historic materials, features, size, scale, and proportions and shall protect the integrity of the existing building and its environment. Major additions include anything that does not fit the minor renovation definition provided above.
 3. New Buildings. The details of new buildings shall be intrinsic to the architectural design of the building, so long as the entirety of the design is compatible with the character of the Franklin Avenue Business District.

Section 411: Non-Residential Building Standards

- A. Building Entrance. The main entrance to a building shall be on the front façade and shall face a public street and have direct pedestrian access/connection to the street.

- B. Building Context and Compatibility. Any new non-residential developments shall be constructed to be compatible with those on the same block and neighborhood.
 - 1. This can be met by the new development meeting at least three (3) of the following elements from the same block:
 - a. Building height
 - b. Roof style/overhang
 - c. Building massing
 - d. Window coverage
 - e. Exterior building material
 - f. Pattern of window and door openings
 - g. Any other similarities approved by the City.
- C. Windows and Transparency. Renovations of the first floor of existing buildings shall not decrease the area of transparency.

Section 412: Off-Street Parking

- A. Off-street parking areas should be placed behind buildings where possible to minimize the parking frontage along the Franklin Avenue Business District between the building and the street.
- B. Screening with landscaping and hedgerows are encouraged when feasible.
- C. Parking shall conform with Article VII of this Ordinance.

Section 413: Signs

- A. Signs shall conform with all City Codes and shall comply with Article VIII of this Ordinance.
- B. The visual impact of signs shall be consistent with the historical and architectural character of the Franklin Avenue Business District, as a whole, and shall promote the visual attractiveness of the Business District.
- C. It is encouraged that signs include information such as the name of the business and the business owners or proprietors, rather than trademarks and products.
- D. No sign can project from a building surface more than three (3) feet and a parallel sign can project no more than ten (10) inches.
- E. Signs shall not obscure architectural details or features including but not limited to, arches, glass transom panels, and decorative brickwork, and shall reinforce the horizontal lines of moldings and transoms seen along the street.

- F. Permanent window signs may not take up more than ten percent (10%) of the window area.
- G. Materials and lettering shall be consistent and appropriate to the character of the District. Raised lettering is preferred.
- H. Vinyl banner signs are not permitted as a form of permanent signage.
- I. Temporary signs may be utilized for no more than 60 days in any calendar year.
- J. Lighting. Signs shall be externally illuminated by a steady, stationary, and shielded light source directed solely at the sign without causing glare for motorist, pedestrians, or neighboring properties.

Section 414: Pedestrian Pockets, Plazas, Outdoor Seating Areas, Parks, and Squares

- A. Install and maintain benches, sitting walls, shade trees, plantings, and lighting in pedestrian areas to enhance attractiveness and safety.
- B. Provide opportunities for pedestrian seating to the maximum extent possible.
- C. Maintain pedestrian areas to have year-round attractiveness.
- D. Size.
 - 1. Plazas should be in the range of 500 sq. ft. to 3,000 sq. ft.
 - 2. Pedestrian areas should be in the range of 100 sq. ft. to 500 sq. ft.
- E. Pedestrian pockets, plazas, parks, and squares are encouraged throughout the City and particularly in the Franklin Avenue Business District.
- F. Pedestrian pockets, plazas, parks, and squares shall be constructed as level and usable pedestrian areas.
- G. Outdoor Dining.
 - 1. Privately operated outdoor dining areas adjacent to the sidewalks along streets, walkways, and parking areas may be considered a pedestrian area or plaza.
 - 2. Privately operated outdoor dining areas adjacent to sidewalks along streets, walkways, and parking areas may be utilized for consideration as part of the landscaping and required screening for review by the Planning Commission and approval by the City.

Section 415: Additional Design Features

- A. Dumpsters, HVAC units, and utility boxes shall be screened by decorative walls and fences with convenient pedestrian and vehicular access similar to the sample photos provided in Appendix A.

B. Benches. Where the streetscape and sidewalk allow, benches shall be installed and maintain a minimum of one (1) bench for every 300 feet of store frontage, at each street corner and at pedestrian areas and plazas and include enough surrounding walkway area to accommodate wheelchair spaces alongside the bench seating. Benches shall be of matching type/style throughout the Franklin Avenue Business District and the City as a whole.

C. Bike Racks.

1. The inverted "U" rail bicycle anchor or a decorative anchor are the preferred racks for standard installation at pedestrian and parking areas.
2. A bicycle rack shall be at least eight (8) feet from the curb of the street and bicycle parking shall not obstruct or impede sidewalks, walkways, or any accessible route.
3. There shall be a clear walkway around both bicycle anchors and bicycle racks.
4. Bicycle racks and anchors should be installed sturdily to the ground.
5. All bicycle racks and anchors shall complement the streetscape design, material, and color pallet within the area and shall be subject to approval by City Council.

D. Lighting.

1. Decorative public streetlights and on-site lighting shall be subject to the approval of City Council.
2. The applicant may propose an alternative to the specifications outlined in this Zoning Ordinance, for review by the Planning Commission and approval by City Council.

E. Waste Receptacles.

1. Install, anchor, and service the typical waste receptacles depicted in Appendix A.
2. Position the waste receptacles at street intersections, in pedestrian areas, and at plazas at the maximum of 300 ft. intervals along the frontage of the adjacent street, where feasible.
3. The color of the waste receptacles shall be consistent with those in the Franklin Avenue Business District and in the area where it is installed and shall be approved by the City prior to installation.

Article V: Express Standards and Criteria for Special Exceptions and Conditional Uses

Section 501: Conditional Uses

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

Section 502: Conditional Use Procedure for Approval

- A. Procedure. City Council shall consider the conditional use application and render its decision in accordance with the requirements of the MPC and this Ordinance and subject to the following:
 - 1. If a land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the City's adopted SALDO may be processed concurrently or separately at the discretion of the applicant, provided that all application requirements of both ordinances for a conditional use and the land development plan are met.
- B. Application Procedure. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person of the City. The application for development shall indicate the Section of this Ordinance under which the conditional use is sought and shall state the grounds upon which it is requested.

- C. Application Content. An application for approval of a conditional use shall include the following:
1. One (1) copy of the application form provided by the City and completed by the applicant. If the applicant is someone other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany the application.
 2. Five (5) paper copies and one (1) electronic copy of a site plan meeting the requirements for a preliminary plan for land development as set forth in the SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
 3. The City Council may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Council.
- D. Administrative review and determination of complete application. Within seven (7) working days after a conditional use application is submitted, the City shall review the conditional use application for completeness of required submission items. Within said time, the City shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- E. The City shall submit the complete conditional use application to the Planning Commission for review and recommendations. The Planning Commission shall review the application and make a written recommendation to the Council. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the SALDO.
- F. The Council shall hold a hearing, in accordance with §913.2 of the MPC, 53 P.S. 10913.2, and public notice shall be given as defined in this Ordinance and in accordance with §908(1) of the MPC. The hearing shall be commenced by the Council within 60 days from the date of receipt of the applicant's completed application, unless the applicant has agreed in writing to an extension of time.
- G. Conditions. In considering any conditional use, the Council may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Council deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance.
- H. Written Decision in Accordance with §908(10) of the MPC. The Council shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons, therefore. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the City Council not later than the last day of the hearing, the City Council shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- I. Expiration. Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within twelve (12) months of said approval, unless the Council, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be a one (1) year or twelve (12) month extension. The Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this Ordinance.
- J. Effect on Prior Approvals. Conditional use approval, granted prior to the effective date of this Ordinance, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within one (1) year or twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Council, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- K. All provisions of the SALDO which are not specifically modified by the Council in approving a conditional use, shall apply to any conditional use involving subdivision and land development.
- L. Burden of Proof. In any application for conditional use, the applicant shall have the persuasion burden and presentation duty to show compliance with this Ordinance, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

Section 503: Special Exceptions

- A. Purpose. Special exception use provisions apply to all uses identified as special exception uses in the Tables of Authorized Uses (Principal and Accessory). The special exception use approval process is designed to allow the ZHB to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as special exception uses in the Tables of Authorized Uses (Principal and Accessory) to be reviewed by the ZHB so that they may determine use compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance as the ZHB may deem necessary to implement the purposes of this Ordinance or the MPC.
- B. Not all special exception uses authorized in the Tables of Authorized Uses (Principal and Accessory) have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a special exception or conditional use in the Table of Authorized Uses (Principal and Accessory), the general standards for all conditional uses and special exceptions shall still apply. In addition, the City Council may apply conditions identified in this Section, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.

- C. If the special exception involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the special exception, the approval shall lapse.
1. The special exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
 2. A special exception approval shall not lapse if, the special exception is associated with a current land development approval.

Section 504: Special Exception Procedure for Approval

- A. Procedure. The ZHB shall consider special exception applications and render its decision in accordance with the requirements of the MPC and this Ordinance and subject to the following:
1. If land development approval is required for the use by special exception, the application for approval of a land development required by the SALDO shall be submitted to the Planning Commission and Council following approval of the use by special exception by the ZHB.
 2. Application Procedure. The applicant shall submit an application for approval of a special exception to the Zoning Officer or designated staff person of the City. The application form shall indicate the Section of this Ordinance under which the special exception is sought and shall state the grounds upon which it is requested.
 3. Application Content. An application for approval of a Special Exception shall include the following:
 - a. One (1) copy of the application form provided by the City and completed by the applicant. If the applicant is someone other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany application.
 - b. Five (5) paper copies and one (1) electronic copy of a site plan meeting the requirements for a preliminary plan for land development as set forth in SALDO and, in addition, demonstrating conformity with all requirements of this Ordinance.
 - c. The City Council may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Council.
 4. Administrative Review and Determination of Complete Application. Within seven (7) working days after a special exception application is submitted, the City shall review the application for completeness of required submission items. Within said time, the City shall notify the applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
 5. A hearing pursuant to public notice, as defined herein, shall be commenced by the ZHB within 60 days of submission of a complete and properly filed application.

Said hearing shall be conducted in accordance with the procedures specified by this Ordinance and §908 of the MPC.

6. **Burden of Proof.** In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the ZHB that the proposed use is authorized as a use by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.
7. **Conditions.** In considering any special exception, the ZHB may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the ZHB deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance, and upon finding of violation, shall require that the special exception use be discontinued until the violation is corrected.

Section 505: General Standards for all Conditional Uses and Special Exceptions

- A. When considering applications for conditional uses and special exceptions the following general standards for all conditional uses and special exceptions shall be met:
 1. In accordance with the Comprehensive Plan the use shall be consistent with the spirit, purposes, and the intent of this Ordinance.
 2. **Compliance with this Ordinance.** The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide sufficient plans, studies, or other data to demonstrate compliance.
 3. **Compliance with other laws.** The approval may be conditioned upon the applicant demonstrating compliance with other specific applicable local, state, and federal laws, regulations, and permits.
 4. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
 5. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any improvements proposed to be made by the applicant as a condition on approval. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
 6. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.

7. The proposed use shall not create a significant hazard to the public health, safety, and welfare.
8. The proposed use shall be suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
9. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 506: Accessory Dwelling Unit

- A. Accessory dwelling units shall be attached to a permitted, principal residential dwelling.
- B. Accessory dwelling units are only permitted in conjunction with owner occupied properties, when the owner occupies one of the dwellings on the lot.
- C. Only one (1) accessory dwelling unit is permitted on a lot.
- D. Accessory dwelling units shall meet all the setback, bulk, and area requirements of the principal use of the lot. Accessory dwelling units shall be attached to a permitted, principal residential dwelling.
- E. The minimum number of required parking spaces for an accessory dwelling unit shall be added to the minimum number of required parking spaces for the principal use. See Table 18 in Article VII.

Section 507: Adaptive Reuse

- A. Permitted Reuses. Structures determined to meet the criteria of adaptive reuses may be reused for the following purposes by conditional use:
 1. Single-family dwelling.
 2. Multi-family dwelling.
 3. Financial institution.
 4. Private clubs or social halls, provided that there are no sales of alcohol on the premises.
 5. Day care facilities of all types.
 6. Nursing or personal care homes.
 7. Hospitals and medical clinics for humans.
 8. Civic or cultural building.
 9. Conference centers.

10. Community center.
 11. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the City Council.
- B. Standards for Exterior Alterations. It shall be a condition of this adaptive reuse that all exterior alterations shall meet Standards for Historic Preservation if the property contains a historic structure as defined by this Ordinance. Properties not required to meet the standards for historic preservation shall make exterior alterations generally consistent with the original structure's architecture and the neighborhood in which it is located.
- C. Parking shall meet the requirements of Article VII based on the permitted reuses.

Section 508: After Hours Club

- A. All operations shall be conducted within a completely enclosed building between the hours of 2:00 a.m. and 4:00 a.m. prevailing time.
- B. Doors and windows shall remain closed during hours of normal operation.
- C. There shall be no discernible noise or vibration along any property line greater than the average noise level occurring on adjacent streets and properties.
- D. The owner and operator must provide adequate private security, licensed under the laws of the Commonwealth of Pennsylvania, during events which attract maximum permitted occupancy.
- E. The After Hours Club must be licensed by the LCB and any successor agency of the Commonwealth of Pennsylvania.
- F. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created.
- G. No person shall, at any time, loiter on private property that is customarily used by the public as an integral part of a commercial business in such a manner as to:
 - a. Obstruct the free, unadulterated passage of pedestrians or vehicles.
 - b. Obstruct or interfere with any person lawfully seeking access to or use of the commercial business.
 - c. Make unreasonable noise, engage in tumultuous behavior, use profane language, or create a physically offensive condition that causes or is likely to cause public inconvenience, annoyance, or alarm.

Section 509: Amphitheater

- A. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.

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

Section 510: Amusement Arcade

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

Section 511: Animal Day Care

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

Section 512: Bed and Breakfast Inn

- A. The operator shall be a full-time resident of the dwelling in which the bed and breakfast inn is located.
- B. No more than four (4) guest rooms shall be offered to transient overnight guests.

- C. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- D. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each guest room offered to overnight guests.
- E. Off-street parking shall not be located in any front or side yard.

Section 513: Boarding House

- A. Public ingress and egress to the boarding house shall be through one (1) common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.
- B. Entry access to all boarding sleeping rooms shall be through the interior of the building. No exit doors from individual boarding sleeping rooms shall lead directly to the exterior of the building.
- C. All required parking shall be located in the rear yard of the lot and screened from surrounding parcels.

Section 514: Care Facilities and Senior Housing

- A. Lot Size. Care facilities and senior housing must be located on a minimum of ten (10) acres.
- B. When located in a Residential Zoning District, all care facilities or senior housing must comply with the density of development limits of the underlying Zoning District.
- C. When located in a Nonresidential Zoning District, all care facilities or senior housing must comply with the density of development limits of the R-2 Medium-High Density Residential District.
- D. The facility shall be duly licensed by the Commonwealth of Pennsylvania and shall operate in accordance with the regulations of the licensing agency.
- E. The facility shall provide on-site all required off-street parking and loading spaces.
- F. The site shall be served by public water and public sewer systems.
- G. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. A traffic study shall be required in accordance with the SALDO.
- H. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- I. The parking and circulation plan shall be referred to the Aliquippa Fire Department and the City Engineer for comments regarding traffic safety and emergency access.

- J. Ambulance, delivery, and service areas shall be obscured from the view of adjacent residential properties by fencing, screening, or planting as approved by the City.
- K. The developer must record a covenant that runs in perpetuity that prohibits the property from being used for any other purposes than senior housing. Proof of said recording must be provided to the City prior to issuance of any permits for the development.

Section 515: Cemetery and Mausoleums

- A. Expansion and/or establishment of cemeteries must be in conjunction with and adjacent to existing cemeteries or religious facilities.
- B. Adequately funded programs and provisions which meet the approval of the City Solicitor shall be provided to guarantee perpetual care of all cemetery grounds. This provision shall apply to existing cemeteries for which expansions are proposed.
- C. All garages, equipment shelters, offices, and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences approved by the City Council on the basis of design, aesthetic quality, and general adequacy.
- D. All equipment shall be properly stored when not in use.

Section 516: Commercial Motor Vehicle Repair

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

Section 517: Commercial Recreation – Indoor

- A. All indoor recreation facilities shall be located along an arterial or collector road as defined by this Ordinance.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11 p.m. and shall be screened by the appropriate bufferyard as defined in this Ordinance.
- C. Grass, sod, or turf shall not be considered an acceptable plant for use within the landscaped bufferyard.
- D. All lots used for commercial indoor recreation facilities shall have a minimum of two (2) points of ingress and egress.
- E. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.
- F. All off-street parking shall be located on the lot.
- G. All dumpsters, not incorporated into the principal building, shall be located in the rear yard setback, and shall be screened with masonry or vegetation. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of 80%.
- H. All indoor recreation facilities shall have a maximum gross floor area of 40,000 sq. ft.

Section 518: Commercial Recreation – Outdoor

- A. Uses that feature outdoor entertainment and/or recreational activities shall provide all applicable bufferyards as required by this Ordinance. Additional screening may be required as determined appropriate by the City Council in order to reasonably contain noise, light, fumes, objects, or other materials to the site of the proposed use.
- B. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.
- C. No lighting, noise, or other aspect of the recreation development shall, in the opinion of the Planning Commission and City Council, produce any nuisance factor to residential or public uses which are in proximity.

Section 519: Community Center

- A. The community center building shall be located within 100 feet of the property boundary of the principal use location of the organization that runs the community center.
- B. The community center structure(s) shall not exceed 3,000 sq. ft.
- C. No noise, music, or other outdoor activity shall be conducted between the hours of 9:00 p.m. and 8:00 a.m.

Section 520: Construction-related Business

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

Section 521: Convenience Store

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

Section 522: Correctional Facility

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

Section 523: Day Care, Home

- A. The facility shall be registered with or licensed by the Commonwealth. Proof of this valid license shall be provided to the City prior to the City's issuance of a zoning occupancy permit for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible Aliquippa Police and Fire Departments.
- B. The minimum lot area shall be one (1) acre.

- C. The use shall be subordinate to the facility's primary use as a family residence.
- D. The use must be in compliance with all requirements of applicable Building Codes and Fire Codes as adopted by the City, and the Rules and Regulations of the Pennsylvania Department of Public Welfare relating to Home-Based Day Care, and all other applicable laws, ordinances and regulations.
- E. To the extent that those picking-up and/or dropping-off their children do so by use of vehicles, adequate provision for off-street parking shall be provided and/or sufficient on-street parking must be available, as determined by the City Council, so as not to result in traffic congestion, facilitate traffic movement and provide for maximum safety and protection on the abutting residential streets.
- F. The City Council shall determine appropriate times of operation and the quantity of children serviced by the Family Child Day Care Home such that the use will not disturb and/or disrupt the peaceful enjoyment of the adjacent residential uses.

Section 524: Dwelling Types

A. Conversion Dwelling Units.

- 1. Each living unit shall contain a minimum of 500 sq. ft. of habitable living area.
- 2. Each living unit shall contain one (1) bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
- 3. Each unit shall have separate living, sleeping, kitchen, and sanitary facilities.
- 4. Fire and safety provisions shall be certified to be adequate with respect to the City's Fire Code.
- 5. Each unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.
- 6. Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.

B. Mobile Homes.

- 1. A mobile home shall contain at least 800 sq. ft. of floor area.
- 2. A mobile home shall be placed on a complete permanent, walled foundation and shall meet all standards and requirements of the City's Building Code.

C. Multi-family Dwellings.

- 1. The site must possess direct access to an arterial or collector street.
- 2. Groupings of multifamily structures shall be situated no closer than 30 feet to one another or the separation required by the City's Building Code, whichever is greater.

Section 525: Funeral Home

- 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 Districts shall be screened by a six (6) ft. 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 526: Golf Course

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. Any off-street parking and loading areas shall be screened with the appropriate bufferyard as required by this Ordinance.
- C. The outer safety zone of all golf holes, as recommended by the United States Golf Association, shall be a minimum of 50 feet from all adjacent residential lots.
- D. Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance, or interruption.
- E. The owner(s) and operator(s) of a golf course shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.
- F. The site shall be served by public water and public sewer systems.
- G. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids is permitted with the exception of lawn chemicals and gasoline, diesel fuel, and oil for the operations and maintenance of motorized vehicles and equipment.

Section 527: Golf Driving Range

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. Any off-street parking and loading areas shall be screened with the appropriate bufferyard as required by this Ordinance.
- C. All lighting shall be shielded and reflected away from adjacent streets and properties.
- D. Hours of operation must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance, or interruption. Any facility located within 200 feet of a property line adjoining a residential use or Residential Zoning District shall cease operations at 12 Midnight.

- E. The owner(s) and operator(s) of a golf driving range shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.

Section 528: Group Care Facility

- A. The minimum site size required shall be two (2) acres.
- B. The number of residents permitted shall not exceed one per every 5,000 sq. ft. of lot area.
- C. Bufferyards as required by this Ordinance shall be installed along the perimeter property lines.
- D. All outdoor lighting shall be shielded and reflected away from adjacent properties.
- E. Hours of operation and activities must be appropriately scheduled to protect adjacent properties from unreasonable disturbance or interruption.
- F. The location of buildings and facilities, traffic circulation and parking areas on the site shall be designed to provide adequate access for emergency vehicles.
- G. The site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- H. All applicable County, State, and Federal permits shall be applied for prior to issuance of City permits. Documentation of the County, State, and/or Federal approval shall be submitted as part of the conditional use application.

Section 529: Home Occupational Business

- A. The minimum lot area shall be one (1) acre.
- B. The use shall be subordinate to the facility's primary use as a residential unit.
- C. The use must be in compliance with all requirements of applicable Building Codes and Fire Codes as adopted by the City.
- D. Adequate provision for off-street parking shall be provided and/or sufficient on-street parking must be available, as determined by the City Council, so as not to result in traffic congestion, facilitate traffic movement, and provide for maximum safety and protection on the abutting residential streets.
- E. The parking shall meet the requirements of Article VII based on the combined requirements for the residential unit and the proposed business.

Section 530: Injection Well

- A. Conditional Use Application. A person or entity desiring approval of a conditional use application pursuant to this Section shall submit a written application in a form to be prescribed by the City. Before submitting the application, the applicant is strongly encouraged to meet with the City Manager or his designee to determine the requirements of and the procedural steps for the application. The intent of this process is for the

applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. The application shall not be considered to be complete and properly filed unless and until all items required by this Section, including the application fee, have been received. Such application shall include the following information and plans:

1. Payment of an application fee in an amount to be determined from time to time by the City Council as adopted by a Fee Resolution. Said fee shall also include a requirement to deposit escrow funds to be drawn from by the City for reimbursement of administrative and engineering and other professional fees associated with review and inspections to ensure compliance with the Ordinance. The City may adjust the escrow amount from time to time as may reasonably be required.
2. Five (5) paper copies and one (1) electronic copy of the completed application form supplied by the City along with supporting documentation as identified in this Section.
3. Written permission from the property owner(s) who has legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property.
4. The GPS location and 911 address of the well site.
5. Copies of any and all permits and applications submitted to all applicable local, county, state, and federal agencies. Permits and plans shall include but not be limited to the DEP well applications and permit, Erosion and Sediment Control General Permit-2, or current permit requirement, and all other required erosion and sedimentation, air, water, and waste management permits.
6. A site plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, temporary housing, ponds and pits, and ancillary equipment on the well site shall be identified. All protected structures within 1,500 feet of the property lines of the well site shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all City emergency service organizations.
7. Traffic Study.
 - a. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials, and other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.

- b. An inventory, analysis, and evaluation of existing road conditions on City roads along the proposed transportation route identified by the application, including photography, video, and core boring as determined to be necessary by the City Engineer.
- 8. The applicant shall provide a sufficient number of copies to the City of the Preparedness, Prevention, and Contingency ("PPC") plan as defined in the DEP document, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," or the most recent applicable guidance document, to be distributed to the City Manager, the Emergency Management Coordinator, the Fire Chief, and any other emergency service providers for the City.
- 9. Noise Management Plan.
 - a. An acoustics study shall be prepared and submitted with the application. The study shall be prepared by an acoustics expert(s) acceptable to the City. The study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates of the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use and if there are any significant increases in those noise levels. The report shall also contain specific proposals that are intended to reduce noise levels emanating off the site.
 - b. The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site of the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on acoustics, in regard to the standards of this Section.
- 10. Environmental Impact Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The Environmental Impact Analysis shall describe, identify, and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the City Council. The Environmental Impact Study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of 25%; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected

vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

11. Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an Air Quality Study. The Study shall be prepared by experts acceptable to the City and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
12. Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a Hydrological Study. The study shall be prepared by a hydrogeologist acceptable to the City. The Study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The Study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table, and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the City Council. If the study shows an alteration to the groundwater, the application shall be denied.
13. Geological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a Geological Study. The Study shall be prepared by experts acceptable to the City and submitted with the application and shall include an analysis of the existing geological formations in and surrounding the proposed site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report regarding the potential geological impact of the proposed use.
14. Pre-Development and Post-Development Soil Testing. Prior to beginning any injection well development activities, the operator shall be responsible for testing soil conditions within 300 feet each well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.
 - a. Pre-drilling testing results shall be submitted as part of the conditional use application.

- b. Post-development testing shall be completed twelve (12) months after operations have begun.
 - c. The results shall be submitted to the City and DEP within ten (10) days of their receipt.
 - d. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the City.
- 15. The applicant shall provide any and all waivers from owners of protected structures.
- 16. Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for all proposed activities.
- 17. Insurance. Applicant shall furnish to the City a Certificate of Liability Insurance naming the City as an additional insured with respect to operations conducted within the City, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than \$25,000,000 per occurrence. The applicant shall fully defend, protect, indemnify, and hold harmless the City, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the City, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage, and umbrella coverage.
- B. Conditional use approval is non-transferrable without consent from City Council and shall automatically terminate, unless extended, if operations have not commenced within one (1) year from the date of issuance of the approval. The conditional use approval may be extended by the City Council upon written request by the operator, after notice and hearing. The operator shall provide proof that the requested conditional use permit for such location has not changed and that the operator meets all applicable criteria contained in this Section.
- C. General Standards.
 - 1. Best management practices for oil and gas operations shall be followed.
 - 2. The uses regulated by this Section are determined to be land developments and subject to the applicable provisions of the SALDO, as amended.
 - 3. Any hazardous or toxic material shall be securely contained, stored, and removed in accordance with applicable state or Federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection Association ("NFPA") Code 104 - Standard System for the identification of the Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.

4. Fracture fluid storage ponds, open pits, and reserve pits are highly discouraged. Closed-loop systems and other related best management practices, including but not limited to the use of netting over fracture fluid ponds, shall be used during the drilling or completion of any well.
5. Fresh water storage ponds are permitted. The use of non-potable water is strongly encouraged.
6. All operations shall be in accordance with applicable Federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601.101 et seq.), as amended, and pursuant to all other applicable rules, regulations, and procedures adopted pursuant thereto.
7. The operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil, and toxic or hazardous materials.
8. Changes in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards drilling operations, requires a new conditional use approval pursuant to the terms and conditions of this Section of the Ordinance.
9. At least 30 days prior to any development activity at the development or facility, the operator shall provide the following information to each property owner within 4,000 feet of the planned surface location of the development or facility.
 - a. A copy of the site plan submitted as part of the conditional use application.
 - b. A general description of the planned operations at the development or facility and associated equipment to be used.
 - c. The contact information for the operator; and
 - d. The availability of the operator to hold a meeting locally with such residents to present the operator's plans for the development or facility and to allow for questions and answers. The meeting(s) shall be held prior to the commencement of development activity.
10. A duly authorized representative of the City, trained by the operator or agents of the operator, shall have the authority in relation to the enforcement of this Section to enter upon the property of a development or facility for the purpose of inspecting the equipment and all other aspects of the site necessary to assure compliance with this Section.
11. The operator of any development or facility shall notify the Emergency Management Coordinator, City Manager, and City Engineer no less than 90 days prior to the startup and abandonment or shutdown of any well site.

D. Setbacks/Location.

1. Injection wells shall comply with all screening and bufferyard requirements of the Zoning District in which the pad/well is located.

2. In construction of the injection well, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.
3. The wellhead of an injection well shall be located not less than 500 feet any protected structure.
4. All injection well operations and the well pad, including but not limited to derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, ponds, pits, and ancillary equipment, shall be located not less than 500 feet from the nearest property line.

E. Traffic Impact

1. The proposed routes must be designed to minimize the impact on streets within the City. The City reserves the right to designate alternate routes in the event that the applicant's proposed routes are deemed inadequate, unsafe, or overly disruptive to normal vehicular traffic by the City. Vehicles are to operate on state roads and may only use municipal roads when the use of state roads is not feasible. The operator shall coordinate truck routes with the school bus schedule so as to minimize interference with transportation of students to and from school.
2. Prior to the commencement of any activity at the development or facility, the operator shall enter into a municipal roadway maintenance and repair agreement with the City, in a form acceptable to the City, regarding maintenance, repair and bonding of municipal roads that are to be used by vehicles for development activities. The applicant shall take all necessary corrective action and measures as directed by the City pursuant to the agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities.
3. The operator shall take the necessary safeguards to ensure that the City roads utilized remain free of dirt, mud, and debris resulting from development activities and/or shall ensure such roads are promptly swept and cleaned if dirt, mud, and debris occur.
4. The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
5. There will be no staging of trucks or equipment on local roads.
6. A traffic control plan in conformance with PennDOT standards shall be provided.

F. Visual.

1. The injection well facility shall be located, designed, and constructed to minimize the removal of trees and shrubs, to protect natural resources, and to minimize the amount of surface disturbance.

2. The operator shall not clear brush or trees by way of burning and shall chip, grind, or remove all tree stumps from properties it clears for development purposes.
3. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area.

G. Lighting.

1. Lighting at an injection well and well pad shall, when practicable, be limited to security lighting.
2. All temporary outdoor lighting shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
3. No site lighting used for or associated with well site construction, drilling operations, or post-drilling production shall be positioned in a manner such that it shines directly on public roads, protected structures, or any property within 3,000 feet of the well site. Site lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.

H. Air and Water Quality.

1. Air-contaminant emissions shall be in compliance with all City, County, State, and Federal regulations, including, without limitation, the provisions of this Ordinance, as amended, and all applicable regulations for smoke, ash, dust, fumes, gases, odors, and vapors.
2. The operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place to prevent visible plumes of dust from crossing the property line or adversely impacting neighboring properties.
3. 60 days prior to start of operations, the operator shall notify residents with water wells within 4,000 feet of the injection well of its intentions to begin operations. The operator shall provide proof of notice to the City.
4. All condensate tanks, compressor stations, processing plants, and other facilities shall be equipped with vapor recovery and/or vapor destruction units.

I. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the injection well development:

1. Prior to development, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBa. The sound level meter used in conducting any evaluation

shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the Zoning Officer within three (3) business days of such a request.
3. The noise generated during operating hours shall not exceed the average ambient noise level by more than ten (10) dBA or default level, whichever is higher.
4. All permanent facilities associated with the injection well and well pad shall meet the general noise requirements of this Ordinance. Where a conflict exists, the more stringent requirements shall apply.
5. Injection wells/pads or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency, or other public facilities.
 - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
6. If a complaint is received by the City regarding noise generated during construction or operation of the facility the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency, or other public facilities, whichever is closer. The applicant shall report the findings to the City and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

J. Hazards.

1. Upon request of the Emergency Management Coordinator, the operator shall, prior to start of operations, make available with at least 30 days' notice, at the applicant's sole cost and expense, an appropriate group training program for emergency responders and City Code Enforcement Personnel. Such training shall be made available at least annually during any year that the injection well is in operation. Training should cover each phase of the development from site work to well completion. The City shall require a minimum of four (4) hours of annual training, with additional hours added at the recommendation of the Fire Chief annually. If additional wells are drilled at the site, the operator and Emergency Management Coordinator will determine if additional training is required.
2. The applicant shall maintain at the property and on file with the City a current list and the Material Safety Data Sheets ("MSDS") for all chemicals used in the drilling operations (including but not limited to types of additives, acids, polymers, salts, surfactants and solvents) and in any fracturing operations. If the PPC requires availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the City shall require the operator to

reimburse the City for the cost of procurement of such special equipment or supplies.

K. Access.

1. Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first 50 feet and improved with limestone or other material for the next 100 feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt or other debris is carried onto public or private ROW from the well site, the operator shall immediately clean the roads and implement a remedial plan as directed by the City to keep the streets continuously clean.
 - a. The first 50 feet from the existing edge of pavement extending into the site shall consist of the following material:
 - i. Compacted subgrade.
 - ii. PennDOT Class 4 geotextile fabric.
 - iii. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
 - iv. Two (2) inches of PennDOT 2A aggregate.
 - v. Six (6) inches of superpave 25 mm binder course.
 - b. The remainder of the driveway to the well pad shall be constructed with the following material:
 - i. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
 - ii. Two (2) inches of PennDOT 2A aggregate.
2. Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:
 - a. Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
 - b. Ensure adequate capacity for existing and projected traffic volume.
 - c. Provide efficient movement of traffic, including appropriate turning radii and transition grade.
 - d. Minimize hazards to highway users and adjacent property and human activity.
3. All applicable permits or approvals must be obtained, including, without limitation:
 - a. Access or driveway permits to State or County roads.
 - b. Overweight or oversize loads.

L. Storage of Equipment.

1. No equipment, including drilling, re-drilling, re-working, or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
2. Lumber, pipes, tubing, and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.
3. It shall be illegal to park or store any vehicle or item of machinery on any street, ROW, or in any driveway, alley or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.

M. Fencing.

1. Security fencing consisting of a permanent galvanized chain-link fence, a minimum of eight (8) feet in height, topped with either razor or barbed wire shall be installed prior to the commencement of any activity at every well site to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the well site.
2. Security fencing shall be equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Gates shall be kept locked except when being used for access to the site. Additional lockable gates used to access the well site, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
3. The City's first responders shall be given means to access the well site in case of an emergency via lock box or a City-approved equivalent. The applicant must provide the Beaver County 911 Communications Center with necessary information to access the development or facility in case of an emergency.
4. Warning signs shall be placed on the fencing surrounding the development or facility, providing notice of the potential dangers and the contact information in case of an emergency.

N. Structure Height. Permanent structures of the injection well developments and facilities (both principal and accessory) shall comply with the height regulations of the applicable Zoning District.**Section 531: Intermediate Care Facility**

- A. The minimum lot size required shall be 40,000 sq. ft. and not less than 1,200 sq. ft. per resident.
- B. The minimum side yard setback required shall be twenty (20) feet.

- C. Bufferyards as required by this Ordinance shall be installed along the perimeter property lines.
- D. All outdoor lighting shall be shielded and reflected away from adjacent properties.
- E. Hours of operation and activities must be appropriately scheduled to protect adjacent properties from unreasonable disturbance or interruption.
- F. The location of buildings and facilities, traffic circulation and parking areas on the site shall be designed to provide adequate access for emergency vehicles.
- G. The site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- H. All applicable County, State, and Federal permits shall be applied for prior to issuance of City permits. Documentation of the County, State, and/or Federal approval shall be submitted as part of the conditional use application.
- I. The minimum distance from any other such facility or similar use shall be one-quarter (0.25) mile or 1,320 LF.

Section 532: Kennel

- A. The operator or owner of any kennel must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- B. The minimum lot area for a kennel shall be two (2) acres.
- C. Kennels shall be located within a completely enclosed building and soundproofed to reduce noise impacts on adjacent properties.
- D. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be maintained in a safe condition, and shall be secured by a fence with a self-latching gate.
- E. Outdoor runs, pens, coops, and similar facilities shall be located at least 300 feet from any occupied dwelling on adjoining property and shall be visually screened from adjoining lots.

Section 533: Landscape Business

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

Section 534: Manufactured Home Sales

- A. Manufactured home sales and display lots shall conform with all applicable development standards contained in this Ordinance.
- B. Manufactured home units placed on a sales or display lot shall not be occupied as a residential unit.
- C. One (1) unit used for sale or display purposes on the lot may be utilized as a sales office.
- D. Individual units for sale or display shall not be connected to a public or private sewer or water system.
- E. Individual units for sale or display are not required to be placed on permanent foundations. However, skirting of the units shall be required.
- F. All applicable screening and buffering requirements as required by this Ordinance shall be met.
- G. The number of units for sale or display shall be limited to three (3) units per acre.

Section 535: Massage Establishment

- A. State or national certification from one of the following entities shall be required for all employees, excluding administrative staff: National Certification Board for Therapeutic Massage and Bodywork; American Massage Therapy Association; Association of Bodywork and Massage Practitioners; National Certification Commission for Acupuncture and Oriental Medicine; International Massage Association; or a Board of Supervisors approved equivalent. In addition, all employees, excluding administrative staff, must have at least 500 hours of professional training.
- B. Hours of operation shall be restricted to 8:00 a.m. to 8:00 p.m., prevailing time. As part of its decision, the City Council may further regulate the hours of operation for the facility in order to prevent adverse impacts on adjoining properties.
- C. The facility shall operate in compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania.
- D. A massage establishment shall be initially licensed, where it has met the applicable requirements set forth in the City's various regulations and ordinances, through December 31st of the year in which the license is issued. For each year thereafter that the massage establishment intends to continue as a massage establishment, it must seek from the City Manager a renewal of this license. The application for renewal must be received by the City Manager no later than November 1st of the year preceding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the City to deny or revoke an occupancy permit to a massage establishment.
- E. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties in terms of noise, traffic, hours of operation, and lighting pollution.

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

Section 536: Medical Office

- A. If more than one structure, the minimum distance between structures shall be 50 feet.
- B. All parking, loading, and access areas shall be screened from adjacent residential properties per the requirements of this Ordinance.
- C. All required parking shall be in the rear of the structures, where feasible.
- D. All property not covered by structures or paving shall be landscaped and maintained.
- E. All structures within 100 feet of the perimeter property lines shall be screened from adjacent residential properties as required by this Ordinance.
- F. The site shall be serviced by public water and public sewer systems.
- G. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- H. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- I. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 537: Methadone Treatment Facility

- A. For any building (or portion thereof) which is proposed to contain a methadone treatment facility, the lot upon which such building (or portion thereof) sits shall not be located closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment.
- B. Notwithstanding Subsection A above, a methadone treatment facility may be established and operated closer than 500 feet (or the then current Pennsylvania statutory-provided

distance, whichever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house, or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the City Council approves a use for said facility at such location. At least fourteen (14) days prior to any such vote by the City Council, one (1) or more public hearings regarding the proposed methadone treatment facility location shall be held within the City pursuant to public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearing(s) at least 30 days prior to said public hearing(s) occurring.

- C. All buildings proposed to contain a methadone treatment facility shall fully comply with the requirements of the City's Construction Code.
- D. In addition to the otherwise required number of parking spaces specified by Article VII of this Ordinance for the usage of the building proposed for a methadone treatment facility, additional parking shall be required specifically for the methadone treatment facility at a rate of one (1) additional parking space for each 200 sq. ft. of area devoted to the methadone treatment facility.
- E. Each building or portion thereof proposed for use as a methadone treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the methadone treatment facility. Such separate and distinct entrance shall face a major street thoroughfare. Access to the methadone treatment facility shall not be permitted via a shared building entrance or from a shared interior corridor within the building in which it is located.

Section 538: Micro-brewery

- A. The standards for "Tavern or Bar" in this Article shall apply.

Section 539: Micro-distillery

- A. The standards for "Tavern or Bar" in this Article shall apply.

Section 540: Mineral Development

- A. The applicant for a mining or processing conditional use permit shall submit the following information to the Zoning Officer:
 - 1. Evidence of compliance with all state and federal laws applicable to the process for which the conditional use permit is sought.
 - 2. A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials areas for the deposit of coal waste, and facilities for processing, loading, and transportation of minerals.

- B. The location of all structures, land uses, and overlay zoning features which may be affected by the proposed operation and measures which will be taken to protect all structures, land uses, and overlay zoning features from adverse impacts from mining.
- C. Measures which will be taken to ensure that any loss, diminution, or pollution of water supplies in areas affected by mining will be corrected or replaced.
- D. Measures which will be taken to ensure that the performance standards contained in all Sections of this Ordinance shall be met.
- E. Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles, and measures which will be taken to maintain all roads within the City which are used to transport minerals shall be provided.
- F. Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as conditional uses in the concerned District.
 - 1. If the proposed reclamation is for development, the proposed development should be compatible with the Comprehensive Plan and in conformance with the purposes and regulations of the District in which it is located.
- G. Adequate screening and buffering shall be provided as required by this Ordinance.
- H. No expansion in area of a mining operation shall be permitted until mining activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.
- I. In no case shall a conditional use permit extend to an area of land or mode of operation which is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed mining or processing activity.
- J. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties.

Section 541: Mixed Use

- A. Permitted ground floor uses shall include:
 - 1. Day care facilities of all types.
 - 2. Retail store.
 - 3. Neighborhood restaurant.
 - 4. Offices, business or professional.
 - 5. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the City Council.
- B. Parking shall meet the requirements of Article VII based on the combined requirements for the residential unit and ground floor use.

- C. All mixed use units shall be constructed in accordance with the City's Building Code.

Section 542: Mobile Home Park

- A. A mobile home park shall have a gross area of at least ten (10) contiguous acres of land.
- B. The site of a mobile home park shall be serviced by public water or a DEP approved private water system and public sewer, or a DEP approved private sewage disposal system.
- C. The location shall not be subject to any hazard or nuisance such as flooding, excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.
- D. All mobile homes shall be located at least 25 feet from any park property line or public street ROW, which is not in the mobile home park.
- E. There shall be a minimum distance of 25 feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park, street, common parking area, or other common areas and structures.
- F. Mobile homes shall be separated from each other and from other buildings and structures by at least 25 feet on all sides.
- G. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure and shall be installed at the same time that the mobile home unit is installed.
- H. Safe and convenient vehicular and pedestrian access shall be provided from abutting public streets or roads.
- I. All parks shall provide safe, convenient, all-season pedestrian walkways of three (3) feet minimum width, which are durable and convenient to maintain, from the entrance of each mobile home entrance to the parking area of that lot and to the street.
- J. Each mobile home unit shall be provided with off-street parking equivalent to that required of a single-family dwelling.
- K. No parking shall be permitted on the park street ROW.
- L. Mobile home lots within the park shall each have a minimum gross area of 4,000 sq. ft., and each lot shall have a maximum of one (1) mobile home thereon.
- M. Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home and in such position as to allow a minimum of 25 feet between the mobile home and the ROW of the park street, which serves the lot.
- N. A recreational area, or areas, with suitable facilities shall be maintained within the park for the use of all park residents.

- O. At least five percent (5%) of the gross area of the park shall be developed for recreational purposes. Such areas shall be used exclusively for playground purposes and be located to be free of traffic and other hazards.
- P. Playground areas shall be centrally located in relation to their service area.

Section 543: Offices, Business or Professional

- A. If more than one (1) structure, the minimum distance between structures shall be 50 feet.
- B. All parking, loading, and access areas shall be screened from adjacent residential properties per the requirements of this Ordinance.
- C. All required parking shall be in the rear of the structures, where feasible.
- D. All property not covered by structures or paving shall be landscaped and maintained.
- E. All structures within 100 feet of the perimeter property lines shall be screened from adjacent residential properties as required by this Ordinance.
- F. The site shall be serviced by public water and public sewer systems.
- G. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- H. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- I. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 544: Oil or Gas Compressor Station

- A. No oil or gas compressor station or an addition to an existing oil or gas well site shall be constructed or located within the City unless a zoning permit under this Ordinance has been issued by the City to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of an oil or gas compressor station.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established by resolution in the City's Fee Schedule.
- C. In addition to the other requirements of this Ordinance, the applicant shall provide to the City at the time of application the following information:
 - 1. A narrative describing an overview of the project including the number of acres to be disturbed for development and the location, number, and description of equipment and structures to the extent known.
 - 2. A narrative describing an overview of the project as it relates to the oil or gas compressor station.

3. The address of the compressor station as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
 4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas compressor station shall be provided to the City and all applicable Emergency Responders as determined by the City. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the City and all applicable Emergency Responders as determined by the City.
 5. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the site. The plan will identify, but not be limited to gathering lines and other midstream and downstream facilities located within the City and extending 800 feet beyond the City's boundary.
 6. A site plan of the oil or gas compressor station including any major equipment and structures and all permanent improvements to the site.
 7. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the City streets utilized by the applicant shall remain free of dirt, mud, and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
 8. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all applicable Emergency Responders as determined by the City. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple sites are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last twelve (12) months shall be accepted. Site orientation for each oil and gas site shall still be required for the appropriate Emergency Responders, as determined by the City.
- D. The applicant/operator shall comply with any generally applicable bonding and permitting requirements for City roads that are to be used by vehicles for site construction and site operations.
- E. Access.
1. Oil and gas facilities shall be accessed directly from an arterial or collector street as defined by this Ordinance.
 2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
 3. Access directly to State roads shall require a PennDOT Highway Occupancy Permit (HOP) Approval. Prior to initiating any work at a drill site, the City shall be provided a copy of the HOP.

4. Access directly to City/County roads shall require a Driveway Permit/HOP prior to initiating any work at a well site.

F. Height.

1. Permanent structures associated with oil or gas compressor stations shall comply with the height regulations for the Zoning District in which the oil or gas compressor station is located.

G. Setbacks/Location.

1. Oil or gas compressor stations shall comply with all general setback and buffer requirements of the Zoning District in which the natural gas compressor station or natural gas processing plant is located.
2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, the operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with City residents' enjoyment of their property and future development activities as authorized by the City's applicable Ordinances.
3. In construction of compressor station sites, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.

H. Screening and Fencing.

1. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Additional lockable gates used to access compressor station site by foot may be allowed, as necessary.
2. First Responders shall be given means to access oil or gas well sites in case of an emergency. Applicant must provide the County 911 Communications Center necessary information to access the compressor station site in the event of an emergency.
3. Warning signs shall be placed on the fencing surrounding the compressor station site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.

I. Lighting.

1. Lighting at an oil or gas compressor station shall, when practicable, be limited to security lighting.
2. All temporary and permanent outdoor lighting shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffused or reflected light, enters adjoining properties.

- J. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas development:
1. Prior to development, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency, or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency, or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBa. The sound level meter used in conducting any evaluation shall meet the ANSI standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBa, to the Zoning Officer within three (3) business days of such a request.
 3. The noise generated during operating hours shall not exceed the average ambient noise level as determined by the 72-hour evaluation or default level, whichever is higher.
 4. All permanent facilities associated with oil and gas well sites, including, but not limited to oil or gas compressor stations, shall meet the general noise requirements of this Ordinance. Where a conflict exists the more stringent requirements shall apply.
 5. Oil or gas compressor stations or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency, or other public facilities.
 - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
 6. If a complaint is received by the City regarding noise generated during construction or operation of the compressor station the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency, or other public facilities, whichever is closer. The applicant shall report the findings to the City and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
- K. As a condition of approval, applicant shall provide all permits and plans from the DEP and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the City.

- L. Temporary housing for well site workers on the site is not permitted.

Section 545: Oil or Gas Processing Plant

- A. No oil or gas processing plant or an addition to an existing oil or gas site shall be constructed or located within the City unless a zoning permit under this Ordinance has been issued by the City to the owner or operator approving the construction or preparation of the site for oil or gas development.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established by resolution in the City Fee Schedule.
- C. In addition to the other requirements of this Ordinance, the applicant shall provide to the City at the time of application the following information:
 - 1. A narrative describing an overview of the project including the number of acres to be disturbed for development and the location, number, and description of equipment and structures to the extent known.
 - 2. A narrative describing an overview of the project as it relates to the oil or gas processing plant.
 - 3. The address of the oil or gas processing plant as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
 - 4. The contact information of the individual or individuals responsible for the operation and activities of the natural gas processing plant shall be provided to the City and all applicable Emergency Responders as determined by the City. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the City and all applicable Emergency Responders as determined by the City.
 - 5. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the site. The plan will identify, but not be limited to gathering lines, natural gas compressor stations, and other midstream and downstream facilities located within the City and extending 800 feet beyond the City's boundary.
 - 6. A site plan of the oil or gas processing plant including any major equipment and structures and all permanent improvements to the site.
 - 7. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the City streets utilized by the applicant shall remain free of dirt, mud, and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
 - 8. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all applicable Emergency Responders as

determined by the City. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple sites are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last twelve (12) months shall be accepted. Site orientation for each oil and gas site shall still be required for the appropriate Emergency Responders, as determined by the City.

D. The operator shall comply with any generally applicable bonding and permitting requirements for City roads that are to be used by vehicles for site construction, drilling activities, and site operations.

E. Access.

1. Oil and gas facilities shall be accessed directly from an arterial or collector street as defined by this Ordinance.
2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
3. Access directly to State roads shall require PennDOT HOP Approval. Prior to initiating any work at a drill site, the City shall be provided a copy of the HOP.
4. Access directly to City/County roads shall require a Driveway Permit/HOP prior to initiating any work at a well site.

F. Height.

1. Permanent structures associated with the oil or gas processing plant shall comply with the height regulations for the Zoning District in which the natural gas processing plant is located.

G. Setbacks/Location.

1. Oil or gas processing plants shall comply with all general setback and buffer requirements of the Zoning District in which the natural gas processing plant is located.
2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, the operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with City residents' enjoyment of their property and future development activities as authorized by the City's applicable Ordinances.
3. In construction of the natural gas processing plant, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.

H. Screening and Fencing.

1. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Additional lockable gates used to access the oil or gas processing plant by foot may be allowed, as necessary.
2. First Responders shall be given means to access the oil or gas processing plant in case of an emergency. Applicant must provide the County 911 Communications Center necessary information to access the well pad in the event of an emergency.
3. Warning signs shall be placed on the fencing surrounding the oil or gas processing plant providing notice of the potential dangers and the contact information in case of an emergency.

I. Lighting.

1. Lighting at an oil or gas processing plant shall, when practicable, be limited to security lighting.
2. All temporary and permanent outdoor lighting shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffused or reflected light, enters adjoining properties.

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

1. Prior to development, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency, or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency, or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBa. The sound level meter used in conducting any evaluation shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBa, to the Zoning Officer within three (3) business days of such a request.
3. The noise generated during operating hours shall not exceed the average ambient noise level as determined by the 72-hour evaluation or default level, whichever is higher.
4. All permanent facilities associated with oil and gas well sites, including, but not limited to, oil and gas processing plants, shall meet the general noise requirements of this Ordinance. Where a conflict exists, the more stringent requirements shall apply.

5. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency, or other public facilities.
 - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
 6. If a complaint is received by the City regarding noise generated during construction or operation of the processing plant the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency, or other public facilities, whichever is closer. The applicant shall report the findings to the City and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
- K. As a condition of approval, applicant shall provide all permits and plans from the DEP and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the City.
- L. Temporary housing for well site workers on the site is not permitted.

Section 546: Oil or Gas Well/Pad

- A. Conditional Use Application. A person or entity desiring approval of a conditional use application pursuant to this Section shall submit a written application in a form to be prescribed by the City. Before submitting the application, the applicant is strongly encouraged to meet with the City Manager or his designee to determine the requirements of and the procedural steps for the application. The intent of this process is for the applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. The application shall not be considered to be complete and properly filed unless and until all items required by this Section, including the application fee, have been received. Such application shall include the following information and plans:
1. Payment of an application fee in an amount to be determined from time to time by the City Council as adopted by a Fee Resolution. Said fee shall also include a requirement to deposit escrow funds to be drawn from by the City for reimbursement of administrative and engineering and other professional fees associated with review and inspections to ensure compliance with the Ordinance. The City may adjust the escrow amount from time to time as may reasonably be required.
 2. Five (5) paper copies and one (1) electronic copy of the completed application form supplied by the City along with supporting documentation as identified in this Section.

3. Written permission from the property owner(s) who has legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property.
4. The GPS location and 911 address of the well site.
5. Copies of any and all permits and applications submitted to all applicable local, county, state, and federal agencies. Permits and plans shall include but not be limited to the DEP well applications and permit, Erosion and Sediment Control General Permit-2, or current permit requirement, and all other required erosion and sedimentation, air, water, and waste management permits.
6. A site plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, temporary housing, ponds and pits, and ancillary equipment on the well site shall be identified. All protected structures within 1,500 feet of the property lines of the well site shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all City emergency service organizations.
7. Traffic Study:
 - a. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials, and other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
 - b. An inventory, analysis, and evaluation of existing road conditions on City roads along the proposed transportation route identified by the application, including photography, video, and core boring as determined to be necessary by the City Engineer.
8. To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a water withdrawal plan for the development identifying the source of water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routes, and all permits issued by the Commonwealth of Pennsylvania or any other governmental body. If the development is to be supplied by way of waterlines, the locations of all proposed waterlines are to be identified. The site for the treatment and disposal of the water shall also be identified. The use of non-potable water sources is highly encouraged. The use of injection wells for disposal of fracking fluid is strongly discouraged. The applicant is required to use best management practices.

9. To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall identify the means and availability of the site for disposal of cuttings, fracturing fluids, oil, toxic materials, hazardous materials, and other waste products.
10. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the development. The plan will identify but not be limited to gathering lines, compressors and other mid and downstream facilities located within the City and extending 800 feet beyond the City boundary.
11. The applicant shall provide a sufficient number of copies to the City of the PPC plan as defined in the DEP document, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," or the most recent applicable guidance document, to be distributed to the City Manager, the Emergency Management Coordinator, the Fire Chief and any other emergency service providers for the City.
12. Noise Management Plan:
 - a. An acoustics study shall be prepared and submitted with the application. The study shall be prepared by an acoustics expert(s) acceptable to the City. The study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates of the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use and if there are any significant increases in those noise levels. The report shall also contain specific proposals that are intended to reduce noise levels emanating off the site.
 - b. The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site of the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on acoustics, in regard to the standards of this Section.
13. Environmental Impact Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The Environmental Impact Analysis shall describe, identify, and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Planning Commission and the City Council. The Environmental Impact Study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and

surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of 25%; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

14. Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an Air Quality Study. The Study shall be prepared by experts acceptable to the City and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
15. Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a Hydrological Study. The Study shall be prepared by a hydrogeologist acceptable to the City. The Study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The Study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table, and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the City Council. If the study shows an alteration to the groundwater, the application shall be denied.
16. Pre-Development and Post-Development Soil Testing. Prior to beginning any oil and gas development activities, the operator shall be responsible for testing soil conditions within 300 feet each well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.
 - a. Pre-drilling testing results shall be submitted as part of the conditional use application.
 - b. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.

- c. The results shall be submitted to the City and DEP within ten (10) days of their receipt.
 - d. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent State-certified testing laboratory agreed upon by the City.
- 17. The applicant shall provide any and all waivers from owners of protected structures.
- 18. Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for the following activities:
 - a. Well site preparation;
 - b. Drilling activity;
 - c. Completion (perforating);
 - d. Stimulation (hydraulic fracturing);
 - e. Production work;
 - f. Plugging; and
 - g. Site restoration.
- 19. Insurance. Applicant shall furnish to the City a Certificate of Liability Insurance naming the City as an additional insured with respect to operations conducted within the City, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than \$25,000,000 per occurrence. The applicant shall fully defend, protect, indemnify, and hold harmless the City, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the City, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage, and umbrella coverage.
- B. Conditional use approval is non-transferrable without consent from City Council and shall automatically terminate, unless extended, if drilling is not commenced within one year from the date of issuance of the approval. The conditional use approval may be extended by the City Council upon written request by the operator, after notice and hearing. The operator shall provide proof that the requested conditional use permit for such location has not changed and that the operator meets all applicable criteria contained in this Section.
- C. General Standards.
 - 1. Best management practices shall be followed.

2. The uses regulated by this Section are determined to be land developments and subject to the applicable provisions of the SALDO, as it may be amended.
3. Any hazardous or toxic material shall be securely contained, stored, and removed in accordance with applicable state or Federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection Association ("NFPA") Code 104 - Standard System for the identification of the Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.
4. Fracture fluid storage ponds, open pits, and reserve pits are highly discouraged. Closed-loop systems and other related best management practices, including but not limited to the use of netting over fracture fluid ponds, shall be used during the drilling or completion of any well.
5. Fresh water storage ponds are permitted. The use of non-potable water is strongly encouraged.
6. All operations shall be in accordance with applicable Federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601.101 et seq.), as amended, and pursuant to all other applicable rules, regulations, and procedures adopted pursuant thereto.
7. The operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil, and toxic or hazardous materials.
8. Multiple well pad sites on any one (1) oil and gas development shall be prohibited, unless the operator proves to the satisfaction of the City that the underlying geology makes using a single well pad impractical.
9. Changes in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards drilling operations, requires a new conditional use approval pursuant to the terms and conditions of this Section of the Ordinance.
10. At least 30 days prior to any development activity at the development or facility, the operator shall provide the following information to each property owner within 4,000 feet of the planned surface location of the development or facility.
 - a. A copy of the site plan submitted as part of the conditional use application;
 - b. A general description of the planned operations at the development or facility and associated equipment to be used;
 - c. The contact information for the operator; and
 - d. The availability of the operator to hold a meeting locally with such residents to present the operator's plans for the development or facility and to allow

for questions and answers. The meeting(s) shall be held prior to the commencement of development activity.

11. A duly authorized representative of the City, trained by the operator or agents of the operator, shall have the authority in relation to the enforcement of this Section to enter upon the property of a development or facility for the purpose of inspecting the equipment and all other aspects of the site necessary to assure compliance with this Section.
12. The operator of any development or facility shall notify the Emergency Management Coordinator, City Manager, and City Engineer no less than 90 days prior to the startup and abandonment or shutdown of any well site.

D. Setbacks/Location.

1. Oil and gas well/pads shall comply with all screening and bufferyard requirements of the Zoning District in which the pad/well is located.
2. In construction of the oil and gas well/pad, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.
3. Wellheads shall be located not less than 500 feet any protected structure.
4. Oil and gas well/pads and all drilling and production operations, including but not limited to derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, ponds, pits, and ancillary equipment, shall be located not less than 500 feet from the nearest property line.

E. Traffic Impact

1. The proposed routes must be designed to minimize the impact on streets within the City. The City reserves the right to designate alternate routes in the event that the applicant's proposed routes are deemed inadequate, unsafe, or overly disruptive to normal vehicular traffic by the City. Vehicles are to operate on State roads and may only use City roads when the use of State roads is not feasible. The operator shall coordinate truck routes with the school bus schedule so as to minimize interference with transportation of students to and from school.
2. Prior to the commencement of any activity at the development or facility, the operator shall enter into a municipal roadway maintenance and repair agreement with the City, in a form acceptable to the City, regarding maintenance, repair, and bonding of municipal roads that are to be used by vehicles for development activities. The applicant shall take all necessary corrective action and measures as directed by the City pursuant to the agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities.
3. The operator shall take the necessary safeguards to ensure that the City roads utilized remain free of dirt, mud, and debris resulting from development activities and/or shall ensure such roads are promptly swept and cleaned if dirt, mud, and debris occur.

4. The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and or/adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
5. There will be no staging of trucks or equipment on local roads.
6. A traffic control plan in conformance with PennDOT standards shall be provided.

F. Visual.

1. The oil and gas development or facility shall be located, designed, and constructed to minimize the removal of trees and shrubs, to protect natural resources, and to minimize the amount of surface disturbance.
2. The operator shall not clear brush or trees by way of burning and shall chip, grind, or remove all tree stumps from properties it clears for development purposes.
3. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area.

G. Lighting.

1. Lighting at an oil and gas well/pad shall, when practicable, be limited to security lighting.
2. All temporary outdoor lighting shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffused or reflected light, enters adjoining properties.
3. No site lighting used for or associated with well site construction, drilling operations or post-drilling production shall be positioned in a manner such that it shines directly on public roads, protected structures, or any property within 3,000 feet of the well site. Site lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.

H. Air and Water Quality.

1. Air-contaminant emissions shall be in compliance with all City, County, State, and Federal regulations, including, without limitation, the provisions of this Ordinance, as amended, and all applicable regulations for smoke, ash, dust, fumes, gases, odors, and vapors.
2. The operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place to prevent visible plumes of dust from crossing the property line or adversely impacting neighboring properties.

3. 60 days prior to drilling, the operator shall notify residents with water wells within 4,000 feet of the gas well of its intentions to drill. The operator shall provide proof of notice to the City.
 4. All condensate tanks, compressor stations, processing plants, and other production facilities shall be equipped with vapor recovery and/or vapor destruction units.
- I. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:
1. Prior to development, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency, or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBa. The sound level meter used in conducting any evaluation shall meet the ANSI's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBa, to the Zoning Officer within three (3) business days of such a request.
 3. The noise generated during operating hours activities shall not exceed the average ambient noise level as determined by the 72-hour evaluation or default level, whichever is higher:
 - a. During drilling activities, by more than ten (10) dBa during the hours of 7:00 a.m. to 9:00 p.m.
 - b. During drilling activities, by more than seven (7) dBa during the hours of 9:00 p.m. and 7:00 a.m. or by more than ten (10) dBa during hydraulic fracturing operations. The operator shall inform the City of which level (average ambient noise level or default level) is being used.
 4. All permanent facilities associated with the oil and gas well/pad shall meet the general noise requirements of this Ordinance. Where a conflict exists, the more stringent requirements shall apply.
 5. Oil and gas wells/pads or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency, or other public facilities.
 - a. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.

6. If a complaint is received by the City regarding noise generated during construction or operation of the compressor station the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency, or other public facilities, whichever is closer. The applicant shall report the findings to the City and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

J. Hazards.

1. Upon request of the Emergency Management Coordinator, the operator shall, prior to drilling its first gas well in the City, make available with at least 30 days' notice, at the applicant's sole cost and expense, an appropriate group training program for emergency responders and City Code Enforcement Personnel. Such training shall be made available at least annually during any year that drilling activities take place at the oil and gas development or facility. Training should cover each phase of the development from site work to well completion. The City shall require a minimum of four (4) hours of annual training, with additional hours added at the recommendation of the Fire Chief annually. If additional wells are drilled at the site, the operator and Emergency Management Coordinator will determine if additional training is required.
2. The applicant shall maintain at the property and on file with the City a current list and the MSDS for all chemicals used in the drilling operations (including but not limited to types of additives, acids, polymers, salts, surfactants and solvents) and in any fracturing operations. If the PPC requires availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the City shall require the operator to reimburse the City for the cost of procurement of such special equipment or supplies.

K. Access.

1. Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first 50 feet and improved with limestone or other material for the next 100 feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt, or other debris is carried onto public or private ROW from the well site, the operator shall immediately clean the roads and implement a remedial plan as directed by the City to keep the streets continuously clean.
 - a. The first 50 feet from the existing edge of pavement extending into the site shall consist of the following material:
 - i. Compacted subgrade.
 - ii. PennDOT Class 4 geotextile fabric.
 - iii. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
 - iv. Two (2) inches of PennDOT 2A aggregate.

- v. Six (6) inches of superpave 25 mm binder course.
 - b. The remainder of the driveway to the well pad shall be constructed with the following material:
 - i. Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
 - ii. Two (2) inches of PennDOT 2A aggregate.
- 2. Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:
 - a. Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
 - b. Ensure adequate capacity for existing and projected traffic volume.
 - c. Provide efficient movement of traffic, including appropriate turning radii and transition grade.
 - d. Minimize hazards to highway users and adjacent property and human activity.
- 3. All applicable permits or approvals must be obtained, including, without limitation:
 - a. Access or driveway permits to State or County roads.
 - b. Overweight or oversize loads.

L. Geophysical Exploration.

- 1. For any areas of the City where the applicant intends to conduct seismic testing, a licensed geologist must provide a report regarding the ability of the land to subside due to the proposed operations. This report must detail the amount of risk of seismic activity because of existing subsurface conditions and with the introduction of drilling and fracking.
- 2. The applicant shall post a bond or other security in a form to be approved by the City in the amount of \$1,000,000 to cover the cost of any damages as a result of seismic testing.

M. Storage of Equipment.

- 1. No equipment, including drilling, re-drilling, re-working, or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
- 2. Lumber, pipes, tubing, and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.

3. It shall be illegal to park or store any vehicle or item of machinery on any street, ROW, or in any driveway, alley or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.

N. Fencing, Screening, and Buffering.

1. Security fencing consisting of a permanent galvanized chain-link fence, a minimum of eight (8) feet in height, topped with either razor or barbed wire shall be installed prior to the commencement of any activity at every well site to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the well site.
2. Security fencing shall be equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Gates shall be kept locked except when being used for access to the site. Additional lockable gates used to access the well site, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
3. The City's first responders shall be given means to access the well site in case of an emergency via lock box or a City-approved equivalent. The applicant must provide the Beaver County 911 Communications Center with necessary information to access the development or facility in case of an emergency.
4. Warning signs shall be placed on the fencing surrounding the development or facility, providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the well site.
5. In construction of the oil and gas development or facility, the natural surroundings shall be considered, and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.

- O. Structure Height. Permanent structures of the oil and gas developments and facilities (both principal and accessory) shall comply with the height regulations of the applicable Zoning District.

Section 547: Parks

- A. All ingress and egress to and from the site shall be so situated as to not interfere with through traffic movements on adjacent streets.
- B. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m.,

prevailing time. As part of its decision, the City Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

- C. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- F. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- G. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- H. When public parks are leased or used by residents of the City, residents must remove all trash, garbage, litter, and debris from the premises immediately following said use of the park and facility.

Section 548: Parking Structure, Commercial

- A. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the City Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- B. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- C. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- D. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 549: Place of Worship

- A. The minimum lot size required shall be 21,780 sq. ft. or one-half (0.5) of an acre.
- B. The primary visitor drop-off and pick-up areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

- C. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. All outdoor lighting shall be shielded and reflected away from adjacent properties.

Section 550: Power Generation Facility, Electric

- A. Power generation plants shall be located at least 1,000 feet from any property line adjoining a residential use or Residential Zoning District and at least 500 feet from a property line adjoining any other Zoning District.
- B. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created.
- C. The City Council may impose restrictions on access to the facility, storage of vehicles or materials on the premises, and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the District or adjacent parcels.
- D. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffused or reflected light, enters adjoining properties.

Section 551: Recording Studio

- A. If more than one structure, the minimum distance between structures shall be 50 feet.
- 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 structure(s), where feasible.
- D. All structures within 100 feet of the perimeter property line shall be screened from adjacent residential properties, as required by this Ordinance.
- E. All property not covered by structures or paving shall be landscaped and maintained.
- F. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The City may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 552: Restaurant, Drive-in

- A. All dumpsters shall be enclosed and properly screened by a six (6) ft. high opaque fence and located in the rear yard setback if feasible.
- B. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.

- C. The hours of operation and activities related to the restaurant use shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance, or interruption.
- D. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- E. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- F. The vehicular and pedestrian circulation systems shall be designed to minimize impact on adjacent residential properties.
- G. If the use includes a drive-through, the following shall apply:
 - 1. Each window, bay, or area designed for drive-through service shall provide five (5) reservoir vehicle stacking spaces per window, bay, or area; such space shall not encroach into any other required aisles or spaces.
 - 2. Drive-through lanes shall be located to the rear of buildings unless the City Council determines that drive-through lanes located on the side of the building will have less impact on adjacent uses, vehicular and pedestrian circulation, and safety.
 - 3. Drive-through lanes shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above.
 - 4. A drive-through shall be located so that it does not conflict with pedestrian or vehicular movement.
 - 5. Drive-through lanes shall be distinctly marked by traffic islands a minimum of five (5) feet in width. A separate circulation drive shall be provided for passage around and escape from the outermost drive-through service lane. The City Council may consider alternative designs when it is demonstrated that the drive-through is screened from view and that traffic and pedestrian circulation is improved.
 - 6. A drive-through shall have no more than two (2) service lanes and a passage around and escape from the outermost drive-through service lane, except that a financial institution may have a minimum of three (3) service lanes.

Section 553: Restaurant, Neighborhood

- A. All dumpsters shall be enclosed and properly screened by a six (6) ft. high opaque fence.
- B. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.
- C. The hours of operation and activities related to the restaurant use shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance, or interruption.

- D. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- E. The vehicular and pedestrian circulation systems shall be designed to minimize impact on adjacent residential properties.
- F. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

Section 554: Restaurant, Outdoor Dining

- A. All dumpsters shall be enclosed and properly screened by a six (6) ft. high opaque fence.
- B. Sidewalk eating shall conform to all appropriate City Ordinances.
- C. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.
- D. The hours of operation and activities related to the restaurant use shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance, or interruption.
- E. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation systems shall be designed to minimize impact on adjacent residential properties.
- H. Outdoor dining and service areas may be conducted in a location at least 100 feet from all Residential Zoning Districts.
- I. The outdoor dining and service areas shall be enclosed with wood or masonry walls as approved by the City Council as part of the conditional use.
- J. Loudspeakers and live music performances shall not be permitted in the outdoor area unless it is determined that the sound will not be audible in any nearby Residential Zoning Districts.

Section 555: Retail Store

- A. The structure associated with the retail store shall not exceed 5,000 sq. ft. in gross floor area.
- B. No shipping or receiving shall be permitted within 200 feet of a residential property between the hours of 10:00 p.m. and 7:00 a.m.
- C. All property lines adjoining residential uses shall be screened by the appropriate buffering as required by this Ordinance.

- D. Parking for a retail store shall be located in the side and/or rear yard of a lot, where feasible.
- E. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- F. Exterior storage shall not be permitted to occur as part of the retail store use.
- G. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

Section 556: Sexually Oriented Businesses

- A. Sexually oriented and adult businesses shall also meet or exceed the following setback requirements. The building shall be setback as follows:
 - 1. The building shall be at least 250 feet in any direction from any residential dwelling, (including multi-family buildings), also at least 500 feet from any public park property (including such uses in adjacent municipalities).
 - 2. The building shall be at least 1,000 feet in any direction from any school property, church property, preschool property, or child day care center property (including such uses in adjacent municipalities).
 - 3. The building shall be at least 100 feet in any direction from any hotel or motel (including such uses in adjacent municipalities).
 - 4. The building shall be at least 2,500 feet in any direction from any other building which is utilized for any other adult business which is defined in this Section (including such uses in adjacent municipalities).
- B. All activities pertaining to the sexually oriented and/or adult business shall be conducted entirely within the confines of the building. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound emitting from the business shall be audible to normal human hearing, at any time, at any exterior property line of the business.
- C. Any sexually oriented and/or adult business which has liquor for sale shall abide by all rules and regulations of the LCB. If any of the applicable regulations of the LCB are more stringent than the regulations specified in this Section, those regulations shall be adhered to by the applicant.
- D. Unless governed by more stringent regulations by the LCB, the following hours of operation shall be adhered to by all sexually oriented and/or adult businesses.
 - 1. The sexually oriented and/or adult business shall not be open from 2:00 a.m. to 11:00 a.m. daily.
 - 2. The sexually oriented and/or adult business shall not be open on Sundays and holidays except that an adult business open on Saturday may remain open until 2:00 a.m. on Sunday morning.

- E. The maximum gross floor area of any building which is utilized for the sexually oriented and/or adult business shall be 5,000 sq. ft.
- F. No sexually oriented and/or adult business shall display an exterior sign which displays obscene materials, or which depicts nudity or sexually explicit activities. All other regulations pertaining to commercial signs shall be complied with.
- G. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable Sections of this Ordinance.
- H. To ensure the regulations of this Section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.
 - 1. A site survey of the property and building proposed for the sexually oriented and/or adult business and a survey illustrating the distance to the location, size, and type of all buildings and uses within 2,500 feet of the building proposed for the adult business. The survey shall be prepared and sealed by a surveyor licensed by the Commonwealth of Pennsylvania and shall be at a scale no less than one (1) inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated, and shall be on paper measuring 24 inches by 36 inches. Five (5) paper copies and one (1) electronic copy of the survey shall be submitted with the application.
 - 2. The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, and any other exterior improvements.
 - 3. If liquor for sale is proposed, a copy of the license issued by the LCB shall be submitted.
- I. In addition to a conditional use permit, a land development plan shall be required for the development of the site. Requirements for the land development plan are in the SALDO.
- J. An applicant proposing the sexually oriented and/or adult business shall satisfy all requirements of the Zoning Ordinance which relate to general requirements for approval of conditional uses.
- K. Additional Regulations for Nude Model Studios.
 - 1. A nude model studio shall not employ any person under the age of eighteen (18) years.
 - 2. The studio owner or operator and any person under the age of eighteen (18) years commits a violation of this Ordinance if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this Subsection if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.
 - 3. The studio owner or operator and any person commits a violation of this part if the person appears in a state of nudity, or knowingly allows another to appear in a

state of nudity in an area of a nude model studio premises which can be viewed from the public ROW.

4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises; except that a sofa may be placed in a reception room open to the public.

Section 557: Short-term Rental (Accessory or Principal)

- A. Accessory or principal use short-term rental units shall provide the required off-street parking as specified in Article VII of this Ordinance.

Section 558: Small-Scale Manufacturing

- A. Every small-scale manufacturing operation or activity shall be contained completely within a building.
- B. Products or goods manufactured may include crafts, cabinets, furniture items and similar items of custom or hand work. The items sold must be made in whole or part on the premises. Other permitted manufacturing activities would include dairies, printing shops, small-scale assembly, and operations where little or no noise, dust, odor, or other offensive conditions are created and minor or small-scale product repair shops (not including automobiles or other motorized vehicles).
- C. For the purposes of this Section, "small scale manufacturing" shall constitute those activities employing 25 or less employees, unless specifically permitted by the zoning permit.
- D. Every such use shall be limited to 2,500 sq. ft. of floor area in the MU and C1 Districts and 5,000 sq. ft. of floor area in the C2 and I Districts.
- E. The site shall be serviced by public water and public sewer systems.
- F. Off-street parking facilities shall be provided in accordance with this Ordinance.
- G. No operation shall be permitted which produces offensive noise, vibrations, heat, dust, glare, odors, or other objectionable conditions.
- H. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- I. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- J. Evidence shall be submitted indicating that appropriate soils test was conducted on the site and that adequate sewage and water facilities will be provided to accommodate the specific operation.
- K. Information concerning the proposed method of solid waste collection and disposal shall also be presented for review.

- L. All other applicable state, federal and local regulations shall be adhered to, including the requirements of the DEP.

Section 559: Solar Energy Production Facilities, Large

- A. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories, the American Standards Technical Manual, or other similar certifying organizations, and shall comply with the UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
- C. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street ROW.
- D. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each Zoning District.
- E. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
- F. All ground-mounted and freestanding solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) ft. high fence with a self-locking gate.
- G. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- H. For a building-mounted system installed on a sloped roof that faces the front yard, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge of the system.
- I. Building-mounted systems mounted on a flat roof shall not be visible from the public ROW immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public ROW at ground level.
- J. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three (3) feet above the highest point of the roof line to which it is attached.
- K. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.

- L. The surface area of ground-mounted systems, regardless of the mounted angle of any portion of the system is considered impervious surface and shall be calculated as part of the lot coverage limitations for the Zoning District in which it is located.
- M. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.
- N. Vacation, Abandonment, and/or Decommissioning of Solar Facilities.
 - 1. The solar energy production facility owner is required to notify the City immediately upon cessation or abandonment of the operation.
 - 2. Discontinuation/abandonment is presumed when a solar system has been disconnected from the net metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the City.
 - 3. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
 - 4. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
 - 5. The owner or operator of the solar facility, upon issuance of all final occupancy permits and approvals by the City and any associated permitting agencies, shall provide a form of financial security satisfactory to the City, in the form of a bond or a letter of credit, for potential use of decommissioning the facility.
 - 6. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar facilities within the twelve (12) month period outlined above, the City reserves the right to enter the property, remove the system, and use the financial security in place mentioned in subsection (5) above by the owner or pursue other legal action as may be necessary to have the system removed at the owner's expense.
 - 7. Any unpaid costs resulting from the City's removal of a vacated, abandoned, or decommissioned solar system, if not covered by the financial security posted, shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded, and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens.
- O. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the City to secure the expense of dismantling and removing said structures.

Section 560: Solid Waste Facilities (Combustors/Incinerators; Transfer Stations; Landfills)

- A. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Street design shall allow a weight limit of 19,000 pounds per

axle. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets primarily intended to provide access to residences in a neighborhood.

- B. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.
- C. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a Residential Zoning District.
- D. The hours of operation shall be limited from 7:00 a.m. to 7:00 p.m., except that the hours of operation may be extended when the DEP certifies that sanitation conditions require an extension of operating hours.
- E. Municipal solid waste landfills shall be covered in accordance with the DEP. Exterior lighting shall not cause illumination in excess of one (1) footcandle at any property line, except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

Section 561: Storage Yard, Accessory

- A. All storage yards related to the principal use are permitted only in the rear yard and at least 50 feet from a Residential Zoning District.
- B. The designated storage area shall not include the required parking for the permitted principal use.
- C. Storage areas shall not create traffic hazards or block pedestrian and vehicular circulation.
- D. The storage yard shall be screened from the adjoining parcels as required by the Bufferyard Standards defined in this Ordinance.

Section 562: Supply Yard, Accessory

- A. General requirements for accessory supply yards:
 - 1. The applicant shall provide to the City at the time of application the following information:
 - a. A narrative describing the material that will be stored, displayed, and/or sold in the proposed supply yard.
 - b. A site plan of the lot and/or parcel including the location of the proposed supply yard and materials to be stored.
 - 2. Supply yards shall not be used to:
 - a. Be occupied or used for living or sleeping purposes.
 - b. Conduct vehicle sales or retail sales of any kind.

3. No outdoor storage and/or sale of materials shall be permitted in the required setback areas.
4. Outdoor display and/or sale of materials and/or equipment shall be incidental to a principal use in the district in which it is permitted.
5. Only the business or entity occupying the principal structure may sell merchandise in the outdoor supply yard.
6. Areas to be used for outdoor display, and/or sales shall not occur on pedestrian and/or vehicular circulation areas or in required parking lots.
7. The supply yard shall be screened from the adjoining parcels by a bufferyard as required by the standards of this Ordinance.
8. The supply yard shall be paved with a minimum of three (3) inches of gravel and maintained in a dust-free manner.
9. The supply yard shall be set back a minimum of 50 feet from any property bearing a single-family detached dwelling.

Section 563: Tank Farms

- A. All state and federal permits shall be acquired prior to filing the application for development.
- B. The fuel storage area shall be capable of containing at least one and one-half (1.5) times the amount of the largest storage tank.
- C. An explicit plan for emergency procedures and fire prevention and containment shall be approved by the City.
- D. The City Council may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the Zoning District or adjacent parcels.

Section 564: Tavern or Bar

- A. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. A tavern or bar shall not be located closer than 600 feet to another similar existing use.
- C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The City may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

Section 565: Theater

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

Section 566: Urban Agriculture (Limited)

- A. The keeping of poultry, birds, livestock, or other farm animals is not permitted.
- B. No processing of products grown on the site is permitted.
- C. All structures shall be subject to any required setbacks of the Zoning District in which it is located but shall in all cases be a minimum of ten (10) feet from any property line.
- D. All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

Section 567: Wind Energy Production Facility, Large

- A. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories, the American Standards Technical Manual, or other similar certifying organizations, and shall comply with the UCC, Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. Large wind energy production facilities shall not generate noise which exceeds 55 dBa measured at any property line.
- C. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.

- D. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.
- E. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
- F. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) sq. ft.
- G. Wind turbines and towers shall be a non-obtrusive color such as white, off-white, or gray.
- H. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.
- I. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- J. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- K. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways, or sidewalks.
- L. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one-tenth (1.1) times the turbine height from any inhabited structure, property line, street ROW, or overhead utility line.
- M. The minimum height of the lowest position of the wind turbine shall be 30 feet above the ground.
- N. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) ft. high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- O. The large wind energy production facility owner is required to notify the City immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the City to secure the expense of dismantling and removing said structures.

Section 568: Uses Not Listed

- A. It is the intent of this Ordinance to group similar or compatible land uses into specific Zoning Districts. Uses which are not specifically listed in the Tables of Authorized Uses

(Principal and Accessory) may be permitted upon finding by the City that the proposed use is similar to a use listed in the Tables of Authorized Uses (Principal and Accessory).

- B. If a property owner or user asserts that a proposed use is not provided for in the Table of Authorized Uses (Principal and Accessory) the property owner or user shall file an application for conditional use with the City and which shall review and make a determination if the proposed use is similar to another use contained in the Tables of Authorized Uses (Principal and Accessory).
- C. If the City finds the use is similar to an existing use contained in the Table, it may permit the use subject to the same conditions and requirements of that use including the District in which it may be located.
- D. In considering if a proposed use is similar to an existing use contained in the Table of Authorized Uses (Principal and Accessory) the City is not limited to assertions of the applicant that the use is similar to a specific listed use, but instead may consider all uses (Principal and Accessory) contained in the Tables of Authorized Uses (Principal and Accessory).
- E. If the City finds the use is similar to an existing use all other provisions of this Ordinance and all codes and Ordinances of the City shall apply.

Article VI: Supplemental Regulations

Section 601: Screening and Landscaping

A. Landscaping Specifications. Landscaping shall be provided in accordance with the following specifications: A landscaping plan, with detailed drawings, must be submitted with a required subdivision and/or land development or in the case where subdivision and/or land development approval are not required prior to building permit application. The landscaping plan must contain and show the following information:

1. All required buffer areas with proposed plantings (identifying each proposed tree, bush, or shrub) drawn to scale and identifying the size of plantings.
2. All required plantings (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale and identifying the size of plantings.
3. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
4. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
5. All areas of a lot not covered by building or impervious material shall be maintained as landscaped or natural areas.

B. Bufferyards.

1. Applicants shall demonstrate through the submission of a landscape plan that sufficient landscaping and buffering is provided to minimize impact to adjacent land uses. When required, a minimum of two (2) deciduous trees and three (3) evergreen trees shall be required for every 100 feet of property line where buffering is required. In addition, five (5) shrubs shall be provided for every 100 feet of property line where buffering is required. Bufferyards are required to be a minimum of ten (10) feet in width. The City encourages flexibility in design and will entertain alternative buffering plans where the applicant demonstrates the buffering plan is equal to or better than the requirements of this ordinance and meets the intent of this Section. The use of decorative walls, decorative fences, and landscape mounds are allowable in an effort to meet the requirements of this Section.
2. Buffer areas required. Buffer areas are required under the following circumstances:
 - a. Along Public Roads. A landscape buffer will be required for all new nonresidential development and which abut a public street. The bufferyard will be provided for the entire length of the public street frontage.
 - b. Parking Lots and Loading Areas. A landscape buffer will be required around the perimeter of parking lots and loading areas in all Zoning Districts.
 - c. Adjacent Uses. Bufferyards are intended to minimize impacts of differing land uses on adjacent sites or properties. When new development is proposed, bufferyards will be required along the perimeter of the site. Bufferyards in the C1 and MU Districts may be relaxed or eliminated at the

discretion of the City where the development proposes reuse of existing structures on the site and where such site does not provide adequate area for the addition of a buffer.

- d. Where the express standards and criteria for a conditional use or use by special exception in Article V of this Ordinance specify that a bufferyard is required.

C. General Provisions.

1. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
2. Maintenance Required. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease, or other reasons for the discontinued growth of the required trees, shrubs, and bushes. Replacement shall be no later than the subsequent planting season.
3. Conflict between buffer areas and building setback requirements. When the width of a required buffer area is in conflict with the minimum building setback requirements of this Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
4. Stormwater management facilities in buffer areas. Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

D. Plant Sizes.

1. Deciduous Trees. All trees required to be planted shall be a minimum of two (2) inches in diameter at a point one (1) ft. above the ground. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) feet in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.
3. Shrubs. All shrubs required to be planted shall be a minimum of 24 inches in height at planting.

Section 602: Lighting Requirements

- A. Lighting for all uses in the City shall meet the following requirements in addition to any requirements set forth in the SALDO.
- B. Nonresidential Use Lighting Standards.

1. All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, sidewalks, pathways, and loading spaces shall be sufficiently illuminated so as to provide safe movements on site.
2. Illumination shall be by sharp cut-off fixtures with flush-mounted lens cap, with the following exceptions:
 - a. Decorative street-lighting along streets (not including parking lot areas) are exempt from this requirement. However, streetlight poles for decorative street-lighting shall not exceed 24 feet in height, measured from finished grade to the top of the fixture.
 - b. Decorative lighting along pedestrian walkways in front of buildings and in pedestrian plazas is exempt from this requirement. However, light poles for the decorative lighting shall not exceed fifteen (15) feet in height, measured from finished grade to the top of the fixture.
3. Fixtures (including those mounted on a building or other structure) shall be mounted parallel to the ground surface, with the following exceptions.
 - a. Decorative street-lighting along streets, decorative lighting along pedestrian walkways in front of buildings, and decorative lighting in pedestrian plazas are exempt from this requirement.
 - b. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement.
4. Pole height shall be a maximum of 24 feet.
5. Illumination shall not exceed one (1) footcandle at all property boundaries. The one (1) footcandle illumination shall be measured horizontally on the ground surface and vertically at a five (5) ft. height at the property lines.
6. All site lighting including architectural, landscape, and canopy lighting shall be from a concealed source that is not visible from the property boundaries or public street ROW. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.

C. Residential Use Lighting Standards.

1. For all residential uses that require parking lots that contain more than ten (10) parking spaces, the proposed use shall comply with the requirements of the nonresidential use lighting standards above.
2. All other proposed lighting in Residential Zoning Districts shall be oriented so as not to interfere with adjacent properties. Decorative streetlights constructed in conjunction with a proposed residential development shall be designed to minimize impact to existing developments or properties.

Section 603: Environmental Performance Standards

- A. Floodplains. All development and use of land and structures in floodplain Districts shall comply with the most recently adopted flood plain management ordinance of the City, as

may be amended from time to time, and with applicable State regulations, specifically Chapter 105, Title 25 of the Pennsylvania Code.

- B. Steep Slopes. In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
 - 1. 16%-25%: No more than 60% of such areas shall be developed and/or regraded or stripped of vegetation.
 - 2. 26% or more: Earth Disturbance Activities are generally restricted except as authorized by the City Engineer.
- C. Ponds, Watercourses, or Wetlands. No development, filling, grading, piping, or diverting shall be permitted except for required roads and utility line extensions, unless authorized and permitted by the appropriate State, County, or other regulatory agency.
- D. Stormwater Drainage and Management. All plans shall comply with the provisions of State and Local regulations in effect at the time of final plan approval by City Council.
- E. Fats, Oils, and Grease. Residential, commercial, and/or industrial properties located within the City shall not be permitted to dump fats, oils, and/or grease into the public sewer system.
- F. 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 DEP. In addition, an E&S 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 and/or if a land development requires an NPDES permit.

Section 604: General Performance Standards

- A. Noise. The ambient noise level of any operation, other than those exempted below, shall not exceed the dBa levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this ordinance, ambient noise level is the average dBa level recorded during observations taken in accordance with industry standards for measurement and taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.
 - 1. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
 - a. Residential Districts. At no point beyond the boundary of any lot within these Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA.

- b. Nonresidential Districts. At no point on or beyond the boundary of any lot within these Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 80 dBA.
 - c. Where two (2) or more Zoning Districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
 - 2. The following uses or activities shall be exempted from the noise regulations:
 - a. Customary and usual farming activities in all zoning classifications.
 - b. Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.
 - c. Noises caused by safety signals, warning devices and other emergency-related activities or uses.
 - d. Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.
 - e. Normal utility and public works activities between the hours of 7:00 a.m. and 9:00 p.m., and emergency operations at any time.
 - 3. In addition to the above regulations, all uses and activities within the City shall conform to all applicable County, State, and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
- B. Vibrations. Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any District shall be prohibited. The prohibition on vibrations shall also be subject to any other separate ordinance adopted by the City.
 - C. Glare. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any District.
 - D. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
 - E. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
 - F. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
 - G. Discharge. No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can

contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted.

- H. Heat, Cold, Dampness, or Movement of Air. No activities producing heat, cold, dampness, or movement of air are permitted which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at and/or beyond the lot line.
- I. Air Pollution. No pollution by air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling. Ultimately, air pollution may be acceptable provided that the use complies with all regulations or requirements of the DEP, EPA, and all other regulatory agencies.
- J. Determination of Compliance with Performance Standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility, or use will comply with the provisions of this Section. In reviewing such documentation, the City may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the City may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.
- K. Maintenance and Cleanliness. The streets and sidewalks of the City along State Route 51 and within the Central Business District shall be kept free of all obstructions and open to traffic at all times, and it shall be unlawful for any person to deposit any article or do any act which obstructs such streets and sidewalks.

Section 605: Outdoor Storage

- A. In Nonresidential Zoning Districts, except for nurseries, garden supply, building supply, custom crafting, and similar businesses which require outside storage of materials, storage, and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting, and similar businesses, outside display and storage areas shall be completely enclosed by an opaque fence or dense, compact evergreen hedge which is at least six (6) feet in height.
- B. In any other Zoning District, any material or equipment stored outside an enclosed building, except for the purposes identified above, shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. Buffering as identified in the bufferyard requirements of Article VI of this Ordinance, may be required to screen material or equipment stored outside
- C. All organic rubbish and discarded materials shall be contained in tight, vermin-proof dumpsters which shall be screened from public view by an opaque fence, masonry wall or dense, compact evergreen hedge which is at least six (6) feet in height. Containers shall not be permitted in the front yard.

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

Section 606: Utilities

- A. All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

Section 607: Exterior Finishes

- A. The exterior finish of the building, whether finished face brick, wood veneer, siding or any other finished facing materials shall come down the building to within six (6) inches of finished grade. Plain masonry block or poured concrete shall not be considered a finished product; nor shall either of these construction surfaces be considered as a finished product if painted, unless specified as a specific architectural exterior treatment by a design professional.

Section 608: Screening of Roof Equipment

- A. Mechanical equipment designed to be located on the roof of a structure/building must be screened with typical building materials. The screen must be designed to complement building designed and conceal this equipment from neighboring property owners and the public on adjacent roadways.

Section 609: Temporary Uses

- A. Permit Required. An occupancy permit is required for any temporary use of land and/or a structure.
 - 1. Authorized Temporary Uses, Residential Districts.
 - a. Model home in a plan of homes used temporarily as a sales office which shall terminate upon the sale or rental of the last unit.
 - b. Rental or sales office in a multi-family residential complex.
 - c. Outdoor fair, exhibit, show, or other special event that is sponsored by a nonprofit organization.
 - d. Food trucks and food truck collectives, also subject to the requirements of Article XII.
 - e. Pop-up events.
 - f. Private garage/yard sale.
 - g. Five (5) consecutive day long events and long-weekend events.
 - h. Other temporary uses, as approved by the City Council and the City Code Enforcement Officer.
 - 2. Authorized Temporary Uses, all Other Zoning Districts.
 - a. Flea market.

- b. Outdoor fairs, exhibits.
- c. Temporary sales events.
- d. Rental or sales office in a development complex.
- i. Other temporary uses, as approved by the City Council and the City Code Enforcement Officer.

B. Conditions of Approval for Temporary Uses.

1. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.
2. Any licenses and permits required to sell products or food or approvals from other governmental agencies shall be submitted prior to the issuance of the occupancy permit.
3. The City Chief of Police, Fire Chief, and the Code Enforcement Officer shall be notified in writing of the temporary use.
4. If the applicant does not own the land on which the temporary use is to be located, a letter of agreement and/or permission between the applicant and the landowner shall be submitted.
5. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the City. This includes, but is not limited to, provisions for security, trash pick-up, and daily maintenance of the grounds.
6. The Zoning Officer may refer any application for a temporary use to Planning Commission for review and recommendation prior to issuance of the occupancy permit.
7. The provisions of this Section in no way shall be deemed to authorize the outdoor display or sale of automobiles, trailer, or equipment rentals, used furniture, appliances, plumbing or building materials, or similar display or sale in any District except as specifically authorized by this Ordinance.

- C. Temporary Construction Structures.** Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within 30 days after the completion of construction. Permits for such temporary structures shall not exceed one (1) year but up to three (3) annual renewals of the permit may be obtained.

Section 610: Open Burning

- A.** Open burning shall comply with the open burning regulations as outlined in the City's Fire Code, as may be amended from time to time.

Section 611: Essential Services

- A.** Essential services, as defined in this Ordinance, shall be permitted in all Zoning Districts, subject to the restrictions approved by the Planning Commission with respect to use, design, yard area, setbacks, and height.

Section 612: Lot Area Measurement

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

Section 613: Projections into Required Yards

- A. The following architectural features may project into the required yards as established herein:
1. Steps or stoops not exceeding 24 sq. ft. in area.
 2. Eaves, cornices, sills, and belt courses not exceeding 24 inches.
 3. Open fire escapes not exceeding 54 inches.
 4. Chimneys and ventilation pipes not exceeding 36 inches.

Section 614: Fences and Walls

- A. Fences and Walls Accessory to Residential Use. The following fences and walls may be erected as an accessory structure to a residential use:
1. Front Yards.
 - a. Split rail, chain link, and any other fence with 25% or less of the surface area being opaque, not exceeding four (4) feet in height.
 - b. Masonry wall or fence with 50% or more of the surface area being opaque, not exceeding three (3) feet in height.
 - c. The finished side of a fence should face the adjacent property.
 2. Side and Rear Yards.
 - a. Masonry or concrete wall, not exceeding three (3) feet in height.
 - b. Any other type of fence, not exceeding six (6) feet in height.
 - c. Security fence for a swimming pool, not exceeding eight (8) feet in height.
 - d. Barbed wire fences shall not be permitted in conjunction with a residential use.
 - e. The finished side of a fence should face the adjacent property.
- B. Fences and Walls Accessory to a Nonresidential Use. The following fences and walls may be erected as an accessory structure to a nonresidential use in any yard:
1. Masonry or concrete wall, not exceeding three (3) feet in height.
 2. Fences with 50% or less of the surface area being opaque, not exceeding eight (8) feet in height.
 3. Fences with more than 50% of the surface area being opaque, not exceeding six (6) feet in height.

4. Commercial building fencing shall be made of wood slated materials or vinyl.

C. General Requirements for Fences and Walls.

1. No fence in any District shall be erected in such a manner so as to obstruct visibility as a street or driveway intersection, in accordance with this Ordinance.
2. Fences for public or private tennis courts and similar outdoor recreational facilities may, be erected up to ten (10) feet in height, if constructed of a chain link material.
3. A retaining wall of any height may be erected along any property line or in any required yard where it is needed to prevent a landslide or other hazardous condition. The location and placement of retaining walls shall meet the requirements of the SALDO. Wall in excess of six (6) feet in height shall have a safety feature place along the top of the wall such as a fence or railing erected along in all areas that exceed six (6) feet.
4. Fences located along a property boundary shall be set back a minimum of twelve (12) inches from the property line.
5. The owner of any fence or wall shall be responsible for maintaining it in good repair. If a fence or wall is not being properly maintained, the Zoning Officer shall give written notice to the owner to repair or remove the fence or wall within the time period stipulated by the notice. Failure to comply with the order shall be considered a violation of this Ordinance.

D. Swimming Pools. Swimming pools shall be permitted in all Zoning Districts subject to the following requirements:

1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a rear yard, provided that they go up to any lot line.
2. In-ground pools, in all Zoning Districts shall be enclosed by a fence, constituting a barrier to small children, at least four (4) feet in height and equipped with a gate and a lock. Fencing for a pool shall comply with the requirements of this Ordinance.
3. Above-ground pools and collapsible pools in all Zoning Districts having vertical walls over four (4) feet above ground level and removable steps are not required to be fenced, provided the owner shall remove said steps when the pool is not in use to prevent access by small children. All other above-ground swimming pools shall be fenced in accordance with the requirements of Subsection A of this Section.

Section 615: Swimming Pools

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

Section 616: Rear Dwellings

- A. No building in the rear of a main building on the same lot may be used for living purposes in a Residential Zoning District.

Section 617: Cellar Dwellings

- A. Cellar Dwellings shall comply with the City's Building Code, as may be amended from time to time.

Section 618: Height Measurements

- A. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
 - 1. The highest point of coping for flat roof structures.
 - 2. The deck line of the roof for mansard roof structures.
 - 3. The average height of the roof for gable or hipped roof.
 - 4. A habitable attic shall be counted as a story.

Section 619: Height Exceptions

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

Section 620: Additional Dwellings

- A. Individual lots or subdivided parcels that are one and one-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 621: Parking of Commercial Vehicles

- A. Commercial equipment, including trucks in excess of one (1) ton capacity, tandems, tractor-trailers, tractors or other vehicles bearing commercial advertisement or construction or cargo-moving vehicles or equipment shall not, under any conditions, be stored outside an enclosed building or garage or be parked overnight on any lot in a District where residential uses are permitted. The parking of commercial vehicles is not permitted on City streets or in front, side, or rear yards of a lot. This regulation shall not apply to any commercial vehicles parked temporarily in residential areas for the purpose of loading, unloading, or rendering service to any residential property.

Section 622: Parking of Recreational Vehicles

- A. Recreational vehicles, as defined in Article II, may be parked on the private property of the owner of such vehicle only under the following conditions:
 - 1. A recreational vehicle may be parked on a paved off-street parking area for a continuous period not exceeding 72 hours.
 - 2. A recreational vehicle must be parked on the owner's property behind the building line.

3. A recreational vehicle must be parked in such a manner as to not restrict visibility of traffic from any adjacent public street.
4. A recreational vehicle's wheels must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.
5. Any recreational vehicle stored for periods exceeding 72 continuous hours shall be parked in a garage or in a covered parking area at the rear or side of the property behind the building line
6. Recreational vehicle parking is limited by the following regulations:
 - a. Under no circumstances shall any recreational vehicle be parked on any public street in violation of existing Federal, State, or Local laws.
 - b. No recreational vehicle shall be used for purposes of habitation while parked or stored on an owner's property within the City.
 - c. Not more than one (1) recreational vehicle may be parked or stored on a private lot in the City unless that vehicle is parked in a garage.

Section 623: Annexed Areas

- A. 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 624: Home Based Business (No Impact) and Home Occupation

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

7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 8. The business may not involve any illegal activity.
- B. Where permitted, all home occupations shall comply with the following standards of operation:
1. The occupation, profession or limited commercial activity shall be conducted wholly within the principal building or accessory building thereto.
 2. No more than two (2) persons who are not members of the family shall be employed.
 3. No stock in trade shall be stored inside the building or on the exterior of the lot.
 4. No exterior signage shall be stored inside the building or on the exterior of the lot.
 5. Offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall not be generated by the home occupation.
 6. Off-street parking shall be provided for employee vehicles and visitors in addition to the minimum required for the residential dwelling.
 7. No home occupation shall utilize 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:
 - a. Day care home;
 - b. Dressmaking;
 - c. Hairdressing and nail shop;
 - d. Teaching or tutoring;
 - e. Office of a physician;
 - f. Dentist;
 - g. Optometrist;
 - h. Lawyer;
 - i. Engineer;
 - j. Architect;
 - k. Accountant;
 - l. Real estate agent; or
 - m. Insurance agent.

Section 625: Fire Safety Knoxbox Requirements

- A. A fire department Knoxbox shall be required for all commercial uses, industrial uses, schools, governmental facilities, and multi-family residential buildings. Single-family and two-family dwellings shall be exempt from the Knoxbox requirements herein. Accessible height requirements shall not apply to Knoxboxes.

- B. Keys or electronic access keys/fobs for all doors shall be provided and properly labeled as such, including but not limited to all exterior, interior, mechanical room, sprinkler room, attic hatches, and electrical room doors. It is preferred to have one (1) master key for as many doors as possible.
- C. Keys for fire pull stations, duct smoke detector test and retest stations, annunciators, and emergency fire operation elevator operations shall be located in the Knoxbox.
- D. A list of emergency contact names and phone numbers shall be placed in the Knoxbox.
- E. Knoxboxes shall not be obstructed in any way.
- F. One (1) larger sized Knoxbox may be installed for a multi-tenant building versus separate Knoxboxes at each business.
- G. Installation and maintenance of a Knoxbox is the responsibility of the property owner.
- H. Knoxbox order forms are available by contact the City Fire Code Official.

Article VII: Parking

Section 701: Overview

- A. In all Zoning Districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street parking and loading berths in accordance with the requirements of the following Sections.
- B. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored or wait in a manner that blocks access to a public ROW.
- C. Off-street parking and loading spaces shall be provided in accordance with the specifications in this Article in any Zoning District whenever any new use is established, or an existing use is enlarged.

Section 702: General Requirements

- A. Off-street vehicular parking facilities shall be provided in accordance with the following standards:
 - 1. Off-street parking may be located in any required front, side, or rear yard, but not within the existing ROW.
 - a. Off-street parking associated with housing demolition and reconstruction will be determined necessary on a case-by-case basis due to existing site conditions and restraints.
 - 2. Except when provided for residential parking, off-street parking areas shall be constructed with a wearing surface over a minimum of four (4) inches of stone base and shall be properly graded and drained to dispose of all surface water in compliance with the 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 (10) 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 butting property used for residential purposes.
 - a. Screening may be accomplished through the placement of buildings, solid fencing and/or the provision and maintenance of heavy planting in the form of a mix of contiguous evergreen and deciduous trees or other suitable landscaping as approved by the City Council.
- B. Any new use, expansion of an existing use, or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking and loading spaces.

1. When the calculation of required parking and/or loading spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
2. Where more than one (1) use exists on a lot, parking and loading requirements for each use shall be provided.
3. A landowner and/or developer shall follow the specific requirements of the American Disability Act of 2004 for off-street parking requirements and shall also meet the standards of the most recently adopted UCC, as may be amended from time to time.

Section 703: Parking Ratios

- A. Applicability. The minimum parking ratio standards apply to all Zoning Districts except as may be modified in the provisions of this Ordinance.
- B. Table 18 establishes the minimum number of parking spaces required for the uses indicated. Parking requirements may be met by one (1) or more of a combination of the following methods:
 1. On-site Parking. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to Table 18. Only spaces that are designed consistent with this Section are counted toward the minimum parking required. The following provision apply when providing the minimum number of required on-site parking spaces:
 - a. Required parking for single-family dwellings may be stacked and do not require separate access to each required space.
 - b. No part of a parking or loading space required for any building to comply with this Ordinance shall be included as part of a parking or loading space required for another building.
 - c. Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.
 2. Shared Parking. Parking spaces required under this Section may be provided cooperatively for two (2) or more uses on a site as shared subject to the requirements of this Section. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
 - a. The off-site, off-street parking facilities are located on adjacent parcels and are located within 300 feet of the proposed uses.
 - b. The parking demands of the individual uses, as determined by the Zoning Officer, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one (1) time is less than the total parking stalls required.
 - c. A written agreement between the owners and lessees is executed in perpetuity. Should the lease expire or otherwise terminate the use for which the off-site parking was provided shall be considered in violation of

its zoning approval and, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.

- d. The applicant shall provide calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses during the following time periods:
 - i. Weekday Daytime
 - ii. Weekday Evening
 - iii. Weekend Daytime
 - iv. Weekend Evening
- e. An application for approval of a shared parking plan shall be filed with the Zoning Officer by the owner of the land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or land development approval, the shared parking agreement requires approval of the Planning Commission and City Council.

C. Uses Not Identified. The Planning Commission shall determine the parking requirement for uses that do not correspond to the categories listed in Table 18. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

- 1. Type of uses.
- 2. Number of employees.
- 3. Building design capacity.
- 4. Building occupancy load.
- 5. Sq. ft. of sales area and service area.
- 6. Parking spaces proposed on site.
- 7. Number of accessible parking spaces.
- 8. Parking spaces provided elsewhere.
- 9. Hours of operation.

D. Multiple Uses. Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or the gross floor area of each structure. This provision does not apply where the applicant has sought and secured approval under the shared parking requirements of this Ordinance.

- E. Fractional Measurements. When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction shall be rounded up to require a full off-street parking space.
- F. Parking Needs Analysis. The number of off-street parking spaces and loading spaces required by Table 18 of this Ordinance may be reduced if a parking needs analysis demonstrates that the specified ratios in Table 18 exceed the total parking demand of all uses on the subject lot at any one (1) time. The parking needs analysis is subject to the following conditions:
 - 1. The parking needs analysis shall be signed and sealed by a licensed engineer.
 - 2. The parking needs analysis, in the form of a narrative, shall include all information outlined this Section of this Ordinance.
 - 3. The parking needs analysis shall be approved by the City Council.
 - 4. The landowner or developer shall update the City-approved parking needs analysis upon any change in use of the subject lot.

TABLE 18: PARKING RATIOS

LAND USE/ACTIVITY	PARKING RATIOS
	MINIMUM VEHICLE SPACES
Adaptive Reuse	Determined as per parking needs analysis
After Hours Club	1 per 200 sf gross floor area
Ambulance Station	1 per employee plus 1 per 200 sq ft of gross floor area
Amusement Arcade	Determined as per parking needs analysis
Animal Day Care	1 per 600 sq ft of gross floor area plus 1 per employee
Animal Groomer	2 per grooming station plus 1 per employee
Animal Hospitals and Veterinarian Services	1 per employee and 2 per exam room
Art Gallery	1 per 1,000 sq ft of gross floor area
Arts & Craft Studio	1 per each 200 sq ft of gross floor area
Asphalt / Concrete Plant	1 per employee on max shift
Auditorium	1 per each 2 seats in the main seating area
Auto Detailing	2 per bay and 1 per each employee
Automobile Repair and Service	2 per repair bay and 1 per each employee
Bakery, Retail	1 per 300 sq ft of gross floor area
Bed & Breakfast Inn	1 per guest room and 1 per permanent resident
Beverage Distributor	1 per 300 sq ft of gross floor area
Billboards	1 per site
Boarding House	1 per guest room plus 2 for owner's portion
Brewery	Determined as per parking needs analysis
Bus or Truck Maintenance Facility	3 per repair bay and 1 per each employee
Care Facilities and Senior Housing:	
Assisted Living Facility	1 per 3 rooms plus 1 per employee
Independent Living Facility	1 per 3 dwelling units
Licensed Community Residential Facility	1 per 3 rooms plus 1 per employee
Life Care Community	1 per employee and 1 for per every 3 rooms
Nursing Home	1 per 3 rooms plus 1 per employee
Retirement Housing Facility	1 per every 3 dwelling units
Catering (Kitchen/Food Preparation Only)	1 per employee
Catering/Event Venue	1 per 300 sq ft of gross floor area
Cemetery & Mausoleums	1 per each employee and ample accessways to the cemetery sections so as to allow parking on the accessway for gravesite services and visitations and 1 per every 3 seats
Clubs/Lodges (not including Commercial Recreation Uses)	1 per every 5 members
College/University	1 per 4 students
Commerce Park	Determined as per parking needs analysis
Commercial Motor Vehicle Repair	3 per repair bay and 1 per each employee
Commercial Recreation - Indoor	1.5 per 500 sq ft of gross floor area
Commercial Recreation - Outdoor	1 per each 3 participants at maximum utilization
Community Center	1 per 300 sq ft of gross floor area

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Conference Center	1 per 5 seats or 1 per 300 sq ft of gross floor area if no permanent seats
Construction-related Business	1 per 1,000 sq ft of gross floor area
Convenience Store	1 per 300 sq ft of gross floor area
Correctional Facility	1 per employee on maximum shift, 1 per service vehicle
Custom Printing	1 per 300 sq ft of gross floor area
Day Care, Adult	1 per 375 sq ft of gross floor area
Day Care, Child	1 per 375 sq ft of gross floor area
Day Care Home	2 and 1 per employee on peak shift
Distillery	Determined as per parking needs analysis
Distribution Center	1 per 1000 sq ft of gross floor area
Dormitories	1 per 4 students
Dwelling Types:	
Conversion Dwellings	2 per dwelling unit
Duplex	2 per dwelling unit
Apartment, Garden	1 per dwelling unit
Apartment, High-Rise	1 per dwelling unit
Mobile Home Park	2 per dwelling unit
Multifamily Dwellings	1.5 per dwelling unit
Quadruplex	2 per dwelling unit
Single-Family Dwellings	2 per dwelling unit
Townhomes	2 per dwelling unit
Educational Institution	Determined as per parking needs analysis
Emergency Operation Center	1 per employee
Emergency Shelter	1 per employee
Essential Services	None
Farmers Market	1 per 300 sq ft of gross floor area
Financial Institution	1 per 300 sq ft of gross floor area
Fire Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sq ft of usable office space
Flea Market	1 per 300 sq ft of gross floor area
Flex Space	1 per every 300 sq ft of gross floor area
Forestry	None
Garden Center	1 per 1,000 sq ft of gross floor area
Gas/Fuel Station	1 per 375 sq ft of gross floor area including service bays, wash tunnels and retail areas
Golf Course	4 per hole and 1 per employee on peak shift
Golf Driving Range	1 per golf tee box plus 1 per employee
Greenhouse / Nursery	1 per 375 sq ft of gross floor area
Group Care Facility	1 per employee and 1 per 3 rooms
Group Home	1 for every 3 beds plus 1 for each employee
Hazardous Waste Recycling Facility	1 per employee
Hospital	1 per every 3 beds plus one per employee
Hotel	1 per room, 1 per employee, and 1 per 800 sq ft of any public meeting area
Injection Well	1 per employee
Intermediate Care Facility	1 per staff plus 1 for every 3 beds/rooms

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Kennel	1 per each employee on the maximum shift and 1 per each 200 sq ft of area devoted to the kennel area
Laboratory	1 for every 500 sq ft of gross floor area
Landscape Business	1 per employee
Laundromat	1 per 300 sq ft of gross floor area
Library	1 per 300 sq ft of gross floor area
Live-work Units	Combined total for the dwelling type plus the nonresidential use
Magistrate Office and Court	1 per 300 sq ft of gross floor area
Manufacturing Facility, Light	1 per employee
Manufacturing Facility, Heavy	1 per employee
Medical Clinic	1 per 200 sq ft of gross floor area
Medical Marijuana Dispensary	1 per 200 sq ft of gross floor area
Medical Marijuana Grower/Processor	1 per 800 sq ft of gross floor area
Medical Offices	1 space for each 200 sq ft of gross floor area
Methadone Treatment Facility	1 per each 200 sq ft of gross floor area
Micro-brewery	1 per 75 sq ft of gross floor area
Micro-distillery	1 per 75 sq ft of gross floor area
Mineral Development	1 per employee plus 1 per facility vehicle
Mixed-Use	Combined total for the dwelling type plus the nonresidential use
Mobile Home Park	Under dwelling units above
Manufactured Home Sales	1 per 300 sq ft of gross floor area of sales building
Motel	1 per employee on peak shift and 1 per sleeping unit and additional regulations for restaurant/bar/conference room if accessory use or open to general public
Municipal Building	1 per 300 sq ft of gross floor area
Nature Preserve	1 per each 5 acres of land, if open to the public
Night Club	1 per 2 seats
Offices, Business Professional	1 per each 300 sq ft of gross floor area
Oil and Gas Compressor Station	1 per employee plus 1 per facility vehicle
Oil and Gas Processing Plant	1 per employee plus 1 per facility vehicle
Oil and Gas Well/Pad	1 per employee plus 1 per facility vehicle
Park	As determined by Planning Commission
Park and Ride Facility	Not applicable
Parking Lot, Commercial	Not applicable
Parking Structure, Commercial	Not applicable
Pawn Shop	1 per each 200 sq ft of gross floor area
Personal Services	1 per each 200 sq ft of floor area
Pharmacy	1 per 200 sq ft of gross floor area
Place of Worship	1 per 8 seats
Police Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sq ft of usable office space
Post Office	Determined as per parking needs analysis

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Public Utility Building and Public Utility Transmission Facility	1 per employee on peak shift and 1 per service vehicle stored on lot
Railroad Facility	1 per employee
Railroad Freight Transloading and Distribution Terminal	Determined as per parking needs analysis
Recording Studio	1 per 300 sq ft of gross floor area
Recycling Business	1 per employee
Repossession Business	1 per employee plus 5 additional spaces for customers
Research and Development	1 per 500 sq ft of gross floor area
Restaurant	1 per 75 sq ft of gross floor area and 1 per employee on peak shift
Restaurant, Drive-in	1 per 75 sq ft of gross floor area
Restaurant, Neighborhood	1 per 75 sq ft of gross floor area
Restaurant, Outdoor Dining	1 per 75 sq ft of gross floor area
Retail Store	1 per 200 sq ft of gross floor area
Roadside Stand, Principal	1 per employee on peak shift plus 4 reservoir stacking spaces
Salt Storage Facility	1 per employee
Salvage/Junk Yard	1 per employee on peak shift, plus 1 per 200 sq ft of gross floor area used for office or administrative functions
School	Determined as per parking needs analysis
Self-storage Facility	1 per 100 storage units plus 3 for management staff
Sewage Treatment Plant	1 per employee
Sexually Oriented Business	1 per 200 sq ft of gross floor area
Shopping Center	1 per 300 sq ft of gross floor area
Short-term Rental, Principal	1 per bedroom
Skilled Nursing Facility	1 per 3 rooms
Solar Energy Facility, Large	1 per employee
Solid Waste Combustor or Incinerator	1 per employee
Solid Waste Landfill Facility	1 per employee
Solid Waste Transfer Station	1 per employee
Stable, Commercial	1 per 4 stables and 1 per employee on peak shift (horse boarding)
Storage Yard	1 per employee
Supply Yard	1 per employee plus 5 additional spaces for customers
Tank Farm	1 per 1000 sq ft of gross floor area
Tattoo Parlor	1 per each 200 sq ft of floor area
Tavern or Bar	1 per 2 seats
Theater	12 per 1,000 sq ft of gross floor area
Towing or other Road Services	1 per employee
TND	1 per 1,000 sq ft of gross floor area and 1 per employee on peak shift
Urban Agriculture (limited)	None
Vehicle Sales	1 per each 2,000 sq ft of lot area for employee and customer parking (excludes vehicle display area)
Vehicle Rental Facility	1 per 375 sq ft of gross floor area of sales and service building

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Warehouse & Storage Services	1 for each 2 employees on the largest shift, plus 1 per each 3000 sq ft of gross floor area
Water Intake Wells	1 per employee
Wind Energy Facility	1 per employee
Wireless Communications Facilities	1 per employee
Uses Not Listed	As determined by Planning Commission

Section 704: Off-Street Parking Design

- A. Size. Each off-street parking space shall have a minimum area of 180 sq. ft., exclusive of access drives or aisles shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto the cartway of any public street.
- B. Access.
- Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.
 - Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.
 - Access to off-street parking areas shall be limited to well-defined locations, and, in no case shall there be unrestricted access along the length of a street.
 - The number of access drives from a single lot or development to any public street shall not exceed two (2) for every 400 feet of street frontage.
 - Except on corner lots, access drives shall be located at least two 200 feet from the intersection of any two street ROW lines. Where a lot has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
 - Access drives entering State highways are subject to an HOP issued by PennDOT. Access drives entering City streets are subject to a City-issued driveway permit and associated regulations.
 - Access drives entering a County road shall be approved by Beaver County. Said permits and approvals shall be obtained prior to commencement of any construction activity.
 - Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- C. Internal Driveway System. All off-street parking lots with greater than 200 parking spaces shall include a separate internal driveway system which connects individual aisles to a

public ROW. The purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.

1. Internal driveways shall be provided to permit on-site access to all parking and loading facilities and to permit emergency vehicle access.
 2. Internal driveway systems shall be designed to connect into adjacent properties, where practical. The City may require an easement be placed on the property to allow for future connection to the adjacent properties.
- D. All parking areas containing three (3) or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public ROW.
- E. Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.
- F. All vehicular turning movements and maneuvering must take place on site.
- G. The end of each parking bay shall have an end cap island of at least five (5) ft. in width. The end cap island area shall not be used in meeting required minimum parking space or travel aisle dimensions.
- H. Safety Requirement. The City Council shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The landowner and/or developer shall be responsible for construction of any required islands, acceleration, deceleration, or turning lanes and shall bear the cost of installing any required traffic control devices, signs, or pavement markings.
- I. Marking. All parking spaces shall be clearly delineated by painted lines or markers. Delineated parking spaces shall be necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.
- J. Parking Lot Curbs. All off-street parking lots, including loading areas, service areas and driveways, shall be curbed. All curbing shall be constructed only of concrete, asphalt or other material approved by the City Engineer.
- K. Surfacing. All parking areas and access drives associated with the development of a major subdivision or PRDs shall have a paved concrete or bituminous surface, or any other surface approved by the City Engineer, graded with positive drainage to dispose of surface water and be subject to any additional requirements of the SALDO.
- L. Parking Lot Lighting. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from any adjoining Residential Zoning District or existing residential use and away from any streets or highways. The spacing of lighting shall be determined based upon a City-approved plan of photometrics. The lighting system shall furnish an average minimum of two (2) footcandles during typical hours of operation. If required by this Ordinance for certain uses, lighting intensity shall be reduced between defined hours.

Section 705: Parking Areas Serving Residential Dwellings

- A. Parking requirements for single-family, two-family, and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway, but not within a required yard, on the lot.
- B. Parking for apartments shall be provided in a common paved, striped, and curbed off-street parking area(s) or structure.

Section 706: Parking Areas Serving Uses Other than Residential Dwellings

- A. Parking requirements for all uses other than residential dwelling shall be met by providing a common paved, striped, and curbed off-street parking area(s) or structures.

Section 707: Driveways Serving Nonresidential Uses

- B. Single lane and access drives that provide access to lots and parking areas shall be a minimum of ten (10) feet wide and a maximum of twelve (12) feet wide; two (2) lane and access drives shall be a minimum of twenty (20) feet wide and a maximum of 24 feet wide.
- C. If parking spaces are aligned at less than 90 degrees, driveways shall be restricted to one-way traffic and head-in parking only.
- D. There shall be at least fifteen (15) feet between driveways at the street line and at least five (5) feet between a driveway and a fire hydrant, catch basin, or lot line. There shall be at least 40 feet between a driveway and the ROW line of an intersecting street.
- E. Adequate sight distance shall be provided, subject to review and approval by the City Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street ROW line.

Section 708: Location of Parking Areas

- A. Required parking spaces shall be located on the same lot with the principal use.
- B. No parking area containing more than five parking spaces shall be located closer than ten (10) feet to any adjoining lot line, and parking authorized in front yards shall be located at least ten (10) feet from the street ROW line.

Section 709: Stormwater Management

- A. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent lots. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the PA DEP, the City's SALDO and Stormwater Management Ordinance, and to the review and recommendation of the City Engineer.

Section 710: Off-Street Loading Design

- A. All commercial and industrial establishments shall provide adequate off-street loading and unloading and commercial vehicle storage space for their needs. This required space will be provided in addition to the established requirements for patron and employee parking.

In no case where a building is erected, converted, or enlarged for commercial, manufacturing or business purposes shall the public ROW be used for loading or unloading.

- B. Size. Each loading berth shall be at least 60 feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements.
- C. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the City Engineer. Loading berths shall have direct access to a driveway and shall be maintained free of obstruction.
- D. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two (2) streets.
- E. Screening. Loading berths shall be screened by an eight (8) ft. hedge, wall, or fence with a minimum opacity of 80% on all sides that face a residential use or a use within a Residential Zoning District.
- F. Surfacing. All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.
- G. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining residential use or Residential Zoning District and away from any street or highway.
- H. All supplies and equipment shall be stored within a completely enclosed building.
- I. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a supply yard as an accessory use.
- J. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a storage yard as an accessory use.
- K. The use shall be accessed directly from an arterial or collector street.

Section 711: Off-Street Loading Requirements

- A. In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:
 - 1. Retail stores, freight terminals, industrial or manufacturing establishments, retail, or wholesale stores, personal or business service establishments, storage warehouses, or any similar uses which receive deliveries shall provide the number of off-street berths as required in Table 19.

TABLE 19: BERTHS REQUIRED (RETAIL, INDUSTRIAL, AND MANUFACTURING)

Gross Floor Area (sq. ft.)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

2. Recreation facilities, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings, and similar uses which receive deliveries by tractor-trailer shall provide the number of off-street berths as required in Table 20.

TABLE 20: BERTHS REQUIRED (AUDITORIUMS, CONVENTION HALLS, AND OFFICE BUILDINGS)

Gross Floor Area (sq. ft.)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

3. Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this Section at the discretion of the City.
4. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public ROW.

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Article VIII: Signs

Section 801: Purpose

- A. The intent of this Article is to provide for the use of signs as a means of identification while maintaining and enhancing the physical environment, aesthetic character, and public safety of the community. The purpose of this Article is:
 - 1. To require zoning approval for signs in all Zoning Districts subject to the standards and requirements of this Article.
 - 2. To prohibit signs not expressly permitted by this Article.

Section 802: Applicability

- A. The regulations contained in this Section shall apply to all signs in all Zoning Districts. No sign may be erected, placed, established, painted, created, altered, or maintained except in conformance with the standards, procedures, regulations, and requirements contained herein.
- B. Method of sign authorization and approval. For the purposes of this Ordinance, signs shall be authorized for approval pursuant to the following:
 - 1. Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application if the application indicates compliance with this Ordinance.
 - 2. Exempt uses are signs that are authorized but that are exempt from regulation under this Ordinance and do not require zoning approval.
 - 3. Prohibited signs are those not authorized by this Ordinance nor exempt from regulation.
- C. Accessory Uses. Signs shall be considered accessory uses (other than billboards) on the lot or site they are located and subordinate to the principal use of the lot. Signs shall be subject to Article III of this Ordinance in addition to the requirements of this Article.
- D. Principal Uses. Billboards are considered the principal use of a lot or site on which they are located and shall comply with all the requirements of this Article.
- E. Alteration of Sign Face. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require zoning approval and conformity to all the requirements of this Article.
- F. Signs on Public Property. Any sign installed or placed on public property or within a public ROW, except in conformance with the requirements of this Article shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Ordinance.
- G. Enforcement and Remedies. Enforcement and remedies of this Article shall be pursuant to the provisions of this Ordinance and any other enforcement or remedies pursuant to State and Federal law.

Section 803: Types of Signs

- A. For the purposes of this Section, all signs shall be classified by the definitions provided in Article II of this Ordinance.

Section 804: Prohibited and Exempt Signs

- A. The following signs shall be exempt from these regulations:
1. Holiday decorations displayed for recognized State and Federal holidays.
 2. Official notices authorized by a court, public body, or public safety official.
 3. Memorial/Historical plaques.
 4. Memorial signs and tablets when cut into any masonry surface or when constructed of bronze or other sculptured materials.
 5. Flags of a governmental organization.
 6. Signs authorized by the City such as municipal gateway signs, street signs, safety control signs, and traffic control signs. Municipal gateway signs may contain advertising matter.
 7. Public notice/public warning signs.
 8. Auction, garage sale, or yard sale signs.
 9. Address numbering.
 10. Construction sign (temporary, only during active construction).
 11. Signs of any type placed on public or parks property by authorization of the City.
 12. A-Frame (sandwich board) signs shall only be permitted on sidewalks provided that only one (1) such sign per premises shall be permitted and shall be located no closer to the street pavement than fifteen (15) feet. Such sign shall not obstruct pedestrian travel and shall be removed each evening upon closing. A-Frame signs shall not exceed six (6) sq. ft. per side.
 13. Signs Announcing Candidacy for Public Office. Such signs shall not be installed on utility poles, shall not be installed more than 60 days before the election to which they are relevant and shall be removed within five (5) calendar days immediately following the relevant Election Day.
 14. Temporary Signs. A temporary sign not exceeding sixteen (16) sq. ft. in total gross area for each exposed face may be permitted for a period not to exceed 30 days and shall be removed within three (3) days after the termination of the activity, service, project, or sale, provided the sign is safely installed and is consistent with the area where it is to be located. There shall be no more than two (2) permits for temporary signs issued for the same premises within one (1) calendar year. Temporary signs shall state the date on which it was installed, if known, and shall provide contact information, including a name and a telephone number, for a representative of the sign's owner.
 15. Signs identifying on-premises home occupations which contain only the name of the business and/or owner. Such sign shall not exceed two (2) sq. ft. in area.

16. 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.
17. Signs denoting the availability of property for lease or sale, located on the premises being leased or sold. The sign shall not exceed six (6) sq. ft. in area and shall be removed within seven (7) days of the sale or lease of the property.

B. Prohibited Signs. The following signs shall not be permitted in any Zoning District:

1. Flashing, blinking, changing, animated, inflatable, or moving signs (except digital signs and LED billboards authorized by this Article).
2. Pennants (including "swooper flags") or non-governmental flags.
3. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
4. Signs that resemble traffic signals or any sort of traffic device.
5. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the City Council.
6. Off-premise sign (other than billboards).
7. Roof sign.
8. Signs on trees, utility poles, and traffic devices.
9. Signs that are hazardous to public safety and/or are located in the public ROW.

C. Sexual and Adult Oriented Businesses. Notwithstanding any other provision this Zoning Ordinance, it shall be unlawful for any owner or operator of any sexually oriented establishment or any other person to erect, construct, or maintain any sign for the regulated establishment other than one (1) "Primary Sign." Primary signs shall contain no photographs, silhouettes, drawings, or pictorial representations of any manner, and may contain only:

1. The name of the regulated establishment and/or
2. One (1) or more of the following phrases:
 - a. Adult bookstore;
 - b. Adult movie theater;
 - c. Adult encounter parlor;
 - d. Adult cabaret;
 - e. Adult lounge;
 - f. Adult novelties;
 - g. Adult entertainment; or
 - h. Adult modeling studio.
3. Primary signs for adult movie theaters may contain the additional phrase, "Movie Titles Posted on Premises."
4. Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size, and color. The background on the

display surface of the primary sign shall be of a uniform and solid color.

5. No materials, merchandise, film offered for sale, rent, lease, or loan or for view upon the premises shall be exhibited or displayed outside of a building structure.
6. Any building or structure occupied as a sexually oriented establishment shall be windowless or have any opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited. No materials or film shall be visible from outside of the building or structure.
7. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this Ordinance is subject to an action in equity or a suite for injunction as well as citations for violations of this Ordinance.

Section 805: Determining Sign Area and Height

A. The following shall control the computation of sign area and height:

1. Computation of Area of Single-faced Signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets this Zoning Ordinance and is clearly incidental to the display itself. Any digital portions of a proposed sign and/or a sign base that contains a message or logo shall be included in the calculation of the sign area.
2. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Any digital portions of a proposed sign and/or sign base that contains a message or logo shall be included in the calculation of the sign area.
3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 806: Permitted Signs in Residential Districts

- A. Within Residential Zoning Districts (R-1 and R-2), all signs except those specifically exempted shall require a zoning/building permit. The following signs are permitted in Residential Zoning Districts:
1. Address and/or name signs.
 2. Home occupation signs.
 3. Signs identifying property for sale or lease.
 4. Signs identifying the development:
 - a. Shall not exceed eighteen (18) sq. ft.
 - b. Shall not exceed three (3) feet 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) sq. ft.
 - b. Only one (1) sign is permitted for the use.
 6. Temporary signs, not to exceed twelve (12) sq. ft., only one (1) per use.
 7. Window signs.
- B. A nameplate not exceeding two (2) sq. ft. in area containing only the name of the resident, the title of the person practicing a profession, name of building and name of agents, or any combination of the foregoing and placed directly against a building wall.
- C. A ground/monument sign erected upon the premises of an educational, philanthropic or religious institution, including a church, hospital, or similar institution for the purpose of displaying the name of the institution and its activities or services, which shall be limited to one (1) such sign. Pole signs are not permitted in any Residential Zoning District. Ground signs shall be located at least ten (10) feet back from the street ROW.
1. The sq. ft. area of an institutional ground/monument sign in a Residential Zoning District shall not be permitted to exceed an area of 50 sq. ft. for each side.
 2. The maximum height of an institutional ground/monument sign in a Residential Zoning District shall be twenty (20) feet.
- D. Residential Development Sign. One (1) residential development sign not exceeding 32 sq. ft. in total gross surface area per face, or two (2) signs not exceeding sixteen (16) sq. ft. in surface area per sign shall be permitted which identifies the name of the residential development. In the case of the residential development with more than one (1) entrance, a sign or signs as permitted above may be placed at each entrance to the development. Pole signs are not permitted in any Residential Zoning District or PRD. Ground signs shall be located at least ten (10) feet back from the street ROW.
1. In the R-2 District, only one (1) exterior wall and/or ground sign shall be permitted not exceeding 24 sq. ft. in area in connection with a multiple-family dwelling or other authorized use and shall identify only the name of the structure or residential building. Pole signs are not permitted in the R-2 District. Ground signs shall be located at least ten (10) feet back from the street ROW.

2. Directional signs as specified elsewhere in this Ordinance.
 3. Temporary real estate signs not exceeding eight (8) sq. ft. in total gross surface area of all faces. Temporary real estate signs are limited to one (1) per property for sale, lease, or rent and only when placed on the property advertised and to be removed within three (3) days of the completion of sale, lease, or rent of said property.
- E. No sign shall be erected upon, or applied to, any roof. The term "sign" here shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower, or spire of a place of worship.
- F. Permitted illumination of a sign, nameplate or bulletin board shall be of a non-flashing, nonmoving, indirect type.
- G. Signs shall be constructed in accordance with the provisions of this Ordinance and shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or cause a public nuisance. The City may take all lawful and proper actions necessary to revoke all permits and licenses issued for such sign and may order said sign removed or brought into compliance with the City Ordinances and regulations within 30 days of the date of issuance of such notice and order, in writing, by the Zoning Officer.

Section 807: Permitted Signs in all Nonresidential Districts

- A. The following provisions identify the types of signs and sign areas permitted in Commercial Industrial, and Institutional Zoning District Classifications (C-1, C-2, C, I, IS-2, IT, and MU Districts), unless otherwise provided for in this Ordinance.
1. 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.
 2. All signs shall meet the following requirements.
 3. Any permitted signs shall be prohibited from advertising products not provided or sold on the premises.
 4. The maximum sign area of any freestanding sign shall be 36 sq. ft.
 5. The maximum sign area of any canopy or marquee sign shall be twelve (12) sq. ft.
 6. 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.
- B. Where more than one (1) business or industry operates from a single building, each operation shall be permitted to have a wall sign, with the aggregate sign area(s) not exceeding the size specified herein.
- C. Where more than one (1) business or industry operates from a single building, only one (1) freestanding sign is permitted, which shall meet the standards established herein. The sign may provide information pertaining to each operation located in the building.

- D. For buildings which house more than one (1) business or industry, one (1) freestanding business directory sign shall be permitted which shall be a maximum of five (5) feet in height and sixteen (16) sq. ft. in area.
- E. For sites in single ownership, on which more than one (1) business or industry is located, a directional sign on each street frontage may be permitted, such sign not to exceed four (4) sq. ft. in size.
- F. Wall Signs.
 - 1. The size of a business or an identification wall signs (or signs) shall not be greater than one (1) sq. ft. multiplied by the width in feet of the principal building frontage along the public ROW or a maximum of 150 sq. ft.
 - a. Where a building has frontage on more than one (1) public road the owner, occupant or agent may erect a sign on each wall facing the frontage. Each sign facing a public road shall meet the total square footage requirements of this Section, provided that all other provisions of this Section are observed.
 - 2. Wall signs shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above the roof line of buildings having flat roofs, the deck line of buildings having mansard roofs or the gutter line of buildings having gable, hipped, or gambrel roofs.
 - 3. Wall signs shall only identify the owner of or enterprise conducting the business, the business engaged in or upon the premises or products or services sold or any combination thereof.
 - 4. Wall signs for multiple occupancy buildings:
 - a. Where several businesses or uses occupy a building, each business may be permitted to a share of the building's allowable sign area, at the direction of the building owner.
 - b. If the owner permits the allowable square footage to be shared, the owner shall develop guidelines which require all signs located on the building to be compatible in terms of size, type, style, color, lighting, and design characteristics. A copy of these guidelines shall be filed with the sign permit and shall be a condition of permit approval.
- G. Ground/Pole Sign.
 - 1. All properties within Nonresidential Zoning Districts are permitted one (1) ground/pole sign.
 - 2. The sq. ft. area of ground/pole signs shall be limited to one (1) sq. ft. of sign area for every one (1) LF of property frontage on a public ROW; but no ground/pole sign shall be permitted to exceed an area of 50 sq. ft. for each side.
 - a. When property is occupied by a business without a building, an applicant shall be permitted one (1) permanent identification sign not exceeding 40 sq. ft. Such sign shall be located at least ten (10) feet back from the street ROW.
 - b. The sign face shall be a minimum dimension of two (2) feet in any direction.

3. The maximum height of a ground/pole sign shall be twenty (20) feet. The minimum height of the bottom edge of any ground/pole sign shall be ten (10) feet except when it is erected as a monument sign.
4. Ground/pole signs are not permitted in the public ROW.
5. The building setback or build-to line shall be the location standard for ground/pole signs. In no case shall a setback of fewer than ten (10) feet from the street ROW line be permitted. Ground/pole signs shall also be located a minimum of five (5) feet from any building and ten (10) feet from any side property line.
6. For signs over ten (10) sq. ft. in area, an additional one (1) ft. of separation from adjacent side property lines shall be required for every ten (10) sq. ft. of sign area.

H. Wall Plaques.

1. Wall plaques shall be all signs extending no more than one and one-half (1.5) inches from the walls to which they are attached. The edges of wall plaques shall be rounded, tapered, or treated in any other manner.
2. There shall be no minimum height above ground level for wall plaques.
3. Wall plaques shall have a maximum of three (3) sq. ft.
4. Signs mounted perpendicular to the wall surface (including those over the public ROW) are only permitted in the C-1 District.
 - a. Signs mounted perpendicular to the wall surface to which they are affixed shall have their bottom edge at sufficient height above the ground or other supporting surface as to assure no interference with pedestrian or vehicular traffic under or around the sign, and in any event at a height not fewer than ten (10) feet.
 - b. When extending over a vehicular cartway, the minimum height above ground or cartway shall be fifteen (15) feet.
 - c. Signs mounted perpendicular to the wall surfaces shall not protrude more than eight (8) feet beyond the wall surface to which they are attached.
 - d. Signs mounted perpendicular to the wall surface shall be limited to a maximum area of 32 sq. ft.

I. Temporary Signs.

1. 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":
 - a. Banner sign.
 - b. Portable sign.
2. Signs announcing new building or construction projects, erected after the beginning of the construction activity. The maximum size shall not exceed sixteen (16) sq. ft.
3. 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) sq. ft. and shall be removed immediately (within 24 hours) following the event.

J. Window Signs.

1. Window signs shall be permitted to be installed on the inside of the window of nonresidential and residential structures.
2. Window signs shall not cover more than 25% of the glazing of any window.
3. The copy of a window sign shall be designed to communicate information about an activity, business, community event, or a sale or service offered.
4. Window signs shall not be permanently affixed to a window or windowpanes.

K. Advertising on Awnings and Canopies.

1. Advertising on awnings and canopies shall be limited in size to a maximum of 50% of the allowable size of the wall sign permitted on the same structure. Such signage shall only include the name and/or logo of the business, industry, or pursuit conducted therein.
2. Canopies shall comply with the height requirements of projecting signs as identified in this Article.

L. Directional Signs.

1. Directional signs are permitted in Nonresidential Zoning Districts as specified elsewhere in this Ordinance.

M. Digital Signs.

1. No digital sign face shall be installed except as part of a wall or ground/pole sign and the placement and manner of installation of digital sign faces shall be subject to the placement and installation restrictions for the same.
2. No digital sign shall be brighter than is necessary for clear and adequate visibility.
 - a. All digital signs shall have installed ambient light monitors and shall at all times allow such monitor to automatically adjust the brightness level of the digital sign based on ambient light conditions so as to minimize and keep consistent sign brightness.
 - b. The maximum brightness level for such signs shall not exceed 5,000 NITS when measured at the sign's face between dawn and dusk, as those times are determined by the National Weather Service.
 - c. The maximum brightness level for such signs shall not exceed 300 NITS when measured at the sign's face between dusk and dawn, as those times are determined by the National Weather Service.
 - d. No permit shall be issued for the installation of a digital sign unless the applicant has submitted a written certification from the sign manufacturer certifying that the light intensity of the sign has not been preset to exceed the illumination levels established herein and that the intensity level is

protected from end-user manipulation by password-protected software or similar security measures.

3. All digital signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen in instances of malfunction.

Section 808: General Regulations

- A. 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.
- B. Signs shall be placed no closer than ten (10) feet to any property line, or any ROW line, and shall not be erected over a street ROW.
- C. In measuring the area of signs permitted under these regulations, the entire face of the sign (one (1) side only), or, where the sign consists of raised letters, or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.
- D. In the Residential Zoning Districts, the maximum height of a sign shall be fifteen (15) feet. In all other Zoning Districts, in no case shall a sign be permitted to be placed higher than the existing building.
- E. No sign shall be erected in such a manner that would obstruct vision, ingress, and/or egress, or interfere with traffic.
- F. No sign shall be located to block doors, operable windows or fire escapes, or access to them; nor shall a sign be attached to a fire escape.
- G. No sign shall be painted directly on a wall. Letters or other devices may be applied directly to a wall but shall not extend more than twelve (12) inches from the wall.
- H. Freestanding signs shall be permitted only on zoning lots with a minimum of 100 feet of street frontage.
- I. Exterior political signs shall not exceed six (6) sq. ft. in area. All exterior political signs on publicly owned property 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. Political signs on private property are exempt from these requirements.
- J. 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.
- K. All applications for permits for construction, installation, maintenance, repair, and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the City Zoning Officer, prior to commencement of any activity or work by the applicant or the applicant's representative or delegate concerning installation, construction or modification of such sign. The provisions of this Section and all of its Subsections shall

apply to, but are not limited to all replacement signs, new signs, changes or alterations to existing signs or signs which must be relocated for any reason.

- L. A site plan or sketch, drawn to scale, shall be submitted to the Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit, a written description of the materials and manner of construction and mounting of the sign, a description of the information and visual material to be included on all surfaces of the sign, a description of the illumination, if any, of the sign and one (1) or more photographs of the proposed sign location from each approach from which the sign will be visible.
- M. Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this Ordinance shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Drive-In," "Danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- N. Material and Construction. All signs shall be securely built, constructed, and erected in compliance with all regulations and requirements of the relevant building codes, and in addition:
 - 1. The Zoning Officer may require calculations by an architect or engineer certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over 25 sq. ft. in area or in the case of a ground sign whose height is greater than ten (10) feet or a sign which weighs in excess of 100 pounds.
 - 2. Any sign damaged by inclement weather that is proven to be unsafe and may not be restored in kind without engineering data as required above.
- O. Illumination and Animation.
 - 1. All illuminated signs shall be inspected by the authorized electrical inspection agency of the City during construction to verify compliance with the adopted electrical code of the City.
 - 2. Illuminated signs shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
 - 3. All signs shall be nonanimated with no exterior moving parts.
- P. 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, as may be amended from time to time.
3. Provided the application is in order, the Zoning Officer shall issue a zoning/building permit for the erection of the sign. Such permit shall expire twelve (12) months from the date of issuance. If construction or erection of the sign is not completed within this time frame, the permit shall be deemed null and void.
4. Inspections by the Zoning Officer shall be made to determine compliance with those regulations and specifications. Any discrepancies shall be identified, in writing, citing the irregularities and the action(s) required to address the requirements. If no action has been taken by the sign owner within 30 days, the sign shall be deemed in violation and the permit shall be revoked, the sign may be requested to be removed, and legal actions may be undertaken.
5. The Zoning Officer may remove, or order the removal of, any sign erected, or placed, in violation of this Ordinance, at the expense of the sign owner
6. Signs which are found to present an immediate hazard to the public may be ordered removed immediately by the Zoning Officer, without notice, and the cost assessed to the sign owner.
7. Signs advertising places of business, or activities, which terminate operation shall be removed within 60 days.

Section 809: Billboards

- A. Billboards are permitted as a conditional use in Industrial and Industrial Service Districts (I and IS-1).
- B. Billboards may be authorized by City Council as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:

1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in Article V of this Ordinance.
2. Billboards are considered as the principal use of a lot or site and as such the land area utilized for a billboard shall not be otherwise required to support another use upon such lot, including, but not limited to, bufferyards, parking area, or setback necessary to any preexisting use upon such lot.
3. The portion of any lot upon which the billboard is to be located shall contain a minimum of 5,000 sq. ft. in area.
4. All billboards shall contain only one (1) face for the display of lettered, written, printed, pictorial, or sculpted matter on only one (1) side of its structure, and such face shall be oriented to be viewed from only one (1) direction of travel from the nearest adjacent roadway (cross roadway viewing shall not be permitted).
5. The display area upon the face of a billboard shall be a maximum of 300 sq. ft. (12 feet by 25 feet), and all portions of any display shall fit within such area with no extensions beyond the edge of the billboard sign's framework.
6. All utility lines serving the billboard, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the billboard is powered by nontraditional alternative energy sources (for example solar power).
7. All billboards shall be set back from the below described items as follows:
 - a. From a roadway intersection: 300 feet.
 - b. From any other billboard (whether such is located in the City or otherwise) on the same side of the roadway: 1,200 feet.
 - c. From any other billboard (whether such is located in the City or otherwise) on the opposite side of the roadway: 600 feet.
8. The maximum height of billboards shall not exceed twenty (20) feet, as measured from the grade of the roadway from which the advertising message is principally visible, and the bottom edge of the billboard shall be no more than eight (8) feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the billboard.
9. A bufferyard shall be required between billboards and any adjacent lot(s). For the purpose of establishing the required bufferyard, billboards shall be considered a commercial use.
10. All displays on the face of billboards shall be stationary, and no animated, sequential, flashing, moving, or oscillating signs or displays shall be permitted.
11. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.
12. Except as otherwise may be specified herein, all development of billboards shall comply with the provisions of the SALDO and this Ordinance.

13. All billboards shall be constructed to all applicable structural standards for such devices, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.
- C. All billboards (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of the cessation of use.
- D. All billboards shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.
- E. No billboard shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate resolution of the Council) and received a permit thereof from the City.
- F. Prior to erection all proposed applicants for billboards shall be required to obtain any necessary permit from and to conform, in all respects, to any regulation thereof promulgated by an agency of the Commonwealth of Pennsylvania, including, but not limited to PennDOT.

Section 810: Murals

- A. Murals are permitted as a conditional use in all Business and Commercial (C-1 and C-2) Zoning Districts.
- B. Murals may be authorized by City Council as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:
 1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in Article V of this Ordinance.
 2. All murals shall not exceed the height of the structure to which it is tiled, painted, or affixed.
 3. All murals shall not extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
 4. All murals shall not exceed a height of twenty (20) feet above grade.
 5. All murals shall not consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).
 6. All murals shall not be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
 7. All murals shall not be placed on a lot that has an exclusively residential structure.
 8. All murals shall not be illuminated.

Article IX: Wireless Communications Facilities

Section 901: Purpose and Findings of Fact

- A. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities (WCF) in the City. While the City recognizes the importance of WCFs in providing high quality communications service to its residents and businesses, the City also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting this Ordinance, the City intends to:
 1. Promote the health, safety, and welfare of City residents and businesses with respect to WCFs.
 2. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both City residents and wireless carriers in accordance with federal and state laws and regulations.
 3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based WCFs in the City, including facilities both inside and outside the public ROW.
 4. Address new wireless technologies, including but not limited to, DAS, data collection units, cable Wi-Fi, and other WCFs.
 5. Encourage the co-location of WCFs on existing structures rather than the construction of new tower-based structures.
 6. Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the City's authority.
 7. Protect City residents from potential adverse impacts of WCFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
 8. Update the City's wireless facilities regulations to incorporate changes in Federal and State laws and regulations.

Section 902: General Standards for All Tower-Based WCFs

- A. General Standards. The following regulations shall apply to all tower-based WCFs:
 1. Conditional Use Required. Each applicant proposing the construction of a tower-based WCF shall complete and submit a conditional use application as either a principal or accessory use prior to beginning construction of such WCF. Such application shall be evaluated by the City and subject to the proceedings of Article V.
 2. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for use of the land if the applicant is not the owner the parcel on which the tower-based WCF will be constructed.
 3. Historic Buildings or Districts. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of

Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the City.

4. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet, such as cabinets and accessory structures, shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
5. Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code, National Electrical Code as adopted by the UCC, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
6. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended).
7. Height. Any tower-based WCF shall be designed at the minimum functional height. All tower-based WCF applicants must submit documentation to the City justifying the total height of the structure. The maximum total height of any tower-based WCF, which is not located in the public ROW, shall not exceed 150 feet, which height shall include all subsequent additions or alterations. Equipment buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.
8. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
9. Maintenance. The following maintenance requirements shall apply:
 - a. Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
10. Modifications. Applicants proposing the modification of any tower-based WCF shall submit a building permit application to the City and shall not commence such modifications until the complete application has been received by the City.
11. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the *FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC*

Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

12. Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. There shall be no other signage permitted on the WCF, except for that required by law FCC/FAA regulations.
13. Lighting. Tower-based WCFs shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
14. Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
15. Aviation Safety. Tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
16. Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the City shall advise the applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150 day review period.
17. Non-Conforming Uses. Non-conforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location within one (1) year after damage occurs but must otherwise comply with the terms and conditions of this Ordinance. Co-location on non-conforming tower-based WCFs is permitted.
18. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF. In addition to and not in lieu of any other remedy available to the City to recover costs associated with removal, the City shall file liens against the WCF owner and the owner of any real property upon which a

WCF is sited, in order to recover any unpaid legal fees, consultant fees, and court cost that may be incurred.

- c. Any unused portions of tower-based WCF, including antennae, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a tower-based WCF previously removed.
19. FCC License. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
20. Insurance. Each person that owns or operates a tower-based WCF greater than 45 feet in height shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. Each Person that owns or operates a tower-based WCF 45 feet or less in height shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.
21. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.
22. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
23. Indemnification. Each person that owns or operates a tower-based WCF, or the property on which such WCF is located shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF and each owner of property upon which a tower-based WCF is located shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of tower-based WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

24. Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
25. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a tower-based WCF, the applicant shall provide to the City financial security in the form of a letter of credit or bond sufficient to guarantee the removal of the tower-based WCF. The amount of said financial security shall be determined based upon industry standards for removal and shall remain in place until the tower-based WCF is removed.

Section 903: Specific Requirements for Tower-Based WCFs Outside of the ROW

- A. Tower-based WCFs outside the ROW. The following regulations shall apply to tower-based WCFs located outside the public ROW:
 1. Location. No tower-based WCF shall be located in an area in which all utilities are located underground, except as permitted by this Ordinance.
 - a. Tower-based WCFs may be located in the following Zoning Districts:
 - i. I –Industrial District
 - ii. IS-2 –Industrial Service District
 - iii. IT – Institutional District
 - b. Such tower-based WCFs shall not be located in, or within 100 feet of an area in which all utilities are located underground.
 2. Site Requirements. A tower-based WCF may be located as permitted in the District regulations or the general standards for accessory structures, as set forth in Article III of this Ordinance.
 3. Permitted as a Sole Use on a Lot. A tower-based WCF may be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in Article III in this Ordinance and the following standards:
 - a. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable District and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than 50 feet in height.
 - b. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable Zoning District. In addition, the minimum setback for the tower shall be a distance that is at least equal to one and one-half (1.5) times the height of the tower.
 4. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

- a. The existing use on the property may be any permitted use in the applicable District and need not be affiliated with the communications facility.
 - b. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the general standards for accessory uses. In addition, the minimum setback for the tower from any existing structures shall be a distance that is at least equal to one and one half (1.5) times the height of the tower.
5. Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage.
6. Co-Location and Siting. An application for a conditional use for a new tower-based WCF shall not be approved unless the City Council finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or on City property. Any application for a conditional use for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City Council that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
7. Notice. Upon submission of an application for a tower-based WCF, the applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of the notification to the City.
8. Design Regulations.
 - a. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the City Council.
 - b. Any height extensions to an existing tower-based WCF shall require prior approval of the City Council. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
 - c. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.
9. Surrounding Environs.
 - a. The WCF applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible. Any plantings shall conform to the standards set forth in Article VI of this Ordinance.

- b. The WCF applicant shall submit a soil report to the City to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

10. Fence/Screen.

- a. A security fence having a maximum height of eight (8) feet shall completely surround any tower-based WCF greater than 50 feet in height, as well as guy wires, or any building housing WCF equipment.
- b. A screen of evergreen trees planted eight (8) feet on center, and staggered in two (2) rows, shall be located along the perimeter of the security fence surrounding a Tower Based WCF greater than 50 feet in height. Existing vegetation shall be preserved to the maximum extent possible.

11. Accessory Equipment.

- a. Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying Zoning District.
- c. Additional Antennae. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the City.

12. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

13. Parking. For each tower-based WCF greater than 50 feet in height, there shall be two (2) off-street parking spaces, or one (1) space per employee, whichever is greater.

14. Inspection. The City reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 904: Specific Requirements for Tower-Based WCFs in the Public ROW

- A. Tower-based Facilities in the ROW. The following regulations shall apply to tower-based WCFs located in the public ROW:
1. Tower-based WCFs are prohibited in any areas with underground utilities.
 2. Location. An applicant must site tower-based WCFs within an existing ROW of a collector road in the City and meet the following requirements:
 - a. The tower-based WCF facility is not sited within 75 feet of an area in which utilities are underground.
 - b. Any tower-based WCF sited in the public ROW shall not be located directly between the front facade of any structure and the public or private ROW on which the structure fronts.
 - c. Any tower-based WCF shall be located at, or as close to as practicable to, the point where a side lot line intersects with a street ROW line.
 3. Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of tower-based WCFs in the ROW.
 4. Notice. Upon submission of an application for a Tower-Based WCF, the applicant shall mail the applicant notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of the notification to the City.
 5. Co-location and Siting. An application for a new tower-based WCF in the ROW shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one (1) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 6. Time, Place, and Manner. The City shall determine the time, place and manner of construction, maintenance, repair, and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the City and the requirements of the PUC.
 7. Equipment Location. Tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:

- a. The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth in this Ordinance.
 - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti. If such graffiti is not removed within the aforementioned time period, the City will remove it and assess the cost of removal to the WCF owner.
 - e. Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Zoning Officer based on considerations of safety, accessibility, and impact on use of the ROW.
8. Design Regulations.
- a. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the City Council.
 - b. Tower-based WCFs in the public ROW shall not exceed 45 feet in height.
 - c. Any height extensions to an existing tower-based WCF shall require prior approval by the City and shall not increase the overall height of the tower-based WCF to more than 45 feet.
 - d. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.
9. Additional Antennae. As a condition of approval for all tower-based WCFs in the ROW, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the City.
10. Relocation or Removal of Facilities. Within 60 days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the City, consistent with its police powers and applicable PUC regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any City or other public improvement in the ROW.
- b. The operations of the City or other governmental entity in the ROW.
- c. Vacation of a street or road or the release of a utility easement.
- d. An emergency as determined by the City.

Section 905: General Standards for All Non-Tower WCF

A. General Standards. The following regulations shall apply to all non-tower WCF:

1. Permitted in All Zoning Districts Subject to Regulations. Non-tower WCFs are permitted in all Zoning Districts subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Zoning Officer.
2. Locations Restrictions. Non-tower WCFs shall meet the following location restriction:
 - a. Prohibited on Certain Structures. Non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, two-family residences, or any accessory residential structure.
 - b. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
 - c. Historic Buildings. No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the City, or has been designated by the City to be of historical significance. The City Council may, in its discretion, waive this prohibition if the applicant can demonstrate that the proposed location is less visually intrusive than other potential sites.
3. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for the use of the structure if the applicant is not the owner the parcel on which the non-tower WCF will be constructed.
4. Building Permit Required. Applicants proposing the modification of an existing non-tower WCF shall obtain a building permit from the Zoning Officer. In order to be considered for such permit, the applicant must submit a permit application to the City Zoning Officer.
5. Standard of Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

6. Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
7. Height. Any non-tower WCF shall be designed at the minimum functional height. All non-tower WCF applicants must submit documentation to the City justifying the total height of the structure.
8. Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
9. Maintenance. The following maintenance requirements shall apply:
 - a. The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
10. Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the *FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,"* as amended.
11. Aviation Safety. Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
12. Timing of Approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the City, the City shall notify the WCF applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the WCF applicant in writing of such decision. The City shall notify the WCF applicant as to completeness of the WCF application within 30 days of receipt. The timing requirements in this Section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
13. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by

the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

14. Insurance. Each Person that owns or operates a non-tower WCF shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.
15. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a non-tower WCF.
16. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
17. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF and each owner of property upon which a tower-based WCF is located. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
18. Engineer Signature. All plans and drawings for all non-tower WCFs shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

Section 906: Specific Requirements for Non-Tower WCF Outside the ROW

- A. Non-tower WCF outside the ROW. The following regulations shall apply to non-tower WCFs outside the ROW:
 1. Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:
 - a. Such WCF does not exceed the maximum height permitted in the underlying Zoning District.

- b. If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable Zoning District.
 - c. An eight (8) ft. high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- 2. Design Regulations.
 - a. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the City Council.
 - b. Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of ten (10) feet above the roof or parapet.
 - c. The total height of any support structure and mounted WCF shall not exceed the maximum height permitted in the underlying Zoning District.
 - d. All non-tower WCF applicants must submit documentation to the City justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- 3. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
- 4. Non-Commercial Usage Exemption. City citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Ordinance.
- 5. Removal, Replacement, and Modification.
 - a. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
 - b. Any material modification, such as an increase in height or width, to a WCF shall require a prior amendment to the original permit or authorization.
- 6. Inspection. The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 907: Specific Requirements for Non-Tower WCF in the Public ROW

- A. Non-tower WCF in the ROW. The following additional regulations shall apply to all non-tower WCFs located in the ROW:
1. Co-location. Non-tower WCFs in the ROW shall be co-located on existing poles in the public ROW, such as utility poles or light poles.
 2. Design Requirements.
 - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 3. Time, Place and Manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the City and the requirements of the PUC.
 4. Equipment Location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
 - a. The placement of all ground-mounted equipment, walls, or landscaping shall be in accordance with the standards set forth in Article VI of this Ordinance.
 - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to non-tower WCFs shall be reviewed and approved by the City.

5. Relocation or Removal of Facilities. Within 60 days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any City or other public improvement in the ROW.
 - b. The operations of the City or other governmental entity in the ROW.
 - c. Vacation of a street or road or the release of a utility easement.
 - d. An emergency as determined by the City.

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Article X: Planned Residential Development

Section 1001: Purpose

- A. The purpose of the 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. Furthermore, these regulations are intended to promote more economical and efficient use of 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 1002: Applicability and Relationship to Other Ordinances

- A. The provisions of this Article for approval of a PRD shall be in addition to procedures and criteria for approvals otherwise required in this Ordinance and the SALDO. 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 1003: Site Area, Ownership, and Use and Density Requirements

- A. Site Area. In all cases, the minimum site required for a PRD shall be eight (8) contiguous acres. Public easements or ROWs and public or private streets shall not be construed as an interruption or division of a site proposed for a PRD.
- B. Site Ownership. The site proposed for a PRD 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 and equitable ownership shall be demonstrated coincident with approval of the final development plan.
- C. Dwelling Units Authorized.
 - 1. R-2 District. In the R-2 Zoning District, the following dwelling types may be included in a PRD:
 - a. Single-family detached dwellings.
 - b. Duplex/two-family dwellings.
 - c. Townhomes.
 - d. Multi-family dwellings.
 - e. A minimum of 60% of the total number of dwelling units in the PRD shall be single-family detached dwellings.
 - 2. MU District. In the MU Zoning District, the following dwelling types may be included in a PRD:
 - a. Single-family detached dwellings.
 - b. Duplex/two-family dwellings.
 - c. Townhomes.
 - d. Multi-family dwellings.

- D. Recreational and Other Common Facilities for the Residents. In addition to the residential uses permitted in a PRD, recreation facilities designed for the use of the residents of the PRD 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 PRD based on the types of dwelling units proposed.
- E. Maximum Dwelling Unit Density. Regardless of whether a PRD 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-2 District shall be fifteen (15) units per acre. The maximum dwelling unit density in the MU District shall be 24 units per acre.
- F. Minimum Lot Area. The minimum lot area required for a single-family dwelling in the R-2 and MU Districts may be reduced to no less than 2,000 sq. ft. The minimum lot area required for a two-family dwelling in the R-2 and MU Districts may be reduced to no less than 1,600 sq. ft. for each dwelling unit or 2,800 sq. ft. for the two-family dwelling structure.
- G. Required Setbacks on the Perimeter of the PRD site. All principal and accessory structures and off-street parking shall conform to the minimum setbacks required in the R-2 and MU Districts along the perimeter boundary of the PRD site.
- H. Minimum Setbacks and Distances Between Buildings Internal to the PRD Site.
 - 1. Where two (2) or more principal buildings are proposed on one (1) lot, there shall be a minimum of fifteen (15) feet between principal buildings.
 - 2. On lots located on the interior of the PRD site that do not adjoin any perimeter boundary, the minimum required front yard setback may be reduced to no less than ten (10) feet. The minimum required side yard setback may be reduced to no less than three (3) feet. The minimum required rear yard setback may be reduced to no less than ten (10) feet.
 - 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 PRD 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 Zoning District in which it is located, except that a detached garage that is accessed from an alley may be located on the property line that is contiguous with the ROW 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 1003.C. Any other applicable requirements of the R-2 and MU Districts may be modified in accordance with this Section 1003.C.

2. ROW width for a public or private street may be reduced to no less than 40 feet. ROW width for an alley shall be fifteen (15) feet.
3. All the other Design and Construction Standards of the SALDO, other than ROW width, shall apply to all public improvements proposed in a PRD unless a waiver or modification is granted by City Council.
4. All requests for modifications to the SALDO or City Construction Standards for public improvements and any request for reduction in setbacks authorized by Section 1003.C 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 1004: Access and Availability of Public Services

A. Access and Traffic Control.

1. The principal entrance to the site of a 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 SALDO. 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 PRD shall be connected to a public water supply and public sanitary sewer service.

C. Sidewalks, Lighting, and Streetlights.

1. The developer shall provide sidewalks on both sides of every street, whether public or private, within the PRD site. Sidewalks shall be constructed in accordance with the City Construction Specifications.
2. All sidewalks, paths, streets, off-street parking areas, and areas of high pedestrian use shall be adequately lighted.
3. All exterior lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

TABLE 21: LIGHTING FIXTURE HEIGHT REQUIREMENTS

LOCATION	FEET ABOVE GRADE
Pedestrian walkways	12
Parking lots	15
Streets	25

4. The level of illumination shall vary with the intensity of use of areas. High intensity light shall be required for areas which are heavily used. However, lower intensity and colored illumination shall be used in less intensive use areas. The following lighting levels shall apply:

TABLE 22: LIGHTING LEVEL REQUIREMENTS

LOCATION	FOOTCANDLES PER USE IN PRDS
Roadways	
Collector streets	0.6
Local access streets	0.4
Alleys	0.2
Pedestrian Areas	
Sidewalks	0.2
Pedestrian ways or focus areas	0.5

5. All exterior lights shall be LED or of the sodium type, as opposed to the mercury vapor type. Streetlights 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 PRD that shall be of sufficient size and design to collect, carry off, and dispose of all predictable surface water runoff within the PRD 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.

Section 1005: Common Open Space

A. Areas Required.

- Common open space shall comprise at least 25% of the total gross site area of the PRD.
- Of the required open space area, no more than 25% may be covered by water.
- Recreational facilities or structure and their accessory uses located in common open space areas shall be considered open space as long as the total impervious surface area constitutes no more than five percent (5%) of the total open space.
- 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 25% of the open space area provided shall be in excess of a 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 (15) feet 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 PRD shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD 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 §705(f) of the MPC, Act 247, as amended.

Section 1006: Administration and Procedure

- A. The PRD 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 MPC, Act 247, as amended, and shall have the final authority to approve, approve with conditions, or disapprove a PRD.
 1. Preapplication Conference.
 - a. Prior to filling 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.
 - b. 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 Zoning Officer at least ten (10) calendar days prior to the regular meeting of the Planning Commission to request a preapplication conference with the Planning Commission.
 - c. 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.

- d. 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.
 - e. A preapplication conference shall not constitute formal filing of any application for approval of a PRD, 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 PRD under the terms of this Ordinance.
2. Application for Tentative Approval. At least 21 calendar days prior to the regular meeting of the Planning Commission, five (5) paper copies and one (1) electronic copy 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 minimum, the following information:
- a. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - b. A written statement of planning objectives to be archived by the PRD 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.
 - c. A written statement setting forth the reasons why the proposed PRD would be in the public interest and would be consistent with the Comprehensive Plan, as adopted and amended.
 - d. A written statement of the requested modifications to City Zoning and Subdivision regulations otherwise applicable to the property, if any.
 - e. 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 200 feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
 - f. A set of development plans prepared at a minimum scale of one (1) inch equals 100 feet (1" = 100') or a maximum scale of one (1) inch equals 50 feet (1" = 50'), whichever is practical depending on the size of the site, showing the following information:

- i. Existing contours at intervals of five (5) feet, watercourses, floodplains, wetlands, woodlands, steep slopes, and other natural features.
 - ii. Proposed lot lines.
 - iii. 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.
 - iv. The location and size in acres or sq. ft. of all areas to be conveyed, dedicated, or reserved as common open space.
 - v. 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 PRD to public ROWs.
 - vi. 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.
 - vii. The existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
 - viii. A plan showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways, and existing woodlands.
 - ix. A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
 - x. Any additional information required by the SALDO for a preliminary plat.
 - g. In the case of development plans that call for development over a period of years, a schedule for phasing the development shall be provided. The 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.
 - h. Application filing and review fees.
3. Review of Application by Zoning Officer and Planning Commission.
- a. 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 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 60 days shall be considered a new application and shall be accompanied by the required application filing fee.

- b. 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.
 - c. 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.
 - d. 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 1006.1 of this Ordinance.
4. Council's Public Hearing on Application for Tentative Approval.
- a. Within 60 days following the official date of filing of an application for tentative approval of a PRD which contains all of the required documentation, a public hearing to public notice shall be held by City Council.
 - b. 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 21 days prior to the public hearing to all residents and/or landowners within 300 feet of the site for which the application for tentative approval of a PRD 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.
 - c. The public hearing shall be conducted in the manner prescribed in Article IV of the MPC, Act 247, as amended, and all references to the ZHB in Article XV shall apply to City Council. The public hearing or hearings shall be concluded within 60 of the first hearing.
 - d. 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 MPC, Act 247 of 1968, as amended.

5. Tentative Approval.

- a. Within 60 days following the conclusion of the public hearings or within 180 days of the date of filing of the application, whichever occurs first, City Council shall, by official written communication to the landowner either:
 - i. Grant tentative approval of the development plan, as submitted;
 - ii. Grant tentative approval of the development plan, subject to specified conditions not included in the development plan as submitted; or
 - iii. Deny tentative approval.
- b. 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 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 1007: Criteria for Tentative Approval

- A. 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.
 1. 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.
 2. Modifications Proposed. Where the proposed application for tentative approval proposed reductions in setbacks and/or modifications to the SALDO 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.
 3. 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.
 4. 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.

5. 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.
6. Phasing. In the case of a development plan which proposed 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 PRD in the integrity of the Final development plan.

Section 1008: Application for Final Approval

- A. Unless extended by City Council for good cause shown, the developer shall submit five (5) paper copies and one (1) electronic copy 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.
 1. Review of Application by Zoning Officer and Planning Commission.
 - a. The Zoning Officer shall review the application to determine whether it is complete and properly filled 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.
 - i. 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.
 - ii. Within 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.
 - iii. 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.
 2. 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 45 days of the official date of filing, grant final approval to the development plan.

3. Variations from the Plan Granted Tentative Approval.
4. 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 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.
5. 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 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.
6. If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
7. Optional Public Hearing on Final Application That Varies from Plan Granted Tentative Approval.
 - a. Any public hearing held on an Application for final approval shall be held pursuant to public notice within 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.
 - b. Within 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.
8. 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.
9. 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:
 - a. All data required by the SALDO for a Final Plan, including application filing, application review and inspection fees.
 - b. Accurately dimensioned locations for all proposed buildings, structures, parking areas, and common open space.

- c. The number of dwelling units in each residential building and the use of each nonresidential building or structure.
 - d. Building elevation drawings for all principal structures, other than single-family dwellings.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. An engineering report which shall include the following data, wherever applicable:
 - i. Profiles and specifications for proposed public and private streets.
 - ii. Profiles and other explanatory data concerning installation of storm sewers and sanitary sewers.
 - iii. Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
 - i. A grading plan subject to review and approval by the City Engineer.
 - j. A copy of the Erosion and Sedimentation Control Plan as submitted to the Beaver County Conservation District.
 - k. A stormwater management plan prepared in compliance with the requirements of the City Stormwater Management Ordinance.
10. Performance Bond and Developer's Agreement. As a condition of final approval of a PRD, the Performance Bond and Developer's Agreement required by the SALDO shall be required.
11. 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 SALDO for public and private improvements in the development plan.
12. 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 PRD in accordance with the time provisions stated in §508 of the MPC, 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 PRD is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations.

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Article XI: Traditional Neighborhood Development Overlay District

Section 1101: Purpose

A. The purposes of a TND Overlay District are as follows:

1. To ensure 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's Community Development Goals and Objectives in Article I.
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.
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 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 ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

Section 1102: Authority

A. The authority for this development option derives from Article VII-A of the MPC, as amended.

Section 1103: Review and Approval

- A. It is hereby declared to be in the public interest that all applications for approval of a TND 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 City. The application shall be filed with the Zoning Officer.
 2. All planning, zoning, and subdivision matters related to the platting, use, and development of the TND and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the City, 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 City:
 - a. General Data.
 - i. Name of proposed TND.
 - ii. North point.
 - iii. Graphic scale and legend describing all symbols shown on the plan.
 - iv. Day, month, and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.
 - v. 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.
 - vi. Name, address, and seal of the individual or firm preparing the plan.
 - vii. An Offer of Dedication Signature Block.
 - viii. Municipal Approval Signature Block.
 - ix. Recorder of Deeds Signature Block.
 - b. Existing Features.
 - i. Total acreage of the property and total sq. ft. within each lot of the development.
 - ii. 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.
 - iii. Land and building uses for all property within the proposed TND, including pre-existing neighborhood density and how the proposed development would affect pre-existing densities.
 - c. Proposed Development. The TND 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:

- i. The approximate location and use of the buildings and other structures (all area dimensions shall be indicated in sq. ft.).
- ii. The approximate location and area of driveways and parking and loading areas.
- iii. The property lines of lots to be subdivided, measured to the nearest foot.
- iv. The approximate location of sidewalks and bike or foot paths.
- v. The location of utility and drainage easements.
- vi. The location and pipe diameter of sewer and water mains.
- vii. The location of fire hydrants shall be every 600 feet.
- viii. Perimeter setbacks and bufferyards.
- ix. Street information. Including: location and widths of ROWs and cartways, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at scale of one (1) inch equals 50 feet horizontal and one (1) inch equals five (5) feet vertical.
- x. A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.
- xi. A general grading plan showing any major alterations to the topography of the site.
- xii. 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.
- xiii. 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.
- xiv. 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.
- xv. Building footprints in the development and each phase.
- xvi. The area of streets, parking, sidewalks, ad walkways and the total area paved, and percent of area paved or covered by the structures in the development and each phase or section.
- xvii. The total area devoted to planned recreational or open space use throughout the entire development and in each phase.
- xviii. The calculations of impervious surface om the development and in each phase.

- d. Narrative Statement. The following information should be included with a narrative statement submitted with the site plan:
- i. A statement of the ownership of all of the land included within the TND.
 - ii. An explanation of the design and layout of the TND, with particular attention as to planning objectives to be achieved.
 - iii. A statement describing proposed innovative design concepts included in the plan, including their purpose and benefits.
 - iv. 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.
 - v. A description of how the proposed development meets the standards and conditions of §706A of the MPC, any variations necessary, and why such variations are in the public interest.
 - vi. A description of the proposed use and improvement of common open space and recreational facilities.
 - vii. 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.
 - viii. A statement on how the development is consistent 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.

Section 1104: Design Criteria

- A. The TND Overlay Districts are identified on the Official Zoning Map and include a mix of residential and commercial TND Overlays.
- B. Maximum areas devoted to residential uses shall be as follows:
 1. Single-family dwellings – 30% of total area proposed for development.
 2. Duplex, triplex, and quadruplex – 30% of total area proposed for development
 3. Townhouse and garden apartments – ten percent (10%) of total area proposed for development.
- C. Minimum area devoted to neighborhood retail shall be ten percent (10%).
- D. Minimum area devoted to personal service uses shall be ten percent (10%).
- E. Minimum area devoted to open space shall be ten percent (10%).
- F. Developments shall conform to the design criteria set forth herein as follows:

1. Neighborhood Center Area. One (1) 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 (1) Mixed Residential Area is required in a TND containing a variety of residential land uses including single-family houses, duplexes, townhouses, and multifamily residence. 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 automobiles. 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 automobiles. 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 automobiles shall be required but will be done in a manner that has minimal, physical, aesthetic, and environmental impacts.
- G. Minimum Size. To qualify for designation, the minimum size of a TND must be such that it will be bound on all sides by an existing or proposed public street or alley. TNDs meeting this minimum may extend beyond this area and end in mid-block.
- H. Uses. The following uses shall be permitted as a part of an approved TND:
1. Single-Family Dwellings
 2. Duplex Dwellings
 3. Townhouse or Multi-Family Dwellings (maximum of four (4) units per structure)
 4. Upper-Floor Residences (mixed-use structures)
 5. Private Clubs and Social Halls
 6. Public Parks and Playgrounds
 7. Civic and Cultural Buildings (includes Churches and Schools)
 8. Home Occupations
 9. Day Care Facilities
 10. Financial Institutions
 11. Neighborhood Scaled Retail Business

- 12. Personal Services
- 13. Parking Lot or Structure

Section 1105: Design and Development Standards for Public or Private Improvements

- A. 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.
- B. 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.
- C. Parking. All parking areas, except for safety and access considerations, shall be located to the rear of side of the building. In the case of parking structures, the design of exterior surfaces shall be of a form and material which related 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.
- D. Landscaping. All parking lots shall be landscaped consistent with Article VI. If non-existing, street trees shall be provided to the following standards:
 - 1. Street trees shall be planted in the strip between cartway edge and sidewalk.
 - 2. Such trees shall be anywhere from one and one-half (1.5) feet to two and one-half (2.5) feet in diameter in breast height (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.
 - a. Shade trees shall be a minimum of two and one-half (2.5) feet DBH.
 - b. Understory trees shall be a minimum of one and one-half (1.5) feet DBH.
 - 3. 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 fifteen (15) feet but not more than 35 feet; will be tolerant of pollution and direct or reflect heat; will require little maintenance by being mechanically strong (not brittle) and insect- and disease-resistant; and will be able to survive two (2) years with no irrigation after establishment.
 - a. Refer to Appendix B for a list of preferred shade trees and understory trees.
 - b. Street trees in urban areas and particularly under overhead utility wires shall not be more than 30 feet in height.
 - 4. All common areas, transition areas between land uses, setback areas, and other spaces shall be landscaped.

Section 1106: Lot, Yard, Density, and Design Standards

- A. Structures shall be placed close to the street at generally one-quarter (0.25) of the width of the lot or less.
- B. 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 sq. ft. for any one (1) bedroom unit, 650 sq. ft. for any two (2) bedroom unit, or 750 sq. ft. for any unit with three (3) bedrooms or more.

- C. 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 of 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.
- D. 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.
- E. 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 shall be discouraged on facades of buildings.
- F. Buildings shall define the streetscape through the use of uniform setbacks along 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.

Section 1107: District Changes

- A. Upon final approval of an application for a TND, either in whole or in part, a designation of TND shall be applied to all lands included in the development plan.
 - 1. Common open space shall comprise at least 25% of the total gross site area of the PRD.
 - 2. Of the required open space area, no more than 25% may be covered by water.
 - 3. Recreational facilities or structure and their accessory uses located in common open space areas shall be considered improves open space as long as the total impervious surface area constitutes no more than five percent (5%) of the total 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 25% of the open space area provided shall be in excess of a 25% slope.
 - 5. In the case of three (3) or more swelling units on a single lot, the open area surrounding the dwelling units, excluding any open space within fifteen (15) feet 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.
 - 6. Accessory uses must meet the area and bulk requirements of the primary use. See Table 11 in Article III.

TABLE 23: TND AREA AND BULK REQUIREMENTS

PERMITTED USES	LOT REQUIREMENTS			YARD SETBACK AND HEIGHT REQUIREMENTS			
	MAXIMUM PERMITTED DENSITY	MINIMUM WIDTH	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	MAXIMUM HEIGHT
Single-family detached unity	3,000 sq. ft.	30 ft.	60%	10 ft. on local and collector streets; 20 ft. on arterial	3 ft.	15 ft.	36 ft.
Two-Family	3,000 sq. ft.	30 ft.	70%	5 ft. on local and collector streets; 10 ft. on arterial	3 ft.*	10 ft.	36 ft.
Townhome	1,600 sq. ft. per unit	20 ft.	70%	5 ft. on local and collector streets; 10 ft. on arterial	3 ft.*	10 ft.	36 ft.
Multi-Family	1,000 sq. ft. per unit	40 ft.	70%	15 ft. on local and collector streets; 20 ft. on arterial	10 ft.	20 ft.	36 ft.
Neighborhood Commercial (excluding gasoline sales)	15,000 sq. ft.	80 ft.	80%	15 ft.	5 ft.	20 ft.	36 ft.
Personal Services	10,000 sq. ft.	50 ft.	80%	10 ft.	5 ft.	15 ft.	36 ft.
Public and Private Schools	2 acres	100 ft.	50%	30 ft.	20 ft.	25 ft.	36 ft.
Public Park and Recreation Uses	No Minimum	100 ft.	50%	25 ft.	15 ft.	20 ft.	36 ft.
*Side setbacks are not required for dwellings that share common walls along the shared wall. The side setback applies to end units only.							

Article XII: Food Trucks, Special Events, and Pop-Up Events

Section 1201: Food Truck Permit Fees and Application Procedures

- A. It shall be unlawful for any food truck vendor to serve food from a mobile food facility within the boundaries of the City without first obtaining a permit from the City. This includes for vendors on private property, ROWs, and City-owned land.
 - 1. Two (2) types of permit applications are available for submittal to the issuing agency, independent Food Truck permit application and/or a food truck park/collective permit application.
 - 2. The City Council designates the City Manager, Zoning Officer, Code Enforcement Officer, and/or the City Police to be the agents of the City primarily charged with the responsibility of supervising the provisions of this Section.
 - 3. The permits shall be issued by the City to each approved applicant in exchange for a completed application and a fee listed in the City yearly fee resolution.
 - 4. Incomplete applications will not be accepted.
 - a. Application fee(s) must be paid in full at the time of submittal.
 - b. Cash and/or check (made payable to the City of Aliquippa) are the only forms of payment accepted.
- B. The application form for a permit shall be provided by the issuing agency and can be adapted and/or changed as needed without amendment to this Article.
- C. A permit shall be valid from the date in which it is issued through the end of the calendar year as per the permit term.
- D. Permits are nontransferable and shall contain the permit number of the applicant and the year in which the permit is valid.
- E. If a food vendor and/or food truck loses his or her permit, a replacement permit can be obtained from the issuing agency for a fee of \$5.00.
- F. As part of any permit application procedure, applicants may be subject to a criminal background history check (at the applicant's expense), which shall be reviewed by the Chief of Police or his or her designee to determine eligibility of the applicant. This includes food truck collective applications.
 - 1. No applicant shall be eligible for issuance or renewal of a permit under this Section if the applicant has been convicted of two (2) or more offenses within a period of five (5) years preceding the application where each offense involved an assault, communicating a threat, crime against a minor, illegal use of a weapon or other act of violence or attempted violence.
- G. No permit shall be issued to any food vendor and/or food truck who has had a permit suspended or revoked within the last calendar year prior to the current application for a permit.

- H. The issuing agency may deny application of a permit application if the food vendor and/or food truck have recorded and/or unresolved fines or penalties from previous years.
- I. It shall be unlawful and a violation hereof for any person to knowingly and willfully make a false statement to any public official for purposes of obtaining a permit.

Section 1202: Food Truck Application and Permit Requirements

- A. No person shall offer for sale any food from a food truck within the City without and current and valid permit issued by the City.
 - 1. Food truck applications must include a \$100.00 nonrefundable application fee and must be returned 30 days prior to an event. This fee may be amended from time to time by City Council in the City's Fee Schedule.
 - 2. The applicant must provide proof of identification issued by the State or Federal government.
 - 3. The applicant must be at least eighteen (18) years old.
 - 4. Photos of the vehicle including the front, back, and both sides.
 - 5. License plate number.
 - 6. A copy of the vehicle's registration.
 - 7. A valid driver's license for the vendor.
 - 8. Proof of current and up-to-date auto insurance for the vending vehicle.
 - 9. EIN or tax ID number.
 - 10. Certificate of insurance that meets the following requirements:
 - a. Insurance must list the City of Aliquippa as an additional insured.
 - b. Must have a minimum of \$100,000 of general liability coverage (this does not apply to food carts).
 - 11. A copy of your Commonwealth of Pennsylvania Department of Agriculture License, if serving or preparing any consumable product.

Section 1203: Location Restrictions

- A. Food trucks can operate in all Zoning Districts but are required to operate on private property within all residential Zoning Districts.
- B. Food trucks are prohibited from:
 - 1. Parking on or within ten (10) feet of pedestrian and/or bike trails.

2. Parking in defined public parking spaces, unless explicitly approved by City Council.
 3. Parking on any public street designated as a no-parking zone.
 4. Parking within a defined accessible parking space.
 5. Parking illegally in any manner as defined by the City Code and/or the Commonwealth of Pennsylvania.
 6. Parking in such a manner that will block or cause to be blocked pedestrian or vehicular traffic, roadways, sidewalks, crosswalks, driveways, stairways, curb cuts, accessible access ramps nor block access to buildings, parks, public conveyances, businesses, crosswalks, traffic control poles containing pedestrian crosswalk button(s), or be within ten (10) feet of a fire hydrant or within five (5) feet of any fire alarm or other emergency communication device, including public telephones, either by the parked location, or by the location of any crowd that the food truck may draw.
 7. Parking on a public street fronting any property zoned for or occupied by a one-family or two-family residence, without acquiring written permission.
 8. Parking directly in front of, on any side or rear of a brick and mortar establishment without written permission; if multiple brick and mortar establishments are affected, written permission is required from each brick and mortar establishment.
 9. Parking overnight on City streets.
- C. If a food truck attracts a crowd sufficient to obstruct the street or public access to the street of sidewalk, a police officer may disperse the portion of the crowd that is creating the obstruction.
- D. A food truck shall provide the minimum pedestrian passageway on the sidewalk as required by the Americans with Disabilities Act.
- E. No more than three (3) food trucks may operate on any approved City block except during a special event.
- F. No more than one (1) food truck is allowed to operate on any lot at any given time unless located within an approved food truck collective or during an approved special event.
- G. During periods of construction on the streets, sidewalks and infrastructure, the City Manager, Zoning Officer, and/or Chief of Police may from time to time temporarily exclude food trucks from areas where there are issues of public safety, and the City Manager, Zoning Officer, and/or Chief of Police or his/her designee may, in their discretion, issue notices of exclusion from areas as the construction requires.
- H. By decision of the City Chief of Police or his or her designee, in the case of an emergency, all food vendors can be asked to move or relocate for said emergency.

- I. By decision of the Public Works Supervisor or his or her designee, in the case of an emergency, all food vendors can be canceled for said emergency.

Section 1204: Time of Service

- A. Food trucks shall not open before 8:00 a.m. and shall not operate after 10:00 p.m. except within the boundaries of a permitted food truck collective which shall not operate after 11:00 p.m.

Section 1205: Issuing Agency

- A. The City Manager and/or Zoning Officer shall keep a written list of all food truck permits in the City and shall be updated when new permits are issued, suspended, or revoked.
- B. The City shall post no-parking signs for all permits issued not located on private property.

Section 1206: Standards

- A. The provisions of this Section take precedence over any other City regulations or ordinance applicable to food vendors and/or food trucks. To the extent other City regulations or ordinances are applicable and are inconsistent with this Section, this Section shall govern.
 1. All food vendors and/or food trucks are required to clearly display his or her permit while serving and shall allow inspection of the permit by any City Police Officer or City Personnel upon request.
 2. Food trucks shall not tape or post signs or posters on windows that may obstruct a clear view through the window.
 3. Food vendors and/or food trucks are prohibited from using flashing, blinking, or strobe lights.
 4. Noise.
 - a. Food vendors and/or food trucks are prohibited from using a megaphone to attract consumers.
 - b. Devices such as amplifiers, small, portable, and self-powered amplification shall be permitted provided the audible level does not create unreasonable or disturbing sound(s) as determined by the regulatory authority.
- B. The Pennsylvania State Police, and LCB Enforcement, is responsible for enforcing the Pennsylvania Liquor Code and any regulations thereto; as such, all requirements established by the Commonwealth of Pennsylvania will be enforced and required of food truck collectives serving alcohol.
- C. Live Entertainment.
 1. Live entertainment at a food truck collective is allowable.

2. Live entertainment during an approved special event shall conform to rules of the City Ordinance for special events.
 3. The maximum performance time permitted shall be limited to eight (8) consecutive hours and may only occur between the hours of 10:00 a.m. to 11:00 p.m. Monday through Saturday, and 1:00 p.m. to 9:00 p.m. Sunday.
- D. Food vendors and/or food trucks shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks, or buildings.
- E. Electric and Water.
1. No food vendors and/or food trucks shall connect to, or cause to be connected to, any source of water on public or nearby private property as part of preparation to serve or during service.
 2. Food vendors and/or food trucks are encouraged to seek electrical connection to a brick and mortar establishment or residence to avoid use of a generator.
 3. The City will not provide electrical service.
 4. Permission for use of electric is between the owner of property and the food vendor.
 5. The food vendors and/or food trucks must provide a safe electrical connection that does not harm or endanger the public or provide or restrict any public access to streets, sidewalks, and/or ROWs.
- F. While serving, a food vendor shall not use language or gestures, or display any matter which incites or urges riot; or is obscene; or is defamatory, insulting or constitutes a communication which may inflict injury or incite an immediate breach of the peace.
- G. Food vendors shall not consume nor be under the influence of alcoholic beverages or other controlled or intoxicating substances while serving.
- H. Food trucks may not be left unattended or otherwise stored on sites at which they offer the sale of food and beverage to the public, unless allowed by this Ordinance.
- I. Food vendors may not conduct business with any person while such person is situated in a motor vehicle.
- J. The City may, at its discretion, notify a food truck collective or food vendor that additional police services may be required, and as such, the food truck collective and food vendor may be invoiced for such additional services deemed as necessary and beyond normal service.
1. If the City determines additional services will be necessary, the food truck collective or food vendor will be provided written notice five (5) days prior to beginning service that will be invoiced.

- K. Food vendors and/or food trucks shall comply with City Ordinances regarding sewer discharge and grease remediation.

Section 1207: Litter

- A. Food vendors shall remove all trash, waste, and other items from the service area used by the food vendor.
- B. Food vendors shall provide a receptacle for litter, which shall be located within ten (10) feet of the service window of the unit. It shall be maintained and regularly emptied.
- C. All waste generated by the food truck's operation, including that associated with its customers and staff, must be disposed of outside of the City or in an approved dumpster within the City.
- D. The area of twenty (20) feet surrounding a food truck shall be kept clean and free from litter, garbage, liquid spills, and debris, at all times.
- E. If any vending equipment, waste, or merchandise found on the street, sidewalk or other vending location, the violator (food vendor) shall be liable for any removal, towing and storage charges incurred.

Section 1208: Violations and Penalties

- A. The prohibitions of this Ordinance which would otherwise frustrate the purposes of this Article do not apply to mobile food vendors otherwise in compliance with this Section.
- B. Food vendors must comply with all federal, State, and Local laws when operating within the City.
- C. A permit may be suspended or revoked if a permit holder is found to have knowingly provided false information on any application or has violated the rules and regulations or any Federal, State, or Local law or Ordinance rationally related to this permit.
- D. A police officer may remove food vendors for interference with the enforcement activities of the officer, or any other act which causes an imminent danger to the public health or safety.
- E. The fine and penalty for food vendors without a permit will be:
 - 1. First violation: \$200.
 - 2. Second violation within twelve (12) months of the first violation: \$400.
 - 3. Third violation within the twelve (12) months following the first violation: \$800 and revocation of permit.
 - 4. Subsequent violations: denial of subsequent permits, continued fines, and penalties.

Section 1209: Food Truck Collectives, Special Events, and Pop-Up Events**A. Regulations.**

1. Special event applications must include a \$50.00 nonrefundable application fee. In addition, food truck collective applications must include a \$150 nonrefundable application fee. Applications must be submitted at least 30 days prior to an event.
2. Hours of event must be approved. The City reserves the right to limit the hours of any event.
3. Insurance will be required at the discretion of the City. Proof must be included with the application.
4. Parade routes must be approved by the Police Chief. The Police Chief will determine the amount of officers necessary for the parade. Any expenses will be the responsibility of the applicant.
5. Park rentals operate on a first come first service basis. Applicants will be responsible for cleaning of the park after use and will be responsible for the actions of attendees during the event.
6. Permits are required whenever public areas are going to be utilized, e.g. parks, playgrounds, roads, alleyways, or any City-owned property.
7. Security will be required at the discretion of the City. Additionally, any even serving alcohol will be required to have security. Security will be provided at the expense of the applicant by the City Police Department. A minimum of two (2) officers will be required. Additional officers may be needed at the discretion of the Police Chief and the City Code Enforcement Officer.
8. Special events are defined as, but not limited to, parade, run/walk, street fair, block party, rally, protest, food truck collective, etc.
9. Street Closures are defined as the closing of a road, street, alleyway, or throughway. Police and Fire Departments will investigate request prior to City Council approval. A twenty (20) ft. wide safety lane must be kept clear for emergency use should a special event occur. No items may be placed within this path. For commercial areas, all businesses must be notified 45 days prior to street closing and accommodations must be made to allow traffic into any impacted businesses. For residential areas, all residents must be notified 30 days prior to the event. The special event petition must contain signatures from 75% of impacted residents within 1000 feet of the special event.
10. A food truck collective can submit a food truck collective application on behalf of two (2) or more food vendors and/or food trucks. Collectives are required to submit full applications for each food truck in the park/collective.
 - a. As part of the application, all food vendors/food trucks named in the application will be required to consent to this Article.

- b. Upon determination of eligibility by the City, the food truck collective shall be issued separate independent permits for each food vendor and/or food truck to conduct business as permitted herein. The permit issued hereunder shall be the property of the individual food vendor and/or food truck and shall be revocable for any violation of this Article.
- c. The food truck collective is subject to all rules of this Article and the complete Code of the City as all individual food vendors and/or food trucks are while conducting business in the City.

B. Indemnification and Hold Harmless.

- 1. The special event applicant and/or vendor waives and agrees to indemnify and hold the City absolutely free and harmless from responsibility for all injury or damages of any kind to persons or property resulting from a special event. In addition to the liability imposed upon the applicant, the applicant assumes the obligation to protect, defend, indemnify, and hold the City, its officers, Council members, employees, and agents free and harmless from liability, claims, suits, judgements, and expenses, including court costs and attorney fees, on account of any injury, loss, or damage arising from or in any manner connected to with a special event.

C. Food Truck Collective and Special Event Application and Permit Requirements.

- 1. The following items are also required for a special event application:
 - a. Signed special event application.
 - b. Signed waiver and indemnification.
 - c. Copy of a valid Driver's License.
 - d. Application fee.
 - e. Park rental fee, including a security deposit.
 - f. Payment for support staff (if applicable).
 - g. Sight plan.
 - h. Security plan, as required by the Police Chief and City Code Enforcement Officer.
 - i. Parade route (if applicable).
 - j. LCB License (if applicable).
 - k. Parking plan (if applicable).
 - l. Petition (if applicable).
 - m. Traffic plan (if applicable).

- n. Fireworks application (if applicable).
- o. Vendor list (if applicable).
- p. Insurance information (if applicable).

2. Additional Requirements.

- a. Firework displays must be approved by the Fire Chief and require a separate firework permit application that can be found with the most recent special event application. All firework displays will be held in accordance with the IFC, NFPA1123 and PA Title 35. Additionally, the City Fire Department will be required to be on scene at the expense of the organization.

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Article XIII: Nonconforming Uses

Section 1301: Purpose

- A. The purpose of this Article is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots, and nonconforming signs. The Zoning Districts established by this Ordinance are designed to guide the future use of the City's land by encouraging the development of desirable residential, commercial and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare. The regulations of this Article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate Districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

Section 1302: Nonconforming Use

- A. Definition. A nonconforming use is the lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of enactment of this Ordinance, or in the case of an amendment of this Ordinance, then at the time of such amendment, although such the case does not conform with this Ordinance.
- B. When permitted subject to the provisions of this Section, a use of building or land existing at the time of the legal adoption of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance for the District in which it is located.
- C. Continuation of Nonconforming Use. Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this Section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, may be performed.
- D. Change of Nonconforming Use to Conforming.
 - 1. No nonconforming building, structure or use shall be changed to another nonconforming use.
 - 2. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Ordinance or its amendments.
 - 3. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this Ordinance should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or non-compliance.
- E. Expansion or Extension of Nonconforming Use. A nonconforming use may be extended as a special exception upon approval through application to the ZHB subject to the following:

1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
 2. The extension does not encroach upon the yard height requirements of the District in which the nonconforming use is presently located.
 3. The extension is for the purpose of the expanding nonconforming use in the existence at the time of the legal acceptance of this Ordinance.
 4. Extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.
 5. No nonconforming use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming.
 6. No such nonconforming use shall be enlarged or increased or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the ZHB shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use. For the purposes of determining if an enlargement or expansion of nonconforming use meets this requirement, the applicant shall file an application for special exception pursuant to the requirements of Article V of this Ordinance. The applicant must meet all the applicable requirements and criteria of Article V in addition to providing evidence that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use.
 7. Whenever a use District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming use of such changed District may be continued, and such use may be extended throughout the structure.
- F. Abandonment. A legal nonconforming use of a building or land which has been abandoned intentionally shall not thereafter be returned to such nonconforming use and shall be considered abandoned under the following circumstances.
1. When the intent of the owner is to discontinue the use is apparent; or
 2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 180 days, unless other facts show an intention to resume the nonconforming use; or
 3. When a nonconforming use has been discontinued for a period of six (6) months; or
 4. When it has been replaced by a conforming use; or

5. When it has been changed to another use authorized by the ZHB; or
 6. The lawful use of the land existing at the time this Ordinance or any of its amendments was adopted, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is abandoned for a period of six (6) months, any future use of said land shall conform to the provisions of this Ordinance; or
 7. Any subsequent use shall conform to the applicable provisions of this Ordinance or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this Ordinance or its amendments.
- G. Nonconforming Accessory Uses and Structures. No use, structure, or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the Zoning District in which it is located.
- H. Unsafe Structure. Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition of any portion of a building structure that is declared unsafe by the proper authority.
- I. Unlawful Use Not Authorized. Nothing in this Ordinance shall be interpreted as authorization for approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of the effective date of the legal enactment of this Ordinance.

Section 1303: Nonconforming Buildings or Structures

- A. Continuation of nonconforming buildings or structures. Any nonconforming building or structure which is devoted to a use which is permitted in the Zoning District in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this Section.
- B. Structural Alteration of Nonconforming Buildings or Structures. A lawful nonconforming use of a building or structure existing at the time of the adoption of this Ordinance or an amendment hereto may be structurally altered. Such alteration shall not expand its nonconformity in areas not previously occupied by the nonconforming use unless meeting the requirements of expansion and extension of nonconforming uses as required in this Ordinance. No parking, yard, space, or bulk nonconformity may be created or increased.
- C. Changes to Nonconforming Buildings or Structures to Conforming.
1. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Ordinance shall make such building or structure conforming with the provisions of this Ordinance or its amendments, then such building or structure shall remain in conformance with the applicable provisions of this Ordinance or its amendments.
 2. If a later amendment to this Ordinance should make the building or structure as changed or altered nonconforming with its provisions, then the building or structure

as changed or altered will become a non-conforming building or structure to the extent of such nonconformance or noncompliance.

D. Damage or Destruction of Nonconforming Buildings or Structures.

1. When a building or structure is damaged or destroyed by any means not within the control of the owner, to the extent of 50% or more of the cost of replacement of the structure, the structure shall not be restored unless it thereafter conforms to the regulations of the Zoning District in which it is located. No parking, yard, space, or bulk nonconformity may be created or increased.
2. When a structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of 49% or less of the cost of replacement of the structure new, repair or restoration of such structure may be made; provided, however, that no parking, yard, space, or bulk nonconformity is created or increased.
3. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this Section.

E. Expansion or Extension of Nonconforming Buildings or Structures.

1. No nonconforming building or structure may be extended on the lot on which it is located, nor may any nonconforming building or structure be moved to a different position upon the lot on which it is located, except to a position in conformity with the current codes.
2. Legal non-conforming residential structures may be expanded up to 100 sq. ft. to allow for necessary accessibility improvements.
3. Whenever a use District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming structure of such changed District may be continued, and such use may be extended throughout the structure.
4. Structures that are nonconforming on the effective date of this Ordinance that already encroach on a required set back can extend that encroachment and not be considered an expansion of the nonconforming structure subject to the following:
 - a. The structure is only extended on a parallel plane of the existing nonconforming encroachment and does not extend any closer to a property line.
 - b. The extension is no more than 25% of the length of the side of the existing nonconforming structure on the side of the encroachment.
 - c. A determination is made by the Zoning Officer that there is no impact to immediately adjacent property. If any uncertainty exists regarding impacts to immediately adjacent properties, the Zoning Officer may refer the request to the ZHB for an interpretation.

F. Repairs, Renovation, and Modernization of Nonconforming Buildings or Structures.

1. Repairs, renovations and modernization of nonconforming buildings or structures, such as renewal or replacement of outer surfaces, windows, addition of

soundproofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure shall be permitted notwithstanding other provisions of this Ordinance.

2. Such repairs, renovations, or modernizations are allowed provided they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.
- J. No increase in the size of or area covered by the nonconforming use or area of the use within the building or structure is allowed except as provided for in this Ordinance. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.
- K. Alterations. A nonconforming building or structure may be altered, improved, or reconstructed provided such work does not exceed 50% of the fair market value of the building or structure or provided the building structure is changed to a conforming use.
- L. Construction Approved Prior to Legal Enactment of this Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning/building permit has been issued and the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit, and the ground story framework of which shall be completed within four (4) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from the date of legal enactment of this Ordinance.

Section 1304: Nonconforming Lots of Record

- A. In any District in which single-family dwellings are a use by right, notwithstanding the regulations imposed by any other provisions of this Ordinance, a single-family detached dwelling which complies with the yard, space and bulk requirements of the District in which it is located may be erected on a nonconforming lot adjacent to an improved street. Nothing in the requirements of this Ordinance relating to lot area per dwelling unit shall be held to prohibit the erection of a single-dwelling unit upon a lot having less than the required street frontage or the area of which is less than that prescribed as the lot area per dwelling unit, provided that such lot, at the time of the passage of this Ordinance, was held under separate ownership from any adjoining lots or provided that, at the time of the passage of this Ordinance, a recorded plan of lots or subdivision of property shows such lot to be a separate and distinct numbered lot.
- B. A nonconforming lot of record may be used for any "permitted use by right" in the District in which it is located if land development approval can be granted in accordance with the provisions of the SALDO.
- C. District Changes.
 1. Whenever boundaries of a District shall be changed so as to transfer an area from one (1) District to another District a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.
 2. Upon final approval of an application for a TND, either in whole or in part, a designation of TND shall be applied to all lands included in the development plan.

Section 1305: Nonconforming Signs

- A. Continuation of Nonconforming Signs. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Ordinance:
1. Alteration or Moving. A nonconforming sign of any type may not be moved to another position or location upon the building, structure or lot on which it is located, nor may the size or area of such nonconforming sign be changed or its structure or construction changed unless such changes are to change the face of the sign.
 2. Damage, Destruction, or Replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this Ordinance. Damage only to the face of a sign shall not be construed to constitute 50% of its market value, and the sign face may be replaced.
 3. Abandonment. If use of a nonconforming sign is abandoned or interrupted for a continuous period of more than 180 days, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within fourteen (14) days from the end of the aforesaid period and the use of such sign shall not be resumed except in accordance with the provisions of this Ordinance.
 4. Health, Safety, and Welfare. If any sign or supporting structure subject to the regulation of the provisions of this Ordinance constitutes a threat to health, safety, or welfare of the area surrounding said sign or has been constructed, installed, or maintained in violation of any provision of this Ordinance, the Zoning Officer shall give written notice to the person or entity who owns or is maintaining such sign. If the owner or entity maintaining such sign fails to modify the sign so as to comply with the provisions of this Article within twenty (20) days after the date of said written notice from the Zoning Officer, then the Zoning Officer and other City officials shall take steps as necessary to promptly have said sign brought into compliance with this Ordinance up to and including removal of the sign to comply with this Ordinance.

Section 1306: Registration of Non-Conformity

- A. In the course of administering and enforcing this Ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Officer may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the property owner.

Article XIV: Administration and Enforcement

Section 1401: Administration

- A. 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 1402: Zoning and Building Permits

- A. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Zoning Officer. All applications for zoning and building permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the ZHB no such zoning and/or building permit shall be issued for any building where said construction, addition, or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- B. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed 100% of the fair market value of the existing structure.
 - 1. Roof construction requires a permit subject to the City's Fee Schedule. This fee may be amended from time to time by City Council by resolution per the City's Fee Schedule.
- C. There shall be submitted with all applications for zoning and building permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot, and accessory buildings to be erected, and other such information as may be deemed necessary by the 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 for the purpose of administering the provisions of the UCC, shall be provided by the applicant prior to the issuance of a zoning and/or building permit.

Section 1403: Occupancy Permit

- A. Completion of the authorized new construction, alteration, remodeling, change or use of building or land under the provisions of a zoning and/or building permit shall not be occupied until an occupancy permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within two (2) weeks of receipt of the request for the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable Ordinances. The Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

- B. Occupancy permits are required for all changes in use and any time a property is sold, as follows:
 - 1. Occupancy of a new building or structure.
 - 2. Occupancy and use of a building hereafter moved or altered so as to require a zoning and/or building permit.
 - 3. Change in the use of an existing building other than to a use of the same category.
 - 4. Occupancy and use of unimproved or vacant land.
 - 5. Change in the use of land except to another use of the same type.
 - 6. Any change in use of a nonconforming use.
 - 7. Any change to local utility services.
- 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 1404: Enforcement Notice

- A. If it appears to the City that a violation of any zoning provision enacted under this 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 ZHB within a prescribed period of time in accordance with procedures set forth in the Ordinance.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the ZHB, constitutes a violation, with possible sanctions clearly described.
 7. That the recipient is responsible for installing and maintaining a five (5) inch storz or comparable fire/sprinkler system.
- D. In any appeal of an enforcement notice to the ZHB 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 ZHB shall be returned to the appealing party by the City if the ZHB, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 1405: Causes of Action

- A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act the MPC or prior enabling laws, the 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. No such action may be maintained until such notice has been given.

Section 1406: 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 (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the 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.

Section 1407: Amendments

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. The regulations and provisions of this Ordinance and the Official Zoning Map may be amended from time to time, upon recommendation of the Planning Commission or the City Council, or by application of an effected party.
- C. Enactment of Amendments. Zoning amendments procedures shall adhere to the requirements of §609 of the MPC, 53 P.S. §10609, as amended.
- D. Public Hearing. The City Council shall hold a public hearing on a proposed amendment pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within the City or an owner of the mineral rights in a tract or parcel of land within the City who has made a timely request in accordance with §109 of the MPC before voting on enactment of an amendment. In addition, if the proposed amendment involves an Official Zoning Map change, notice of said public hearing shall be conspicuously posted by the City at points deemed sufficient by the City along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 - 1. In addition to the requirement that the notice be posted, where the proposed amendment involves an Official Zoning Map change, notice of the public hearing shall be mailed by the City at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the City. The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- E. Planning Commission Review. In the case of an amendment other than that prepared by the Planning Commission, the City Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on the proposed amendment for recommendations.
- F. County Planning Review. The recommendation of the County planning agency shall be made to the City Council within 45 days and the proposed action shall not be taken until such recommendation is made. If, however, the County fails to act within 45 days, the City Council shall proceed without its recommendation.
- G. Landowner Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the City Council with a written request that his challenge and proposed amendment be heard and decided in accordance with §916.1 of the MPC, 53

P.S. §10609, as amended. All procedures regarding landowner curative amendments shall be conducted in accordance with §609.1 of the MPC, 53 P.S. §10609, as amended.

- H. Municipal Curative Amendments. If the City Council determines that this Ordinance or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendments provided for in §609.2 of the MPC, 53 P.S. §10609, as amended.

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Article XV: Zoning Hearing Board

Section 1501: Operation of the Board

- A. There is hereby created for the City a ZHB in accordance with the provisions of Article IX of the MPC, Act 247, as amended.
- B. The membership of the ZHB shall consist of 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 ZHB 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 ZHB shall hold no other office in the City. Members of the ZHB 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 ZHB. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §906 of the MPC, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the ZHB to the same and full extent as provided by law for ZHB members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the MPC and as otherwise provided by law. Alternates shall hold no other office in the City, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the ZHB but shall not be entitled to vote as a member of the ZHB nor be compensated pursuant to §907 of the MPC unless designated as a voting alternate member pursuant to §906 of the MPC.
- D. Any ZHB member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the 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 ZHB shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the ZHB, but the ZHB may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the ZHB as provided in this Ordinance.
- F. The ZHB may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the City and laws of the Commonwealth of Pennsylvania. The ZHB shall keep full public records of its business, which records shall be the property of the 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 ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the ZHB may receive compensation for the performance of their duties, as may be fixed by the 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 1502: Expenditures; Fees

- A. Expenditures. Within the limits of funds appropriated by the Council, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- B. Fees. An applicant before the ZHB shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of City Council.

Section 1503: Hearing Procedures

- A. The ZHB shall conduct hearings and make decisions in accordance with the following requirements.
- B. Filing Appeals and Requests to the ZHB. Requests for hearings before the ZHB shall be made as follows:
 - 1. An appeal to the ZHB may be filed by the landowner affected, any officer or agency of the City, or any person aggrieved. Such appeal shall be taken within the time as stipulated by the MPC and the rules of the ZHB, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The appropriate fee, established by resolution of the City, shall be paid in advance for each appeal or application. Requests for a variance and special exception may be filed with the ZHB by any landowner or any tenant with the permission of such landowner.
 - 2. Notice. Public notice shall be given pursuant to this Ordinance and written notice shall be given to the applicant, 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.
 - 3. Timing. A hearing shall be held within 60 days from the official application date requesting a hearing unless the applicant has agreed to an extension of time. The hearings shall be conducted by the ZHB or the ZHB may appoint any member or an independent attorney as a hearing officer. The decision, or, when no decision is called for, the findings shall be made by the ZHB; 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 ZHB and accept the decision or findings of the hearing officer as final.
 - 4. Parties to the Hearing. The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the ZHB, and any other person including civic or community organizations permitted to appear by the ZHB. The ZHB shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the ZHB for that purpose.
 - 5. Powers of the Chairman. The Chairman, Acting Chairman, or Hearing Officer, presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. Rights of the Parties. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence and to argue and cross-examine adverse witnesses on all relevant issues.
7. Exclusion of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the ZHB.
8. Record of the Proceedings. A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the ZHB. Any party requesting the original transcript, or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.
9. Communications. Once a formal application has been duly filed, the ZHB shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Further, the ZHB shall not take notice of any communication unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

Section 1504: Jurisdiction

- A. The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 1. Substantive challenges to the validity of any Land Use Ordinance, except those brought before the City Council pursuant to §609.1 and 916.1(a)(2) of the MPC, Act 247, as amended.
 2. Challenges to the validity of a Land Use Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said Ordinance.
 3. Appeals from the determination of the 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 MPC, Act 247, as amended.
 6. Applications for special exceptions under this Ordinance or Floodplain or Flood Hazard Ordinance, or such provisions within a Land Use Ordinance, pursuant to §912.1 of the MPC, Act 247, as amended.

7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
 8. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 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 MPC, 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 MPC pursuant to the provisions of §702 of the MPC, Act 247, as amended.
 2. All applications pursuant to §508 of the MPC, Act 247, as amended, for approval of subdivisions or land developments under Article V of the MPC, Act 247, as amended.
 3. Applications for conditional use under the express provisions of this Ordinance.
 4. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, Act 247, as amended.
 5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, Act 247, as amended.
 6. Appeals from the determination of the 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 ZHB 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 Section shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

Section 1505: Variances

- A. The ZHB shall hear requests for variances where it is alleged that the provisions of this Article inflict unnecessary hardship upon the applicant. The ZHB may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The ZHB may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the applicant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC, Act 247, as amended.

Section 1506: Information Required on Applications to ZHB

- A. All applications to the ZHB shall be in writing on forms prescribed by the ZHB and provided by the City. Every application shall include the following:
1. The name and address of the applicant or the appellant;
 2. The name and address of the owner of the lot to be affected by such proposed change or appeal;
 3. A brief description and location of the lot to be affected by such proposed change or appeal;
 4. A statement of the Section under which the application is made, and reasons why it should be granted, or a statement of the Section governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal; and
 5. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

Section 1507: Stay of Proceedings

- A. Upon filing of any appeal proceeding before the ZHB and during its pendency before the ZHB, 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 ZHB facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the ZHB 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 ZHB by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the ZHB.
- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted, and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

Section 1508: Parties Appellant Before the Board

- A. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the City Council pursuant to the MPC); procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or appeals from the determination of the 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 PRD may be filed with the ZHB 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 ZHB by any landowner or any tenant with the permission of such landowner.

Section 1509: Expiration of Appeal Decision

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

Section 1510: Appeal from Decision of ZHB

- A. Shall be in accordance with Article 10 of the MPC, Act 247, as amended.

Section 1511: Zoning Appeals

- A. No person shall be allowed to file any proceeding with the ZHB later than 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 Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

Section 1512: Zoning Appeals to Court

- A. Appeals to Court.
 - 1. The Courts may act upon appeals from the decisions of the ZHB and findings and conclusions of the ZHB 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 ZHB or any officer or agency of the City.
 - 4. All zoning appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the ZHB.
 - 5. A developer having received approval from the City for his development and faced with an appeal brought by others before the ZHB may petition the Court to order those bringing the appeal to post a bond in an amount established by the Court as a condition of the appeal's continuation before the ZHB. The Court shall hear the petition, determine whether the appeal is frivolous or is designed to delay, and if so, may require the posting of the bond.
- B. If any application for a variance, or appeal from the Zoning Officer is denied by the ZHB, another application for the same request shall not be filed within a period of one (1) year

from the date of denial except upon order of the Court or if the application is substantially changed.

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

Section 1513: Mediation Option

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

Appendix A: Sample Photos

FIGURE 6: A-FRAME SIGN EXAMPLES



FIGURE 7: BLOW UP SIGN EXAMPLES



FIGURE 8: CONSTRUCTION SIGN EXAMPLES



FIGURE 9: BANNER FLAG EXAMPLES



FIGURE 10: HISTORICAL / MEMORIAL SIGN EXAMPLES



FIGURE 11: ILLUMINATED SIGN (BEHIND GLASS) EXAMPLES



FIGURE 12: BANNER EXAMPLES



FIGURE 13: RESIDENTIAL DEVELOPMENT SIGN EXAMPLES



FIGURE 14: PROJECTING SIGN EXAMPLES



FIGURE 15: WALL SIGN EXAMPLES



FIGURE 16: TRASH RECEPTACLE EXAMPLES



FIGURE 17: STREET FURNITURE EXAMPLES



FIGURE 18: BICYCLE RACK EXAMPLES



FIGURE 19: DUMPSTER ENCLOSURE EXAMPLES



FIGURE 20: LANDSCAPED DUMPSTER ENCLOSURE EXAMPLES



FIGURE 21: EXAMPLES OF PEDESTRIAN POCKETS



FIGURE 22: EXAMPLES OF STREET WALLS



Appendix B: Street Trees

TABLE 24: LARGE SHADE TREES (NOT TO BE USED UNDER UTILITIES)

Common Name	Scientific Name	Recommended Cultivar	Note	Native
Freeman Maple	<i>Acer x freemanii</i>		For narrow streets, use 'Armstrong'	Y
Red Maple	<i>Acer rubrum</i>	Armstrong, Autumn Flame, October Glory, Red Sunset, others	For narrow streets, use 'Armstrong'	Y
Sugar Maple	<i>Acer saccharum</i>	Goldspire	For narrow streets	Y
Hornbeam	<i>Carpinus betulus</i>	Fastigiata, Frans Fontaine	For narrow streets, use 'Frans Fontaine'	N
Ginkgo	<i>Ginkgo biloba</i>	Princeton Sentry, Autumn Gold, Magyar	For narrow streets; This is an all-male cultivar without fruit	N
Thornless Honey Locust	<i>Gleditsia triacanthos</i> var. <i>inermis</i>	Imperial		Y
Emerald Sentinel Sweetgum	<i>Liquidambar styraciflua</i>	Clydesform	For narrow streets, Produces dihiscent dry fruit	Y
Sweetgum	<i>Liquidambar styraciflua</i>	Rotundiloba	Fruitless Sweetgum cultivar	Y
Black Tupelo, Blackgum	<i>Nyssa sylvatica</i>	Redraye, Wildfire, others		Y
Sargent Cherry	<i>Prunus sargentii</i>		For narrow streets, use 'Columnaris'	Y
Green Pillar Pin Oak	<i>Quercus palustris</i>	Pringreen only	For narrow streets	Y
Sumard Oak	<i>Quercus shumardii</i>			Y
American Linden	<i>Tilia americana</i>	Redmond or other upright cultivar		Y

Common Name	Scientific Name	Recommended Cultivar	Note	Native
Littleleaf Linden	Tilia cordata			Y
Hybrid Elm	Ulmus 'Homestead'	Homestead		Y
Lacebark Elm	Ulmus parvifolia	Alee®, Everclear®, Emerald Flair™	For narrow streets, use Everclear®	
Zelkova	Zelkova serrata	Green Vase, Musashino	For narrow streets, use 'Musashino'	N

TABLE 25: SMALL UNDERSTORY TREES (MAY BE APPROPRIATE FOR USE UNDER UTILITIES)

Common Name	Scientific Name	Recommended cultivar	Note	Native
Serviceberry	<i>Amelanchier laevis</i>	Cumulus, Majestic	Tree form	Y
Apple Serviceberry	<i>Amelanchier x grandiflora</i>	Autumn Brilliance		Y
American Hornbeam	<i>Carpinus caroliniana</i>			Y
Japanese Tree Lilac	<i>Syringa reticulata</i>	Summer Snow, Ivory Silk, China Snow® ('Morton')		N
Eastern Redbud	<i>Cercis canadensis</i>	Appalachian Red, f. <i>alba</i>		Y
Amur Maackia	<i>Maackia amurensis</i>			N
Flowering Crabapple	<i>Malus</i> spp.	Adirondak, American Salute® ('Amsalzam'), American Triumph™ (Amertrizam'), Centurion® (Centsam'), 'Sentinel'	Can use other varieties with upright form and persistent fruit	Y
Flowering Cherry	<i>Prunus</i>	Accolade, Snow Goose		
Bessoniana Black Locust	<i>Robinia pseudoacacia</i>	Bessoniana only		Y
Oak-Leaf Mountainash	<i>Sorbus x hybrida</i> or <i>Sorbus x thuringiaca</i>	Fastigiata		N
Summer Sprite® Littleleaf Linden	<i>Tilia cordata</i>	Halka only		N
Wireless® and City Sprite™ Japanese Zelkova	<i>Zelkova serrata</i>	Schmidtlow, JFS-KW1		N

TABLE 26: PROHIBITED PLANTS (NON-NATIVE INVASIVE TREES)

Common Name	Scientific Name
Trees	
Norway Maple	<i>Acer platanoides</i>
Amur Maple	<i>Acer ginnala</i>
Hedge Maple	<i>Acer campestre</i>
Mimosa	<i>Albizia julibrissin</i>
Tree-of-Heaven	<i>Allanthus altissima</i>
Callery Pear, Bradford Pear	<i>Pyrus calleryana</i> & cultivars
Siberian Elm	<i>Ulmus pumila</i>
Shrubs	
Japanese Barberry	<i>Berberis japonica</i> , <i>B. vulgaris</i>
Russian Olive	<i>Eleagnus angustifolia</i>
Autumn Olive	<i>Eleagnus umbellata</i>
Privet	<i>Ligustrum spp.</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Bush honeysuckles	<i>Lonicera spp.</i>
Nandina	<i>Nandina domestica</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Multiflora Rose	<i>Rosa multiflora</i>
*These documented locally invasive plants shall not be installed in required City plantings; where pre-existing, they shall not fulfill any vegetation requirements; and they shall be removed prior to release of any performance bond or contract with the City.	

Notes:

- A. Shade trees - Minimum 2 1/2" cal. DBH
- B. Understory trees - Minimum 1 1/2" cal. DBH
- C. Consider available soil volume when selecting a species for planting. Provide minimum 2 cu. Ft. of rootable soil volume per sq. ft. of mature tree canopy size.

Sources:

- A. <http://www.hort.cornell.edu/uhi/outreach/recurbtree/pdfs/~recurbtrees.pdf>
- B. <https://www.dcnr.pa.gov/Conservation/WildPlants/InvasivePlants/InvasivePlantFactSheets/Pages/default.aspx>
- C. https://stormwater.pca.state.mn.us/index.php?title=Tree_species_list_-_morphology