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PART 1 - TITLE

Section 101 - Title An ordinance regulating and restricting the height, number of stories and size of buildings and other structures, their construction, alteration, extension, maintenance and all facilities and services in or about such buildings and structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, establishing and maintaining building lines and setback building lines upon any or all public roads and highways, establishing for such purposes districts and defining the boundaries thereof; and providing for its administration and enforcement by authorizing a Zoning Officer, Zoning Hearing Board and appeals and penalties for violation.

Section 102 - Short Title This ordinance shall be known and may be cited as the "Zoning Ordinance of the Borough of Zelmanople."

PART 2 - PURPOSE AND OBJECTIVES

Section 201 - Purpose For the purpose of lessening congestion on the roads and highways; to secure safety from fire, panic and other damages; to promote health, morals and the general welfare; to provide adequate light and air; to prevent the overcrowding of lands; to avoid undue congestion of population; to facilitate the adequate provision of transportation, water, sewage, sewerage, schools, parks and other public requirements.

Section 202 - Community Development Objectives This ordinance has been enacted as a means of furthering the Community Development Objectives of the Borough of Zelienople as set forth in the comprehensive planning guidelines for the community in the master plan study entitled, A Long Range Program for the Borough of Zelienople, August 1966, as amended by the subsequent report, 1985 Planning Status Report and Policy Review, April, 1985.

The basic planning policies of the Borough are directed toward the following Primary Goals:

1. Retention of the characteristics and the environmental qualities associated with the Borough of Zelienople.
2. Preservation of the long range use potential and value of undeveloped land.
3. Strengthening of the local economic base.

The following Community Objectives have been established as a basis for accomplishing the adopted planning goals:

1. Protection of residential quality by the strict and consistent enforcement of zoning and building performance codes.
2. Continuing growth and diversification of the local tax and employment base.
3. Reservation of undeveloped sites for land uses consistent with comprehensive municipal planning proposals.
4. Control of population density consistent with the ability of the community to provide necessary services and facilities.
5. Modification of the Master Plan and implementation ordinances only when in association with comprehensive studies relating to the entire municipality.

PART 3 - DEFINITIONS

Section 301 – Interpretation

Words used in the present tense shall include the future.

Words used in the singular shall include the plural and the plural shall include the singular.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word plot or parcel.

The term "shall" is always mandatory.

The word "may" is permissive.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged or designed to be used or occupied.

The word "building" includes the word structure.

The word "erected" shall include the word constructed. The word "moved" shall include the word relocated.

Those terms defined in Section 1016, "Adult Entertainment" shall prevail as distinct definitions apart from those establishments defined in this Part. Therefore, no more general definition set forth in this part shall be interpreted to include those set forth in Section 1016, "Adult Entertainment."

Section 302 - Meaning of Words

ACCESSORY BUILDING OR USE - a building or structure which houses a use subordinate and incidental to the principal use located on the same lot or premises

ALLEY - a narrow service way providing secondary access to all of the abutting properties on a particular BLOCK.¹

AUTOMOTIVE SALES AND LEASING - Sales and leasing of automobiles that do not require a Commercial Driver's License (CDL) under Pennsylvania Law.

ADMINISTRATIVE AND PROFESSIONAL OFFICES - An establishment that provides day-to-day office administrative services, such as financial planning; billing and recordkeeping; personnel; and physical distribution and logistics for others on a contract or fee basis; or any office of recognized professions, such as lawyers, architects, engineers, real estate brokers, insurance agents, medical offices, dental offices and others who, through training, are qualified to perform services of a professional nature, excluding banks and veterinary clinics.

ADULT DAY SERVICES CENTER – An establishment, properly licensed by the Department of Public Welfare or other applicable agencies of the Commonwealth,

¹ Definition is important as it applies to streets like High or Clay where "secondary access" is provided to some lots and primary to others. The "narrow" road clarification helps, but requires further detail.

where services are provided to assist in meeting the needs of consumers, including personal care, social, nutritional, health and educational needs, simultaneously provided for four or more adults who are not relatives of the operator and who are 60 years of age or older or who have post-stroke dementia, Parkinsonism or a dementia-related disease such as Alzheimer's or other organic brain syndrome; where care is provided for periods less than 24 hours.

AMATEUR RADIO ANTENNA STRUCTURE OR AMATEUR RADIO ANTENNA - Any antenna structure employed solely for the purposes of transmitting amateur radio service communications as defined and protected by Pennsylvania Act 88 of 2008, an act Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, restricting municipalities from regulating amateur radio service communications, including all support structures and excluding buildings.

ANTENNA - A structure and necessary auxiliary components designed for transmitting and/or receiving radio, television, telephone communications or any other telecommunications system signal which is operated by an agency or corporation other than a public utility which is regulated by the Public Utilities Commission or by other federal commission or

ANTENNA HEIGHT - the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade then the average between the highest and lowest grades shall be used in calculating the antenna height

ANTENNA SITE - a tract or parcel of land that contains the antenna, its support structure, necessary building(s), and parking and may include other uses associated with and ancillary to the intended use of the antenna.

ANTENNA SUPPORT STRUCTURE - any pole, telescoping mast, tower, tripod, or any other structure that supports a device used in the transmitting or receiving of radio, television, telephone communications, or any other telecommunications system signal, including Amateur Radio Antenna Structures.

ASSEMBLY HALL, PUBLIC OR SEMI-PUBLIC - A room, hall or building used for lectures, meetings and gatherings, other than churches or other uses expressly defined herein. Any portion of such an establishment where food and drink are regularly prepared and served to club members, guests, or the public at large shall be classified as a restaurant.

BAKERY - An establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.

BANK - An establishment primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.

BASEMENT - That portion or space of a building, the floor of which lies upon the footer of the structure, extending from the floor to the ceiling, housed by the foundation walls of the building such that fifty percent or more of the cumulative area of the foundation walls lies below the grade of adjacent ground.

BED AND BREAKFAST - The offering of overnight accommodations and food service for transient guests, for compensation, within the confines of a detached single family dwelling structure when conducted as an ancillary use in association with a normal single family residential use.

BILLBOARD- A sign upon which advertising matter of any character is printed, posted or lettered, which is erected upon a property bearing no establishment or principal building.

BILLBOARDS - any sign for general advertising purposes, including any display by painting, posting or affixing on any surface a picture, emblem, words, figures, numbers or lettering, except as otherwise enumerated in this ordinance, which is 300 sq. ft. or more in area.

BLOCK – property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad right-of-way, waterway, unsubdivided area or other definite barrier.²

BUILDING - a structure having a roof supported by columns or walls, for housing, shelter or enclosure of persons, animals, chattels or commercial activities.

BUILDING, COMPLETELY ENCLOSED: A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

BUILDING HEIGHT or HEIGHT - the vertical distance measured from the average elevation of the finish grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge on hip and gable roofs.

BUILDING LINE - the line of that face of the building nearest or most parallel to the front line of the lot , or a line parallel to the front line of lot at the location equal to the depth of the respective front yard required by this ordinance, whichever is greater. This face includes porches, whether enclosed or not, patios and similar construction, but excludes steps and sidewalks.

BUILD-TO LINE - the required location of any building on a building line relative to and paralleling the lot line adjoining a specified street measured in the number of feet of a line perpendicular to the lot line , and measured from the lot line.

CAR WASH - A facility, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

CEMETERY - Property used for interring of dead persons or domestic pets, including mausoleums and columbarium, but not including a crematorium.

CHURCH - A building, together with its accessory buildings and uses, that is primarily used as a place where persons regularly assemble for religious worship activities or similar regular exercise of religion. This term includes similar uses such as synagogue, temple, or mosque.

² This term is used throughout the ordinance and requires definition.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersection of two street right of way lines adjoining a subject parcel.

COMMERCIAL (BUSINESS) - engaging in a business, enterprise, activity or other undertaking related to or connected with trade and traffic or commerce in general.

COMMERCIAL VEHICLE - Any vehicle used in or for, designed for or adapted to use in a business or trade activity of any kind or any construction, excavating, earthmoving or similar equipment or any of the following specifically designated vehicles or motor vehicles as defined in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq. : truck, truck tractor, trailer, special mobile equipment, bus and school bus; excepting those vehicles utilized for approved on-site construction or earthmoving activities.

CONDITIONAL USE - a use of land to be permitted or denied by the Borough Council, following study and recommendations by the Planning Commission, pursuant to express standards and criteria set forth in the ordinance

CREMATORIUM – an establishment containing properly installed and certified apparatus intended for use in the act of cremation.

DAY CARE/FAMILY HOME or **FAMILY DAY CARE**- any family residence other than a child's relative, operated for profit or not for profit, in which child day care is provided at any one time to four, five or six school-aged children (the date the child initially enters the first grade of a public or private school system to twelve [12] years of age), preschoolers (approximately three [3] years of age to initial school entry at the first grade level of a public or private school system) or to infants and toddlers (from birth to approximately three [3] years of age) who are not relatives of the caregiver.

DAY CARE CENTER - a facility in which child day care services are provided for seven (7) or more school age, pre-school or infant children in an institutional related structure suitable to such functions.

DWELLING UNIT - a building or portion thereof providing complete housekeeping facilities for one family:

1. Dwelling - Single Family: A detached building designed for, or occupied exclusively as, a residence for one family.
2. Dwelling - Duplex: A detached building containing two dwelling units that constitute the sole principle uses of the building and which are arranged such that each unit possesses separate exterior entrances and where the stories occupied are arranged adjacent to and not above or below the other dwelling unit.
3. Dwelling- Rowhouse or Townhouse: A dwelling within a group of units, consisting of a minimum of three, but no more than six, independent single dwelling units, that are attached side by side by common unpierced party walls. This definition shall include those arrangements commonly cited as quads and carriage homes that are arranged as aforesaid.
4. Dwelling - Multi or Multiple Family, Apartment: A structure, other than a duplex, rowhouse or townhouse, containing separate dwelling units for

families living independently of each other, but which may provide joint services, common access and circulation ways and similar facilities.³

ENTERTAINMENT AND INDOOR RECREATION FACILITIES - Any activity conducted for private gain that is generally related to the entertainment or recreation field and limited to the following uses: motion-picture theaters, bowling alleys, roller-skating rinks, theaters, playhouses, commercial swimming pools, gyms, indoor miniature golf and playgrounds, indoor courts, fields, or practice facilities for baseball, basketball, soccer, tennis, and similar sports, and fitness centers.

ESSENTIAL SERVICE - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies or authorities, of underground or overhead gas, electrical, communication, steam or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, or structures accessory to the consistent and efficient delivery of the aforementioned transmissions, fuels, resources, and products between residential and non-residential units and source of production, refinement, or treatment of said items excepting communications towers and buildings.

ESSENTIAL SERVICE BUILDINGS - Any building that serves as the location for storage, distribution, maintenance and/or repair of facilities and/or equipment associated with the operation of an essential service, including pump stations.

ESTABLISHMENT - A place that comprises an economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.⁴

FAMILY –An individual or two or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than four unrelated persons living together without supervision in a dwelling unit; or up to four persons living together in a group living arrangement with supervision, provided the group living arrangement meets all of the following criteria:

1. It provides support services, including supervision, personal care, social and counseling services and transportation to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed in an institution because of physical disability, old age, mental retardation or other "handicap" or "disability" as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act.
2. It provides for the joint occupancy of a dwelling where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life.
3. It does not involve the housing of persons on a transient basis.
4. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as

³ This change allows "conversion apartment" homes and similar arrangements to be labeled as "apartments" rather than duplexes.

⁴ This is the definition employed by the North American Industrial Classification Code.

criminal offenders, juvenile offenders or delinquents, who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

FENCE - a structure, partition, wall or other objects other than living vegetation, intended or utilized to circumscribe, designate, delineate, define or in some manner enclose an area or some feature or element thereon.

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.⁵

FUNERAL HOME – An establishment devoted to or used in the care and preparation for the funeral and burial of dead human bodies and maintained for the convenience of the bereaved for viewing or other services in connection with dead human bodies and as an office or place for carrying on the profession of funeral directing, excepting crematoriums as a principle or accessory use.

GARAGE, PRIVATE - an accessory building, with area for housing motor driven vehicles, the property of and for the use of the occupants on the premises on which the private garage is located.

GENERAL RETAIL – Any establishment, not otherwise defined in this ordinance, by which goods are sold directly to the consumer and where such sales represent the principal use of the establishment and where any assembly or creation of goods is customarily incidental to the retail sales activity on the site and created for the sole purpose of onsite sales directly to the consumer.

GLARE - Excessive brightness in the field of view that causes loss in visual performance or annoyance, so as to jeopardize health, safety or welfare.

GROUP RESIDENTIAL FACILITY - an establishment that provides room and board, for any period of time, to persons who receive supervised specialized service which are limited to health, social, rehabilitative or housing services that are provided under the jurisdiction of a government agency, their licensed or certified agents or other responsible nonprofit social service organizations. Such group facilities shall be limited to child and adult care and supervision that provides services for individuals not in need of hospitalization or incarceration, but who because of age, convalescence, infirmity, disability or related circumstance require such services, shelters for battered persons and their children, and maternity homes.⁶

HALF STORY - A story that is entirely housed within a hip, gable, mansard, or similar type of roof structure.

⁵ This definition comes from the MPC.

⁶ This definition is reworded with the intent that such facilities would be more geographically limited. The last sentence simply adds types of similar services that are not cited elsewhere in the ordinance.

HIGH LEVEL LANDSCAPING – Landscaping that consists of trees of a deciduous nature with a minimum height of six feet at planting and a caliper of 1 1/2 inches at planting and trees of an evergreen nature with a minimum height of six feet at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C. which will bear an ultimate height exceeding 25 feet.

HOME OCCUPATION - a use of a service character customarily conducted within a dwelling unit by the residents thereof, that is clearly secondary to the use of the dwelling for living purposes, and does not change the character thereof or have exterior evidence of such secondary use other than a small name plate, and in connection therewith there is not involved the exterior keeping of, or exhibition of, stock in trade. Off-street parking shall be provided in accordance with applicable regulations of this ordinance and all operations shall be conducted indoors and be free of any procedures that could be construed as adversely influencing surrounding residential uses because of noise, vibration, smoke, odor or similar conditions. No persons other than members of the family residing on the premises shall be engaged in such occupation.

HOSPITAL FACILITY - An establishment, properly licensed by appropriate State and Federal agencies, having an organized medical staff and providing equipment and services for inpatient care for individuals who require definitive diagnosis and/or treatment for illness, injury or other disability, or during or after pregnancy, and which also makes available clinical laboratory services, diagnostic x-ray services and clinical treatment services. The term shall include establishments providing either diagnosis or treatment, or both, for specific illnesses or conditions, but shall not include outpatient treatment clinics as defined herein.

MOTEL-HOTEL - A building or grouping of buildings in which lodging and related ancillary services are offered to the general public for compensation.

IMPERVIOUS SURFACE COVERAGE – The percentage of a lot covered by impervious surfaces, defined as surfaces with a coefficient of runoff greater than 0.85, including all buildings, roofed areas, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Municipal Engineer to be impervious within the meaning of this definition.

INDUSTRIAL USES – Establishment primarily engaged in manufacturing, wholesale, warehousing, and bus transportation, as well as retail or service uses of a similar scale and impact including but not limited to NAICS Code 532120 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing; NAICS Code 8113 Commercial and Industrial Machinery and Equipment; Heavy Equipment and Truck Driver Training Schools as included in NAICS Code 611519; NAICS Code 4853, Taxi and Limousine Service; NAICS Code 45431, Fuel Dealers; and the sale of aircraft fuels.

JUNK YARD - a lot, or land, or part thereof, where waste, used or secondhand materials are bought, sold, exchanged, stored, collected, baled, packaged, disassembled or handled; including but not limited to scrap iron, other metals, paper, rags, rubber tires, and further includes an auto wrecking yard, machinery or vehicle salvage and sale of parts thereof. The collection and/or storage of two or more vehicles

or heavy machinery units, not in legal running condition, constitute a junk yard for purposes of this ordinance.

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

LOCAL PUBLIC USE - Building structures and land owned and occupied by the Borough of Zelienople, the Seneca Valley School District or any of either's agencies to provide services to the residents of the Borough or School District. Such municipal or school district facilities may include but not be limited to schools, administrative offices, public works buildings, storage yards, libraries, fire company building and grounds, ambulance service buildings and grounds, senior centers, recreation facilities and fields, and parks and buildings. Bus garages shall not be included within this definition.

LOT - a parcel, tract, or area of land separately described in a recorded deed or plot recorded subdivision in a manner that permits the legal transfer of said parcel, tract, or area without further subdivision approval and subsequent plan recording.

LOT CORNER - a lot at the junction of and having frontage on two or more intersecting streets, excepting **DOUBLE FRONTAGE LOTS**.

LOT COVERAGE – The portion of a lot covered by buildings.

LOT DOUBLE FRONTAGE – A lot that bears two or more sets of opposite or nonintersecting lines that each adjoin streets, excepting alleys, where the lot does not lie at the intersection of such streets; or where said lines intersect at an interior angle of 135 degrees or greater, and when abutting a curved street possess tangents to the curve at its points of beginning within the lot or at the point of intersection of the remaining lot lines with the street line where the intersection at an interior angle is 135 degrees or greater. ⁷

LOT LINE, FRONT - in the case of a corner lot, a line separating the narrowest frontage of the lots from an adjacent street; and in the case of an interior lot, a line separating the lot from the street or place; and in the case of a **DOUBLE FRONTAGE LOT**, the lines separating each frontage comprising the **DOUBLE FRONTAGE LOT** from the respective adjacent streets.

LOT FRONTAGE – The length of one front lot line measured in feet.

LOT INTERIOR- a lot bearing one lot line adjoining a street which is not otherwise defined as a **DOUBLE FRONTAGE LOT** or a **CORNER LOT**.

LOT LINE, REAR – a lot line most directly opposite of the front lot line that borders adjacent lot lines or an alley on an **INTERIOR LOT** or a street in the case of a **CORNER LOT**.

LOT LINE, SIDE - those lot lines other than side and rear lot lines as defined in this part.

LOT WIDTH - the dimensions of a lot, measured between side lot lines on the building line.

⁷ This helps to define what are commonly known as “through lots” Many such lots exist that run from Main Street to High or Clay Streets. This definition helps to clarify that front yards apply to both streets.

LOW LEVEL LANDSCAPING- Landscaping that consists of shrubs and any other plant species that is greater than two feet in height at planting and less than six feet in height at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

MINOR EQUIPMENT AND AUTOMOTIVE REPAIRS – small or automotive engine repair or reconditioning, collision and body repair, including straightening and repainting, replacement of parts and incidental services; and repair of appliances of a scale customarily utilized by individuals for noncommercial purposes and by retail or administrative uses.

MOBILE HOME - see TRAILERS

NEIGHBORHOOD PARK OR COMMUNITY CENTER- A facility operated by a non-profit organization, or a homeowner's or condominium association designed to primarily serve residents of the surrounding neighborhood as defined by subdivision plan or a residential area generally within four blocks of said park or center which may include and shall be limited to the following, unless otherwise authorized by this ordinance: children's playground equipment, sport courts and fields, picnic areas, buildings housing accessory food service, banquet and kitchen facilities, meeting facilities, gymnasiums and fitness centers available solely to residents of a defined residential neighborhood in which building is located and their guests.

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

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; and

8. The business may not involve any illegal activity.⁸

NONCONFORMING USE - nonconforming use means a use, whether of land or of a structure, that does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment, or prior to the application of the ordinance or amendment to its location by reason of annexation.

NONPROFIT ORGANIZATION - A social service, charitable or educational entity that holds current tax-exempt status from the Internal Revenue Service, derives more than 50% of its operating funds from charitable donations or public donations and can demonstrate that such funds are used to achieve the objects and purposes of the organization as stated in its articles of incorporation as a tax-exempt organization.

NORMAL AGRICULTURAL OPERATION - The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation and processing for market of any and all plant and animal products and is for market of poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities, which for purposes of this ordinance shall include NAICS Sector 115210, Support Activities for Animal Production, and for purposes of this ordinance shall include the boarding of horses.

OUTDOOR COMMERCIAL RECREATION - An outdoor establishment operated by a corporation, partnership or other business entity for the pursuit of sports and recreational activities through the following types of establishments: miniature golf, golf or batting practice facilities, playing fields and courts, racquet clubs, swimming pools, amusement parks, and amphitheatres.

OUTPATIENT TREATMENT CLINIC – Any clinic, primarily intended for the treatment of those who typically do not reside within the establishment including the following

1. Mental health partial hospitalization center; Drug and alcohol partial hospitalization center; Drug and alcohol outpatient center; Drug and alcohol intensive outpatient center as defined and licensed by the Pennsylvania Department of Health, Department of Public Welfare, or other applicable agencies of the Commonwealth.
2. Methadone Clinic or Methadone Treatment Facility- A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.
3. Psychiatric Outpatient Clinic - A premise or part thereof in which mental health evaluation or treatment, including psychiatric, psychological, and other related services, are provided under medical supervision, which is designed for children/adolescents with emotional disturbance and adults with mental illness on a planned and regularly scheduled basis, licensed as such by the Pennsylvania Department of Health.

⁸ This definition comes from the Municipalities Planning Code. These types of home occupations are required to be permitted in all districts.

PARKING SPACE - an off-street space available for parking of one motor vehicle, in a manner and with the standards and specifications required by Part 8 of this ordinance.⁹

PERSONAL SERVICE ESTABLISHMENT – An establishment that principally provides the following services: laundry, grooming and related cosmetic treatments, repair of small-scale personal property such as watches, shoes, and similar apparel; repair of small electronic equipment such as televisions, radios, and computer hardware; photography; and weight loss centers.

PET, DOMESTIC - any variety of domesticated or tamed creature such as a bird, cat or dog which is commonly kept within the confines of the home and yard area.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this ordinance.¹⁰

PREMISES – A parcel or group of adjacent parcels that bear an establishment and all uses accessory thereto.¹¹

PRINCIPAL BUILDING OR USE - A use or building or structure housing a use that comprises the key or essential functions necessary or central to the form of business conducted by an establishment on a particular premises.

RESTAURANT - An establishment that offers food and beverages for sale directly to the end consumer for consumption either on and or off of the premises, including banquet facilities.

SCHOOL, COMMERCIAL - A privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs, excepting truck driving and similar schools with onsite training facilities.

SCHOOL, PRIVATE - A non-profit establishment licensed by the State Department of Education to provide education as an elementary or secondary school, vocational, or post-secondary education offering a degree, excepting truck driving and similar schools with onsite training facilities.

SERVICE STATION - a building, buildings, premises or portions thereof that are used or arranged, designed, or intended to be used for the retail sale of gasoline or other motor vehicle, or motor boat fuels, as well as limited minor repairs. No outside storage of new, used or discarded parts or materials shall be permitted.

SIGN - For purposes of the chapter, a "sign" shall be considered as any writing (including letter, word or Numeral); pictorial representation (including illustration or

⁹ Reference to Part 8 allows particular standards to control. In some cases, parking and loading for larger equipment or handicap standards need to be enumerated separately in Part 8. Should not legislate through definitions.

¹⁰ This definition is commensurate with that in the Municipalities Planning Code.

¹¹ This word is used throughout the ordinance and requires definition. Allows for a use to cover several lots, as the word "lot" was originally defined.

decoration); emblem (including device, symbol, trademark, banner or pennant); or any other figure of similar character, that: A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and B. Is used to announce, direct attention to, or advertise.

SIGN, CHANGEABLE COPY (AUTOMATIC) - A sign on which amber-colored copy changes automatically on a lampbank or through mechanical means with a black background/face, including electrical or electronic time-and-temperature units.

SIGN, CHANGEABLE COPY (MANUAL) - A sign with removable panels or letters which may be changed, removed and replaced from time to time without altering or reconstructing the sign structure itself, including a sign on which message copy is changed through the use of electronic switching of lamps or other illuminated devices.

SIGN, CONVENIENCE - Signage attached to windows, doors, building walls, free-standing/ground mounted informational signage that is used to indicate when a business is open/closed, hours of operation, or similar information.

SIGN, ENHANCED FREESTANDING - A freestanding sign constructed of wood or high density urethane foam panels supported by two wooden posts where all wood is painted or stained with a weather resistant finish, masonry columns or other approved material.

SIGN, FREESTANDING - A sign with its support planted firmly into the ground, excluding changeable copy signs unless expressly authorized as part thereof, and excluding billboards.

SIGN, HANGING - A sign panel that is attached to a building façade and oriented perpendicular to the building façade, or a sign panel that is suspended from the bottom of a canopy or portico.

SIGNS, MARQUEE SIGNS - A manual changeable copy and/or wall sign that is attached to or incorporated within the face of a marquee.

SIGN, MENU BOARD OR MENU BOARD - A freestanding sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20% of the total area for such a sign utilized for business identification.

SIGN, MONUMENT - A sign attached to a brick, stone or masonry wall or structure that forms a supporting base for the sign display, and which may also provide for the vertical support on which a sign face is mounted.

SIGN, POLITICAL - A temporary sign intended to advance a political statement, cause or candidate for office.

SIGN, TEMPORARY - Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frame, which is thereby customarily intended to function on a temporary basis and which requires no building permit under the Pennsylvania Uniform Construction Code, including mobile or movable signage which is not permanently affixed to the ground.

SIGN, TEMPORARY WINDOW - Temporary window sign: a sign or signs displayed on the inside surface of a window for the purpose of advertising a sale, grand opening, new products or services.

SIGN, ROOF - A sign mounted on and supported by the main roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

SIGN, WALL - A sign placed against and attached to, made a part of or painted directly on an exterior surface of a building, excluding changeable copy signs, marquee signs, and roof signs and projecting no further than 18 inches from the wall to which the sign is attached.

SIGN, WINDOW - A sign affixed to the surface of a window or the face of which is placed within 12 inches of the window with its message intended to be visible to and readable from the public way or from adjacent property, excluding the display of merchandise sold on the premises.

SIGN AREA - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or V-shaped sign shall be the area of the largest single face only.

SIGN COPY - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel- or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background or within the painted or illuminated border.

SINGLE FAMILY DWELLING - a building designed for and occupied exclusively as a residence for only one family

SPECIAL EXCEPTION - the permission or approval expressly granted by the Zoning Hearing Board in situations where provision therefore is made by the terms of this ordinance, after written application is made therefore.

STEEP SLOPES - areas of existing topography where, in over a one-hundred-foot horizontal distance, or where the difference in elevation is over 20 feet, the slope equals or exceeds 25% from the top to bottom of the break in grade.

STORY - the portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between any floor and the ceiling next above it.

STREET - a public or private right-of-way which affords means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name, but shall not include alleys.

STREET LINE - the line defining the edge of the legal width of a dedicated or other public street from a contiguous lot, parcel or tract of land.

STRUCTURE - anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - An area of land developed in accordance with the principles authorized and encouraged by Article VII-A of the Municipalities Planning Code, Act of 1968, P.L.805, No.247 as reenacted and amended, and with those standards expressed within this ordinance .

TRAILER COURT - any plot of ground upon which area and provision is made for two (2) or more house trailers, occupied for dwelling or sleeping purposes. The terms trailer park, camp, and Mobile Home Park or similar designations shall be interpreted to have the same meaning as the term trailer court.

TRAILER –Transportable, or portable that includes:

1. Mobile Home or House Trailers - a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.¹²

¹² This definition is used in the State Municipalities Planning Code.

2. Camping Trailer - a vehicular portable structure built on a chassis used as a temporary dwelling for travel, recreational and vacation uses.

TRANSITIONAL RESIDENTIAL FACILITY - A dwelling unit or group of dwelling units occupied on a short-term basis by persons assigned by a court of law, or who are self-referred, or referred by a public, semipublic or nonprofit agency, and managed by a public, semipublic or nonprofit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, for alcoholic recovery, community reentry services following incarceration, prison assignment, house arrest or other court-ordered treatment, and other such short-term supervised assignments.

USE - the specific purposes for which land or a building is designed, arranged, intended, or for which it is occupied or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use. The term "Conditional Use" shall be deemed to include only the uses which are specifically cited in the ordinance to be allowed or denied by the Zelienople Borough Council after recommendation by the Zelienople Planning Commission, pursuant to express standards and criteria set forth in this ordinance.

VARIANCE - a modification of the literal provisions of this ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the Variance is sought.

VETERINARY CLINIC - an establishment, completely housed within a building, intended for the medical examination and treatment of animals.

YARD - a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT - a yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures or improvements, the depth of which is the least distance between the front lot line and the building line.

YARD, REAR - a yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings, steps, walks, terraces, driveways, lamp posts, and similar structures and improvements.

YARD, SIDE - a yard between the principal building and the side lot line, extending from the front yard, or from the front line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the principal building.

ZONING MAP - the zoning map or maps of the Borough of Zelienople, together with all amendments subsequently adopted.

PART 4 - ZONING MAP AND DISTRICTS

Section 401 - Establishment of Districts This ordinance establishes and divides the Borough into the following zoning districts which are shown graphically on the zoning map which by reference is a part of this Section:

| | | |
|---------------|-----|-----------------------------------|
| (Section 601) | R-1 | Single Family Residential |
| (Section 602) | R-2 | General Residential |
| (Section 603) | R-3 | Urban Residential |
| (Section 604) | R-4 | Mixed Use |
| (Section 605) | C-1 | Central Business |
| (Section 607) | C-3 | Heavy Commercial |
| (Section 608) | I | Large Scale Office and Industrial |
| (Section 609) | FP | Flood Plain |

Section 402 - Zoning Map The location of the boundaries of said zoning districts are established as shown on the official zoning district map adopted by the Borough and on file in the office of the Borough Secretary. Said official zoning map, together with amendments, any map inserts, ordinances, notations, references or designations shown thereon are hereby made a part of this ordinance as if the same were fully described and set forth herein.

Section 403 - Interpretation of District Boundaries

1. Where district boundaries are indicated as approximately following the centerlines of streets, highways, street lines, highway right-of-way lines, or streams, such centerlines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
3. Where the boundary of a district follows a railroad, such boundary shall be deemed to be located in the middle of the main tracks of such railroad.
4. Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the Borough, unless otherwise indicated.

PART 5 - GENERAL PROVISIONS

Section 501 - Conformance and Permits No building or land shall, after the effective date of this ordinance, except for existing nonconforming uses, be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located, and then only after applying for and securing all permits and licenses required by all laws and ordinances.

Section 502 - Buildings to Conform to Requirements No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yard, side yard, or front yard than is herein specified for the district in which the building is located, or as otherwise provided for in this ordinance¹³.

Section 503 – Yards No part of a yard or other open space about any building, required for the purpose of complying with the provisions of this ordinance, shall be included as a part of a yard or open space similarly required for another building.

¹³ The nonconforming structure or use Section provides for certain expansions or use for structures already nonconforming.

PART 6 - PERMITTED USES

Section 601 - R-1 Single Family Residential District

1. Statement of Purpose - The R-1 Single Family Residential District is designed to provide sites for low density single family housing, together with such accessory activities as may be appropriate. This district is intended to ensure adequate light, air, privacy and open space for each dwelling, and to maintain desirable environmental and neighborhood qualities commensurate with low density single family occupancy.
2. Permitted Uses by Right
 - A. Single family detached dwellings.
 - B. Essential Services.
3. Conditional Uses¹⁴subject to Part 10
 - A. Planned Residential Development
 - B. Normal Agricultural Operations
 - C. Local Public Uses
 - D. Essential Service Buildings
 - E. Neighborhood Park or Community Center
4. Special Exceptions subject to Part 11, the following uses may be permitted as Special Exceptions, subject to approval by the Zoning Hearing Board, in accordance with the provisions of this Ordinance and the standards and criteria listed herewith:
 - A. Home Occupation
 - B. Family Home Day Care
5. Lot, Area and Dimensional Requirements
 - A. The following requirements shall apply in the R-1 District:
 - (1) Minimum lot area shall be 12,000 square feet.
 - (2) Minimum lot width shall be 80 feet at the building line.
 - (3) Minimum front yard depth shall be 30 feet from the front lot line.
 - (4) Minimum side yard width on each side of the lot shall be 15 feet.
 - (5) The minimum side yard on the street side of a corner lot shall be 25 feet.
 - (6) Minimum rear yard depth shall be 30 feet from the rear lot line.
 - (7) Maximum lot coverage shall be 25 percent.
 - (8) Maximum impervious surface coverage shall be 40 percent.
 - (9) No structure shall exceed 35 feet in height or two and one half stories, whichever is less.
 - (10) One principal structure is authorized per lot.
 - (11) Minimum Lot Frontage shall be 50 feet.

¹⁴ Language included in the family day care Conditional Use is utilized elsewhere in the ordinance but no longer authorized in R-1.

Section 602 - R-2 General Residential District

1. Statement of Purpose - The R-2 General Residential District is intended to provide for both the continuation and expansion of historic residential institutional uses as well as a spectrum of dwelling unit types and complementary forms of dwelling unit types and institutional residential units and facilities as set forth in this Section to serve both regional and local current and future residential needs.

2. Permitted Uses by right

- A. Single-family detached dwellings.
- B. Essential services.
- C. Duplex dwelling
- D. Multifamily or multiple-family dwelling, apartment.
- E. Row house or townhouse dwelling

3. Conditional Uses, subject to Part 10. The following Conditional Uses may be permitted, subject to the issuing of a Conditional Use permit after review by the Borough Planning Commission and approval of the Borough Council following public hearing, in accordance with the standards and criteria listed herein.

- A. Adult day services center.
- B. Assembly hall, public or semipublic.
- C. Church.
- D. Day-care center.
- E. Day-care/family home.
- F. Essential service buildings.
- G. Group residential facility.
- H. Hospital facility.
- I. Local public use.
- J. Mobile home or house trailers, parks.
- K. Neighborhood park or community center.
- L. Outpatient treatment clinic.
- M. Planned residential development, residential.
- N. Planned residential development, mixed use.
- O. School, commercial.
- P. School, private.
- Q. Traditional neighborhood development, Type I.
- R. Transitional residential facility.
- S. Group Care Facility
- T. Dormitory

4. Special Exceptions, subject to Part 15. The following uses may be permitted as special exceptions, subject to approval by the Zoning Hearing Board, in accordance with the provisions of this chapter and the standards and criteria listed herewith.

- A. Home occupation.
- B. Family Home Day Care

5. Lot, area and dimensional requirements.

A. The following requirements shall apply to single-family dwellings in the R-2 District and shall apply to Conditional Uses authorized within the R-2 District, provided that the specific dimensional standards set forth in the respective Section of Part 10, Conditional Uses, shall prevail.

- (1) Minimum lot area shall be 12,000 square feet.
- (2) Minimum lot width shall be 60 feet at the building line.
- (3) Minimum front yard depth shall be 25 feet from the front lot line.
- (4) Minimum side yard width on each side of the lot shall be 15 feet.
- (5) The minimum side yard on the street side of a corner lot shall be 25 feet.
- (6) Minimum rear yard depth shall be 20 feet from the rear lot line
- (7) Maximum lot coverage shall be 35%.
- (8) Maximum Impervious Surface Coverage shall be 50%.
- (9) No structure shall exceed 35 feet in height or 2 1/2 stories, whichever is less.
- (10) One principal structure shall be authorized on lots bearing single-family dwellings.
- (11) Minimum lot frontage shall be 40 feet.

B. The following requirements shall apply to multi-family units permitted in the R-2 District as specified in Section 602-2 of this Ordinance:

Table 602-1
Multifamily Units: R-2 District

| REQUIREMENTS | Duplex Townhouse Row House Garden Apartment | Multifamily Dwelling |
|----------------------------|---|--|
| Minimum Lot Area | 6,000 square feet per dwelling or 8 units per acre. | 6,000 square feet per dwelling or 8 units per acre. |
| Minimum Side Yard | 15 feet on each side of the structure; corner lots, 25 feet along the street, | Front, rear and side yards shall not be less than the height of the tallest portion of the structure or 40 feet, whichever is greater. |
| Minimum Front Yard | 25 feet, 50 feet on Beaver Street. | 50 feet on Beaver Street |
| Minimum Rear Yard | 20 feet. | |
| Minimum Lot Width | 30 feet per unit at the building line | 120 feet at the building line. |
| Minimum Lot Frontage | 20 feet per unit | 75 feet |
| Maximum Height | 35 feet or 2 ½ stories, whichever is less. | 3 stories or 40 feet, whichever is less. |
| Maximum Lot Coverage | 45% | 45% |
| Maximum Impervious Surface | 60% | 60% |

6. R-2 District Performance Standards.

- A. Multifamily or multiple-family dwellings, apartment buildings shall be limited to 10 units per building. Such buildings shall be separated by at least 40 feet from adjacent multifamily or multiple-family dwellings or townhouse or row house arrangements.
- B. Townhouse or row house arrangements shall contain no more than four units attached to one another. Such unit groupings shall be separated by at least 30 feet.

Section 603 - R-3 Urban Residential District

1. Statement of Purpose - The R-3 Urban Residential District is designed to provide for the maintenance of the established mature residential neighborhoods within the Borough. This district is intended to ensure adequate light, air, privacy and open space for residential uses, and to maintain desirable residential qualities in association with accessory and related land uses.

2. Permitted Uses by Right

- A. Single Family Detached Dwellings
- B. Essential Services

3. Conditional Uses subject to Part 10. The following Conditional Use may be permitted, subject to the issuing of a Conditional Use Permit after review by the Borough Planning Commission and approval of the Borough Council following public hearing, in accordance with the standards and criteria listed herein.

- A. Funeral Homes
- B. Planned Residential Development, Residential Community
- C. Bed and Breakfast
- D. Assembly Hall, Public Or Semi-Public
- E. Essential Service Building
- F. Local Public Use
- G. Private School
- H. Church
- I. Adult Day Services Center
- J. Mobile Home Trailers and Parks
- K. Neighborhood Park or Community Center
- L. Adaptive Reuse

4. Special Exceptions The following uses may be permitted as Special Exceptions, subject to approval by the Zoning Hearing Board, in accordance with the provisions of this Ordinance and the standards and criteria listed herewith:

- A. Home Occupations
- B. Family Home Day Care

5. Lot, Area and Dimensional Requirements

- A. The following requirements shall apply to lots and uses in the R-3 District, except where stricter or lesser standards are provided through Conditional Use authorization:
 - (1) Minimum lot area shall be 6,000 square feet.
 - (2) Minimum lot width shall be 60 feet at the building line.
 - (3) Minimum front yard depth shall be 25 feet from the front lot-, line.
 - (4) Minimum side yard width on each side of the lot shall be five (5) feet with both side yards totaling a minimum of 15 feet.
 - (5) The minimum side yard on the street side of a corner lot shall be 15 feet.
 - (6) Minimum rear yard depth shall be 20 feet from the rear lot line. Maximum lot coverage shall be 40 percent.
 - (7) No structure shall exceed 35 feet in height or two and one half stories, whichever is less.
 - (8) Minimum lot frontage shall be 50 feet.

- (9) Each lot is authorized one principal structure and one principal use unless otherwise authorized by this ordinance.
- (10) Maximum Impervious Surface Coverage shall be 65 percent.
- (11) All new principal structures shall locate at a build-to line from Grandview Avenue determined by any one of the following:
 - (a.) At or within five feet greater, as measured from Grandview Avenue, of the building line of either adjacent structure.
 - (b.) At or within five feet greater, as measured from Grandview Avenue, of the average of the building line on any particular block.

Section 604 - R-4/C-2 Mixed Use District

1. Statement of Purpose - The R-4/C-2 Mixed Use District is designed to provide for the protection of existing residential neighborhoods, concurrent with the establishment of nonresidential land use activities of a compatible and harmonious character, in sectors and corridors of the Borough where primarily single family residences accompanied by small scale office and service establishments provide the highest and best uses on said corridors. This district is intended to ensure adequate light, air, open space and other amenities in support of the general health, welfare and safety of all inhabitants.

2. Permitted Uses by Right

A. All uses permitted by right in the R-3 Residential District.

3. Conditional Uses subject to Part 10. The following Conditional Uses may be permitted, subject to the issuing of a Conditional Use Permit after review by the Borough Planning Commission and approval of the Borough Council following public hearing, in accordance with the standards and criteria listed herein.

- A. All Conditional Uses as authorized in the R-3 District, and subject to the same requirements.
- B. Administrative and Professional Offices
- C. Bakeries on lots fronting directly on Main Street
- D. Personal Service Establishment
- E. General Retail on lots fronting directly on Main Street
- F. Neighborhood Park or Community Center

4. Special Exceptions The following uses may be permitted as Special Exceptions, subject to the approval by the Zoning Hearing Board, in accordance with the provisions of this Ordinance and the standards and criteria listed herewith:

- A. Home Occupations
- B. Family Home Day Care

5. All Lot, Area and Dimensional Requirements applicable to uses in the R-3 Urban Residential District as cited in Section 603-5 of this Ordinance shall apply to uses in the R-4/C-2 Mixed Use District.

6. No drive through facilities are permitted in the R-4/C-2 District.

Section 605 - C-1 Central Business District, Traditional Neighborhood Development

1. Statement of Purpose. The C-1 Central Business District is reserved exclusively for traditional neighborhood developments as per Part VII-A, Section 702A(1) (i) of the Municipalities Planning Code. The C-1 Central Business District is designed to provide sites for retail shopping and services, professional and business oriented activities and similar functions that are compatible with the basic commercial nature of this area of the community integrated with appropriate residential dwellings and facilities which are linked by a pedestrian environment. This district is intended to provide commercial and related functions for the use and convenience of the residents of the greater Zelienople vicinity and to encourage the viability of the Borough's central business district through a mixture of uses including residential dwelling units. This district also aims to preserve the historic integrity of the central business district through the encouragement of structures and parking at a scale commensurate with the districts existing character. This district is intended to ensure adequate light, air, open space and related amenities appropriate to the maintenance of safety, and to generate qualities which will encourage and sustain commercial pursuits within the scale and function of a traditional neighborhood.

2. Permitted Uses by Right

- A. Administrative And Professional Offices
- B. Adult Day Services Center
- C. Assembly Hall, Public Or Semi-Public
- D. Bakery
- E. Bank
- F. Bed And Breakfast
- G. Church
- H. Day Care Center
- I. Dwelling - Multi Or Multiple Family on stories above the first story of any building.
- J. Entertainment And Indoor Recreation Facilities
- K. Essential Service
- L. Funeral Home
- M. General Retail
- N. Local Public Use
- O. Minor Equipment And Automotive Repairs
- P. Motel-Hotel
- Q. Personal Service Establishment
- R. Restaurant
- S. School, Commercial
- T. School, Private

3. Conditional Uses, subject to Part 10. The following Conditional Uses may be permitted subject to the issuing of a Conditional Use Permit after review by the

Borough Planning Commission and approval of the Borough Council following public hearing, in accordance with the standards and criteria listed herein.

- A. Essential Service Buildings
- B. Veterinary Clinics

4. Lot, Area and Dimensional Requirements. The following requirements shall apply in the C-1. District:

- A. The minimum front yard shall be zero feet.
- B. The minimum side yard required shall be 15 feet or zero feet where unpierced party walls are provided and constitute the lot line.
- C. Minimum rear yard depth shall be 20 feet from the rear lot line.
- D. No structure shall exceed 50 feet in height or four stories, whichever is less.
- E. Minimum frontage shall be 20 feet.
- F. Those requirements set forth in Section 606 shall serve to modify the above.
- G. Build-to-Line on Main Street shall equal the average building line of all principal buildings on a block located on the same side of Main Street, providing that the building may locate closer to the street than the required building line or within three feet behind said line.

5. Performance Standards

- A. All buildings shall provide one or more of the following on all building facades or groups of buildings with party walls that face a front lot line for every fifty lineal feet of building frontage.
 - (1) Change in building façade material accompanied by a variation in the roof parapet or roof style, which may simply include a variation in height or change in the style of cornice used.
 - (2) Offset in the building of at least one foot.
 - (3) The above variations shall occur not more than once every twenty lineal feet.
- B. Flat roofs, those without any pitched form, shall include a parapet on the front concealing the roof.
- C. At least three of the following shall be incorporated into any building proposed:
 - (1) Pitched or mansard roof form.
 - (2) Cornices or roof overhangs.
 - (3) Pilasters, stringcourses, or similar means of dividing the floors of a structure.
 - (4) At least two stories in the building.
 - (5) Clear window including a display area

D. At least fifteen percent of the entire face of any building that parallels a front lot line shall be comprised of windows or tinted glass the sum of which shall be distributed as follows for multi-story buildings:

- (1) Two stories, 40 to 60 percent of the total required on each story.
- (2) Three Stories 24 to 36 percent of the total required on each story.
- (3) Four Stories 15 to 25 percent of the total required on each story.

6. All buildings shall include an entrance on the side of the building paralleling the front lot line which shall be integrated with municipal sidewalks through a sidewalk of at least four feet in width extended to the entrance. One such entrance shall occur for every fifty lineal feet of said side of building. Where no municipal sidewalk fronts the building, Council may require the applicant to construct a sidewalk to Borough specifications within said right of way.

7. Buildings may set back up to twelve feet from a build-to line where a porch roof, marquee, awning, or other approved covering covers a space used for food consumption or congregation by patrons of an establishment and where no more than 25 percent of said area shall be used for the display of goods sold on the premises in normal business hours.

8. Exterior wall materials not permitted include:

- A. Large split-face block (e.g. size of 8 inches by 16 inches or greater).
- B. Tilt-up concrete panels.
- C. Prefabricated metal panels.
- D. Standard concrete masonry units (CMU).

9. Drive through facilities shall be limited to one per block. Menu Boards shall be affixed to the wall of any building providing the drive through use.

10. Parking lots and access drives shall be limited to two per block separated by distances as may be required by the Subdivision and Land Development Ordinance. The access to such lots shall be one way with egress on an alley where site conditions allow. One way entrances shall be limited to 14 feet in street opening width and two way shall be limited to 28 feet. The lot shall be surrounded by a four foot high fence or solid hedgerow of four feet in height at maturity, notwithstanding clear site triangle requirements where the maximum may be three feet. The fence shall be a picket style or opaque fence constructed of wood, vinyl, or materials authorized as exterior building facades.

11. Minor Facade Alterations. A zoning certificate issued via determination of the Zoning Officer shall be required for all minor facade alterations. The following activities are exempt from the preceding requirements:

- A. Facade maintenance activities.
- B. Alterations to structures less than fifty years old provided that alterations to structures built after the effective date of this Zoning

Ordinance shall be completed in such a manner that the performance standards of Section 605.5 are met.

12. Minor Facade Alteration (s) meet the following required criteria:

- A. Proposed features are reasonably consistent with the features each is proposed to replace with respect to location, functionality, material, and appearance.
- B. Where a zoning certificate is required, the proposed replacement is necessary due to deterioration of features. The Zoning Officer may require the applicant to submit a sealed opinion from a licensed professional where the Zoning Officer deems such is necessary to demonstrate deterioration.

13. Major Facade Alterations are authorized by Conditional Use subject to the General Conditions of Section 1001 and the specific conditions of Section 605-15. Alterations to structures less than fifty years old provided that alterations to structures built after the effective date of Ordinance 779, the Zelenople Zoning Ordinance. Zoning shall be completed in such a manner that the performance standards of Section 605-15 are met.

14. Demolition of principal buildings is authorized by Conditional Use subject to the General Conditions of Section 1001 and the specific conditions of Section 605-25. The following forms of demolition are authorized as a permitted use and exempt from the preceding Conditional Use requirements:

- A. Emergency Demolition.
- B. Demolition of structures less than fifty years old.

15. Major Facade Alteration and Demolition Conditional Use Standards. The following criteria shall be met where any major facade alteration or demolition of a principal structure are authorized as a Conditional Use:

- A. No building that is historically significant shall be demolished unless approved as a Conditional Use by the Borough Council.
- B. Major Facade Alterations shall be constructed in a manner that is consistent with the following:
 - (1) The proportion of the building's front facades shall be retained by preserving the relationship between the width of the front of the building and the height of the front of the building.
 - (2) The proportion of openings within the building shall be retained by preserving the relationship of width to height of windows and doors.
 - (3) The scale and rhythm of entrance, porch projections, and display windows shall be preserved to maintain a pedestrian scale.

- (4) The predominant building materials of the district, such as brick, stone, stucco, wood siding, or other material shall be used when replacing like materials or expanding the facade.
 - (a.) The relationship of architectural details shall be retained by preserving character-defining features of buildings such as but not limited to, cornices, lintels, arches, quoins, banisters and ironwork, chimneys, etc. or by replacing the preceding with features that are similar with respect to detail and function.
 - (b.) Relationship of roof shapes shall be retained by preserving compatible roof shapes, such as gable, mansard, hip, flat, gambrel, and/or other kinds of roof shapes.
 - (c.) The scale of the built environment created by the size of units of construction and architectural detail shall relate to the size of persons and shall preserve building's scale in relation to surrounding buildings.

16. Parking. Parking shall adhere to the standards of Part 8. Parking and Loading Requirements, this Chapter unless modified by the following standards in consideration of the functionality of a traditional neighborhood development.

A. The following numbers or proportions used to calculate minimum parking requirements as set forth in Part 8. Parking and Loading Requirement, shall constitute a modification of and prevail over the requirements of said Part as applied on an establishment basis subject to the following:

- (1) Administrative and Professional Offices: 1 per 300 square feet of floor area above 1,500 square feet
- (2) Adult day services center: 1 per 2 patients above 2 patients.
- (3) Bakery: 1 per 250 feet of floor area over 1,500 square feet.
- (4) Bank: 1 per 250 feet of floor area over 1,500 square feet.
- (5) Church: 1 per 6 seats or per every six people able to occupy areas used for public assembly where seating is not permanently installed in assembly areas.
- (6) Day-care center: 1 per employee, with a minimum of 4 spaces, plus 1 off-street passenger loading space per 8 children enrolled
- (7) Entertainment and Indoor Recreation Facilities: 1 space per every 4 participants possible by activity (court, lane, etc.) and 1 per every 6 seats in areas of assembly such as theaters)
- (8) General Retail: 1 space per every 250 square feet of floor area beyond the first 1,500 square feet.
- (9) Minor Equipment and Automotive Repairs: 1 space per every 250 square feet of floor area beyond the first 1,500 square feet.

- (10) Motel-Hotel: 1 per rental room, plus 2 spaces per 1,500 square feet net floor area for places of assembly
 - (11) Personal Service Establishment: 1 space per every 250 square feet of floor area beyond the first 1,500 square feet.
 - (12) Restaurant: One per 150 feet of floor area devoted to customer service such as pick-up of food, dining and waiting areas, or One per four seats, whichever is greater.
- B. Parking. As an incentive to maintain and, where necessary, provide for additional public parking to retain and enhance the functionality of the C-1 District, an establishment cited within the preceding Section 605-16-A which occupies 8,000 square feet or less of gross floor area shall be permitted to furnish an annual fee on a per space basis in lieu of parking space(s) up to the number of minimum required parking spaces set forth in Section 605-16-A. The calculation, effect, and administration of said fee are as follows:
- (1) The initial fee in lieu of parking per space shall be \$1,000.00 for 2014. The fee may be increased annually by resolution of Council by a percentage which does not exceed the Engineering News Record (ENR) Construction Cost Index, 20-City average for December each year. The increase shall be adopted by April 1st of the calendar year.
 - (2) The fee shall be due by October 1st of each year. Unless required minimum parking is furnished in a manner and rate as required by this Chapter, the failure to pay the fee in lieu of parking shall render the operation of the related establishment in violation of this Chapter and the Zoning Officer shall institute appropriate enforcement proceedings as per Section 1701, Remedies and Section 1801 Penalties.
- C. Parking required for dwelling units housed within the upper floors of buildings with first floor uses configured for nonresidential use shall be provided in one or more of the following manners such that one space is provided per unit:
- (1) Provided as per Part 8.
 - (2) Garage bay capable of housing a vehicle located within 600 feet, as measured from the closest entrance of the building housing the dwelling unit along public rights of way or pedestrian easements to the garage.
 - (3) Parking Space within a lot located within 600 feet, as measured from the closest entrance of the building housing the dwelling unit along public rights of way to the entrance of the lot.
 - (4) In the event that minimum required parking is proposed to be provided at a different location or form, the owner of the premises

shall make application for a zoning certificate and the Zoning Officer shall make a determination regarding the compliance of the parking with this Chapter.

17. Signage. Signs in the C-1-TND District are authorized as follows and shall comply with the following standards.

- A. Signs within the TND District shall comply with and shall be authorized in accordance with Section 901 and Section 902 as well as this Section.
- B. Permitted signs shall be limited to signs normally used in conjunction with a business and erected at the site of such business unless specified by this chapter.
- C. Marquee signs are authorized as follows: Marquee signs may project at multiple angles from the principal structure as customarily arranged in association with theaters and hotels, wherein each building housing such an establishment shall be allotted two square feet per lineal foot of building frontage on the side of the main entrance of the building as total signage permitted, inclusive of the aforementioned marquee sign, up to 120 square feet.
- D. No more than one monument or enhanced freestanding sign is authorized per lot. The sign area of such signs shall be limited to one square foot per lineal foot of frontage on the street on which the sign is placed or the maximum sign area cited in items (5) and (6) of this Section, whichever is less.
- E. Monument signs shall be authorized on each lot as follows:
 - (1) The sign be located so as to not obstruct vehicular/motorist nor pedestrian sight lines.
 - (2) Signs may be located either perpendicular or parallel to the roadway.
 - (3) The sign shall meet all setbacks as applied to principal structures.
 - (4) Height: Maximum 6'-6" above adjacent finish grade elevations to tallest part of sign.
 - (5) Size: Each sign panel shall not exceed 35 square feet on each or either side of two-sided sign.
 - (6) Masonry Base Materials: All signs are required to be constructed on a masonry base treated with brick, natural stone, clay brick or natural stone.
 - (7) Width of Masonry Base: Minimum 12", maximum 24".
 - (8) Sign Cabinets Mounted on Masonry Base: For sign cabinets mounted on top of a masonry base, the minimum height of the base shall be 18" above adjacent finish grade. Sign cabinet shall be securely fastened to the masonry base.

- (9) Sign Panels Mounted to a Masonry Base: Sign panels that are attached to a masonry base shall be located a minimum height of 18" above finished grade. A minimum of 6" of masonry shall be exposed on the top and sides of the sign panel(s). The maximum overall exposed area of a sign encompassed by a finished masonry base/frame shall not exceed two times the size of the sign panel mounted to it.
- (10) The sign may be externally illuminated.
- (11) Automatic changeable copy signs shall be authorized as an accessory to and part of the sign area of a monument sign and shall not exceed 50% of the authorized sign area. Automatic changeable copy signs shall display only amber-colored lettering or numerals on a black background advertising products sold or services provided on site. Additionally, each message shall take no more than one second to complete its display such that no animation or impression of movement is created. Each message display shall begin to change more than once every five seconds.

F. Enhanced Freestanding Signs.

- (1) The sign be located so as to not obstruct vehicular/motorist nor pedestrian sight lines.
- (2) Signs may be located either perpendicular or parallel to the roadway.
- (3) The sign shall meet all setbacks as applied to principal structures.
- (4) Height: Maximum 6'-6" above adjacent finish grade elevations to tallest part of sign.
- (5) Size: Each sign panel shall not exceed 28 square feet on each or either side of two-sided sign.
- (6) The sign may be externally illuminated.

G. Wall Signs shall be authorized as follows:

- (1) The maximum sign area shall equal 20% of the building facade.
- (2) Additional walls fronting public streets that are secondary to the primary building facade shall be limited to 10% of said wall as a maximum sign area.
- (3) Wall signage lettering, numbers and logos shall not exceed 18 inches in height and be no wider than 50% of the linear footage of building frontage.

- (4) Wall signage shall be placed no higher than the eave line of the building.
- (5) Wall signs may be externally illuminated and shall not be internally illuminated.
- (6) Wall Signs attached to Rigid Canopies and porticos are permitted subject to the standards and limitations of this Section provided that each meet the following additional standards:
 - I. One sign is permitted per face of the canopy or portico. The sign area of each shall not exceed 60% of the canopy or portico face to which it is attached.
 - II. Where wall signs are attached to a rigid canopy or portico, the sign shall be comprised of dimensional elements and shall not include painted or stenciled lettering. Where wall signs are attached to a flexible canopy or portico, Letters or business logos applied thereto shall be neatly painted, stenciled, silkscreened, or sewn onto the canopy or portico.
 - III. The signs shall not be illuminated.
 - IV. The sign when attached to a rigid canopy or portico, shall not extend more than one foot above the top of the canopy or portico to which it is attached.
 - V. Where hanging signs are utilized on the canopy or portico, no additional wall signs are permitted on the faces of that canopy or portico.

H. Hanging Signs are authorized as follows:

- (1) Hanging signs shall have a minimum clearance of 8 feet from adjacent sidewalk.
- (2) Hanging signage attached to a building façade shall not extend further than 50% of the total sidewalk width, or 5 feet from the building façade, whichever is less.
- (3) Hanging signage suspended from the bottom of a canopy or portico shall not exceed 50% of the total sidewalk width, or 5 feet in length, whichever is less. In no case shall a hanging sign be located within 4 feet of the adjacent roadway curb face.
- (4) Hanging signage may be double sided. Each side may not exceed 3 square feet, per face.
- (5) Hanging signage may not extend above the eave line of the building to which each is attached.
- (6) A maximum of one hanging sign is permitted per business.

- (7) A maximum of one hanging sign is permitted per canopy/awning, or portico
- (8) Hanging signage shall not be illuminated.

I. Convenience signage is authorized as follows:

- (1) Maximum height: six feet.
- (2) Maximum sign area: 4 square feet.
- (3) The height of letters and numbers for convenience signage shall not exceed 2 inches.

J. Window Signs are authorized as follows:

- (1) Except as otherwise provided in this Section, window signage shall be neatly applied on the interior of the window or door with easily removable paint, paper, cloth, or other like material.
- (2) Window signs shall not exceed 30 percent of the aggregate window and glass door surface area of a business.
- (3) Diffused neon signs and internally illuminated signs are authorized as window signs, but shall be limited to six square feet, notwithstanding the area limitations otherwise applied to the aggregate of window signs. Illuminated signs that include automatic changeable copy signs shall be subject to the standards of Section 701-4 Lighting Requirements.

K. Automatic Changeable Copy Signs shall be authorized within and as part of the sign area authorized for monument and enhanced freestanding signs, and shall not comprise more than 50% of the authorized sign area of the associated sign. Automatic changeable copy signs shall display only amber-colored lettering or numerals on a black background advertising products sold or services provided on site. Additionally, each message shall take no more than one second to complete its display such that no animation or impression of movement is created. Each message display shall begin to change more than once every five seconds.

Section 606 C-1 Central Business District Overlay.

1. Statement of Purpose - The Central Business District Overlay is intended to ensure the continuation and integrity of adjoining residential neighborhoods, primarily zoned R-3, that lie along Clay and High Streets, adjoining the Central Business District.

2. Boundaries of Overlay District and Effect

- A. Firstly, the Overlay District shall be comprised of all land, zoned as C-1, that lies west of the district boundary centered on High Street for a distance to a line parallel to the High Street right of way and located 100 feet from said right of way at all points, as the right of way exists at the adoption of this ordinance.
 - B. Secondly, the Overlay District shall be comprised of all land, zoned as C-1 that lies east of the District line centered on Clay Street which adjoins those properties zoned R-4 and R-3 as of the date of this ordinance amendment, for a distance to a line parallel to the Clay Street right of way and located 100 feet from said right of way at all points, as the right of way exists at the adoption of this ordinance; and all parcels lying west of Clay Street, zoned as C-1 as of the adoption of this ordinance amendment.
 - C. Thirdly, the Overlay District shall comprise the area of all tax parcels, in their configuration as of the date of adoption of this ordinance amendment and zoned as C-1 on the Zoning Map, that bear frontage on Grandview Avenue.
 - D. Effect. The Overlay District serves to modify the underlying C-1 District. Therefore, all performance standards and lot and yard requirement shall stand unless expressly modified by this part.
3. Overlay Standards. The following shall serve to modify the underlying C-1 standards and requirements.
- A. Maximum Building Height- 40 feet or two and one half stories, whichever is less. Three stories shall be permitted where the structure is set back at least 40 feet from the front lot line.
 - B. Minimum Front Yard- 25 feet, excepting Main Street and New Castle Street, where the underlying district requirements shall prevail.
 - C. Excepting access points designed according to this ordinance, all paved areas shall be set back at least 10 feet from the adjoining right of way of Clay or High Streets or Grandview Avenue.
 - D. All lighting and signage installed within this area shall meet the specifications and limitations of standards instituted for or permitted within the R-4/C-2 Mixed Use District.
 - E. Maximum impervious surface and lot coverage applied to the area of any lot within the Overlay shall be 70%.
 - F. Up to six units within duplex or townhouse structures may be constructed per block subject to the standards of 605-5A except that the amount of variations required shall be for every 30 feet.
 - G. Garages integral or attached to said units shall not face the front lot line. Access drives providing access to garages and parking shall be limited to one for every group of townhouses or set of duplex units unless accessed from an alley.

Section 607 - C-3 Heavy Commercial District.

1. Statement of Purpose - The C-3 Heavy Commercial District is established to provide locations for light commercial service and heavy commercial activities in the area of the borough where sites are predominantly highway oriented. This district is designed to ensure adequate light, air, open space and other amenities appropriate to the maintenance of safety and to generate the highest and most appropriate use of sites.

2. Permitted Uses by Right

- A. All uses permitted by right in the C-1 District.
- B. Veterinary Clinics
- C. Outdoor Commercial Recreation
- D. Automobile Sales and Leasing
- E. Service Station
- F. Car Wash

3. Conditional Uses The following Conditional Uses may be permitted, subject to the issuing of a Conditional Use Permit after review by the Borough Planning Commission and approval of the Borough Council following public hearings, in accordance with the standards and criteria listed herein.

- A. Essential Service Buildings
- B. Kennel
- C. Traditional Neighborhood Development
- D. Local Public Use

4. Lot, Area and Dimensional Requirements

A. The following requirements shall apply in the C-3 District:

- (1) Minimum lot size shall be 35,000 square feet.
- (2) Minimum lot width shall be 150 feet at the building line.
- (3) Minimum front yard depth shall be 60 feet from the front lot line.
- (4) Minimum side yard width on each side of the lot shall be 25 feet;
- (5) The minimum side yard on the street side of a corner lot shall be 25 feet.
- (6) Minimum rear yard depth shall be 90 feet from the rear lot line.
- (7) Maximum lot coverage shall be 60 percent.
- (8) No structure shall exceed 50 feet in height.
- (9) Maximum Impervious Surface Coverage shall be 80 percent.
- (10) Unit Lots are authorized subject to Section 701-3.
- (11) Minimum Frontage shall be 150 feet.

Section 608 – I Large Scale Office and Industrial

1. Statement of Purpose - The I-Limited Industrial District is established to provide for large scale office and industrial and related pursuits in areas of the borough where sites appropriate to such uses are available. This district is intended to maintain and supplement the economic strengths of the borough while maintaining the quality and value of adjacent non-industrial activities.

2. Permitted Uses by Right

- A. Administrative and Professional Offices
- B. Crematorium
- C. Essential Service Buildings and Essential Services
- D. Industrial Uses
- E. School, Commercial
- F. Car wash
- G. Junk yard

3. Lot, Area and Dimensional Requirements

A. The following requirements shall apply in the I-District

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The minimum front yard depth shall be 60 feet from the front lot line
- (3) The minimum side yard width on each side of the lot shall be 25 feet.
- (4) The minimum side yard on the street side of a corner lot shall be 25 feet.
- (5) Minimum rear yard depth shall be 40 feet from the rear lot line.
- (6) Not more than 85 percent of the total site shall be covered by structures.

4. Conditional Use The following Conditional Use(s) may be permitted, subject to the issuing of a Conditional Use Permit after review by the Borough Planning Commission and approval of the Borough Council following public hearings, in accordance with the standards and criteria listed herein.

A. Local Public Use

Section 609 - FP Flood Plain District

1. General Provisions

A. Purpose - The FP, Flood Plain District is established to protect designated flood plain areas subject to periodic inundation by overflow from streams situated in, or contiguous to, Zelienople Borough. This district is intended to control flood plain uses and activities that acting

alone or in combination with other uses, will cause or contribute to loss and destruction of life and property during periods of flooding.

- B. Disclaimer of Liability - The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas, will be free from flooding or flood damages.

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

- C. Definitions - For purposes of administering and meeting the requirements of the Flood Plain District, the words and phrases listed herewith shall be defined as follows. Words not specifically cited below shall be defined as indicated in Part 3 of this Ordinance, or if not listed therein, shall be interpreted so as to give this Ordinance its most reasonable application.

(1) Completely Dry Space - a space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

(2) Development - any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

{3} Essentially Dry Space - a space that will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

(4) Flood - a temporary inundation of normally dry land areas.

(5) Floodplain - a relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

(6) Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

- (7) Identified floodplain area - the floodplain area specifically identified in this Ordinance as being inundated by the one Hundred (1.00) Year Flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Flood Plain (FA).
- (8) Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- (9) New Construction - structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by a community.
- (10) Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, that (i) may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (ii) is placed where the flow of the water might carry the same downstream to the damage of life and property.
- (11) One Hundred Year Flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
- (12) Regulatory Flood Elevation - the One Hundred (100) Year Flood elevation plus a freeboard safety factor of one and one-half (12) feet.
- (13) Substantial Improvement - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any

project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2. Flood Plain District Special Administration Requirements In addition to the administrative enforcement provisions specified under other Sections of this Ordinance, the following additional provisions shall apply to any and all types of development undertaken within any flood plain district in the Borough of Zelenople.

- A. Any construction or development or change to existing conditions of any type, whether involving structures or land features, are prohibited unless a Zoning Permit has been obtained from the Zoning Officer.
- B. Prior to the issuance of any Zoning Permit, the Zoning Officer shall review the application for a permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended; the Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities that may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained by the Department of Environmental Resources, Bureau of Dams and Waterway Management. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to any alteration or relocation of any watercourse.
- D. The application for a Zoning Permit shall include a plan of the site showing the exact size and location of the proposed activity for which the Zoning Permit is being requested, as well as any existing buildings or structures of any type.
- E. For any proposed construction or development activity located entirely or partially within a flood plain district, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
 - (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

- (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- F. The following minimum information, plus any other pertinent data as may be required by the Zoning Officer, shall be filed by applicants for Zoning Permits in flood plain districts.
- (1) A plan of the entire site, clearly and legibly drawn at a scale of 1" = 100' or less, showing the following:
 - a. North arrow, scale and date.
 - b. Topographic contour lines.
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed development of any type.
 - e. The location of all existing streets, drives and other accessways.
 - f. The location of any existing bodies of water or watercourses, identified flood plain areas, and information pertaining to the floodway and the flow of water including direction and velocities, if available.
 - (2) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - b. The elevation of the One Hundred Year Flood.
 - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred year flood.
 - d. Detailed information concerning any proposed flood proofing measures.
 - (3) The following data and documentation shall be submitted:
 - a. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the One Hundred Year Flood elevations, pressures, velocities, impact and uplift forces associated with the One Hundred Year Flood. Such statement shall include a description of the type and

extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

b. Detailed information needed to determine compliance with Sections 609-5 C and E of this Ordinance, including the amount, location and purpose of any materials or substances referred to in these Sections which are intended to be used, produced, stored or otherwise maintained on site; and a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 609-5C during a one hundred year flood.

c. The appropriate component of the Department of Environmental Resources "Planning Module for Land Development."

d. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control.

G. The following additional data and documentation shall be included:

(1) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control.

(2) A statement, certified by a registered professional engineer, architect, or landscape architect, that contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be stored or located in any manner on the site below the One Hundred Year Flood elevation, and the effects such materials and debris may have on the One Hundred Year Flood elevations and flows.

(3) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166.

(4) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred year flood.

H. Inspection and Revocation During the construction or development period, the Zoning Officer shall inspect the premises to determine that the work is in compliance with the information provided on the Zoning Permit application and with all other applicable laws and ordinances. In the discharge of these duties, the Zoning Officer shall have the authority to enter any building, structure premises or development in the identified flood prone area, upon presentation of proper credentials at any reasonable hour.

- (1) The Zoning Officer shall revoke the Zoning Permit if it is discovered that the work does not comply with the permit application.
- (2) A record of all such inspections and violations of this Ordinance shall be maintained by the Zoning Officer.

3. Identification Of Flood Plain Areas For the purposes of this Ordinance, the areas considered to be floodplain within the Borough of Zelenople shall be those areas shown on the Zoning District Map and those areas identified as being subject to the One Hundred (100) Year Flood in the Flood Insurance Study prepared for the Borough by the Federal Emergency Management Agency dated June 17, 1986.

A. A map showing all areas considered to be subject to the One Hundred (100) Year Flood is available for inspection at the Borough offices. For the purposes of this Ordinance, the following nomenclature is used in referring to the various kinds of flood plain areas:

- (1)FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FEMA.
- (2) FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FEMA.
- (3) FA (General Floodplain Area) - the areas identified as "Approximate 100 Year Floodplain" in the Flood Insurance Study prepared by the FEMA.
- (4) The FW (Floodway Area) is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the One Hundred (100) Year Flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The sites included in this area are specifically defined in the Floodway Data Table contained in the above referenced Flood Insurance Study and shown on the Flood Boundary and Floodway Map.
- {5} The FF (Flood-Fringe Area) shall be that area of the 100 year floodplain not included in the Floodway. The basis for the outermost boundary of this District shall be the One Hundred (100) Year Flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the Flood Boundary and Floodway Map.
- (6) FA (General Floodplain Area) - The areas identified Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the

boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations etc., shall be submitted in sufficient detail to all a thorough technical review by the Borough.

B. (1) The areas considered to be floodplain may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision

(2) No modification or revision of any floodplain area identified in the Flood Insurance Study shall be made without prior approval from the Federal Emergency Management Agency.

C. (1) Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission and any party aggrieved by such decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

(2) The Zoning Hearing Board may require other sources of information, including hydrologic and hydraulic analysis to be undertaken. Such analysis shall be acceptable only if prepared by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. All such material shall be submitted in sufficient detail to allow a thorough technical review by Borough Officials.

(3) Any changes in the elevation of the floodplain areas shall be subject to the review and approval of the Federal Insurance Administrator.

D. The Flood Insurance Study prepared for Zelienville Borough by the Federal Emergency Management Agency dated June 17, 1986, the accompanying Floodway Data Table, the Flood Boundary and Floodway Map, the Flood Insurance Rate Map together with amendments, map inserts, ordinances, notations, references or designations shown on said material are hereby made a part of this Zoning Ordinance as if the same were fully described and set forth herein.

4. Land Use Requirements In the identified floodplain area, all uses of land and associated activities shall comply with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

- A. Uses permitted in the I Limited Industrial District that have a low flood damage potential and do not obstruct flood flows may be permitted within the Flood Plain District. In addition, the following uses may be permitted:
 - (1) Private and public recreation uses, such as boat launching ramps, parks and fishing areas that do not require the use of any type of structure that would impede flood flows.
 - (2) Residential related uses such as lawns, gardens and parking and play areas.
- B. The following activities shall be specifically prohibited within any FW (Flood-way Area), FF (Floodfringe Area) or any FA (General Floodplain Area).¹⁵
 - (1) Hospitals and Institutional Facilities.
 - (2) Nursing Homes, including group homes and adult day services centers.
 - (3) Jails or Prisons, including transitional residential facilities.
 - (4) Mobile Home Parks
- C. No use shall adversely affect the capacity of the channels or floodways of any tributary to a main stream, drainage ditch, or any other drainage facility or stream. Within the floodway, no development shall be permitted if the development would cause any increase in the 100 year flood elevation.

5. Technical Provisions

- A. Any construction, development, uses or activities allowed within any identified floodplain shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
 - (1) Within any FW (Floodway Area):
 - a. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - b. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

¹⁵ The terms used are as required by federal law through the State's Floodplain Management Act. The additional terms help to provide clarification and utilization of specific establishments defined by this ordinance.

c. Mobile Homes/House Trailers shall be prohibited.

(2) Within any FA (General Floodplain Area):

a. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

(3) a. Residential Structures

Within any FW, FF, or FA, the lowest floor (including basement) of any substantially improved residential structure shall be at least one and one-half (1½) feet above the One Hundred (100) Year Flood elevation.

b. Non-residential Structures

Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least one and one-half (1½) feet above the One Hundred (100) Year Flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

Any structure, or part thereof, that will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

c. Fully enclosed areas below the lowest floor shall be prohibited.

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

(1) If fill is used, it shall:

a. extend laterally at least fifteen (15) feet beyond the building line from all points,

b. consist of soil or small rock materials only. Sanitary Landfills shall not be permitted,

c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling,

- d. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data justifying steeper slopes are submitted to, and approved by, the Zoning Permit Officer,
- e. be used to the extent to which it does not adversely affect adjacent properties.

(2) Drainage

- a. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(3) Water and Sanitary Sewer Facilities and Systems

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

(4) Other Utilities

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

(5) Streets

- a. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(6) Storage

- a. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 609-5C, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

(7) Placement of Buildings, Structures, and Mobile Homes/House Trailers

- a. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of

water and shall be designed to have a minimum effect upon the flow and height of flood water.

b. All mobile homes/house trailers shall be placed on a permanent foundation, elevated so that the lowest floor of the manufactured home is one and one-half (1 1/2) feet or more above the elevation of the one hundred (1.00) year flood and anchored to resist flotation, collapse or lateral movement.

(8) Anchoring

a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

(9) Floors, Walls and Ceilings

a. Wood flooring used at or below the Regulatory Flood elevation shall be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain without causing structural damage to the building.

b. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant variety.

c. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

d. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

(10) Paints and Adhesives

(a) Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.

b. Adhesives used at or below the Regulatory Flood elevation shall be of a "marine" or water-resistant quality.

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

(11) Electrical Components

a. Electrical distribution panels shall be at least three (3) feet above the One Hundred (100) Year Flood elevation.

(12) Equipment

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

(13) Fuel Supply Systems

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

C. In order to control development that may endanger human life, and in accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons or other comparable volume, of any of the following dangerous materials or substances on the premises or,
- will involve the production, storage, or use of any amount of radioactive substances;

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

- (1) Acetone
- (2) Ammonia
- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chlorine
- (8) Hydrochloric acid
- (9) Hydrocyanic acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen
- (12) Petroleum products (gasoline, fuel oil, etc.)
- (13) Phosphorus
- (14) Potassium
- (15) Sodium
- (16) Sulphur and sulphur products
- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

D. Within any FW (Floodway Area), any structure, material or substance of the kind described in SubSection C, above, shall be prohibited.

E. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any structure, material or substance described in SubSection C, above, shall be:

(1) elevated or designed and constructed to remain completely dry up to at least one and one-half (12) feet above the One Hundred (100) Year Flood and

(2) designed to prevent pollution from the structure or activity during the course of a One Hundred (100) Year Flood.

(3) Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

6. Existing Structures in Identified Floodplain Areas Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue subject to the following provisions. Where any conflict is raised between Part 12 of this Ordinance and the following provisions (Section 609-6), the requirements of the latter shall prevail.

A. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

7. Variances If compliance with any of the requirements of Section 609 of this Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of said requirements, subject to the following:

A. Requests for Variances shall be considered by the Zoning Hearing Board in accordance with the provisions of Part 15 of this Ordinance and the following:

- (1) No Variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the One Hundred (100) Year Flood elevation.
- (2) No Variance shall be granted for any of the requirements of this Ordinance which pertain to activities specifically prohibited in Section 609-4B or to development which may endanger human life in Section 609-5C.
- (3) If granted, a Variance shall involve only the least modification necessary to provide relief.
- (4) In granting any Variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- (5) Whenever a Variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - a. the granting of the Variance may result in increased premium rates for flood insurance.
 - b. such Variances may increase the risks to life and property.
- (6) In reviewing any request for a Variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
 - a. that the findings are consistent with Section 1502-4 A through E of this Ordinance.
 - b. that the granting of the Variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulation, or local ordinance or regulation.
- (7) A report of all Variances granted during the year which involve uses or activities in an FW (Floodway Area), FF (Flood-Fringe Area) or FA (General Flood Plain Area) shall be included in the annual report to the Federal Emergency Management Agency.
- (8) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the One Hundred (100) Year Flood.

Section 610 – Zelienople Municipal Airport Zoning Overlay

1. This Section is adopted pursuant to the authority conferred by the Act of October 10, 1984, P.L. 837, No. 164, codified at 74 Pa.C.S.A. § 5101 et seq. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Zelienople Municipal Airport and property or occupants of land in its vicinity, that an obstruction may affect existing and future instrument approach minimums of the Zelienople Municipal Airport and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft thus tending to destroy or impair the utility of the Zelienople Municipal Airport and the public investment therein. Accordingly, it is declared:

- A. That the creation or establishment of an obstruction has the potential of being a public nuisance and many injure the region served by the Zelienople Municipal Airport;
- B. That it is necessary, in the interest of the public health, safety, morals and general welfare, that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- C. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- D. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in lands.

2. Definitions. For purposes of this Section, the words listed in this subsection shall bear the respective meanings assigned to each. Words in the singular shall be used to include the plural, unless the context otherwise requires.

- A. AIRCRAFT — Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air. See 74 Pa.C.S.A. § 5102.
- B. AIRPORT — Refers to the Zelienople Municipal Airport and is defined as any of land or any appurtenant areas which are used or intended to be used for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. See 74 Pa.C.S.A. § 5102. As used herein, the term "airport" shall not include heliports. Private and public airports are defined separately in this Section.

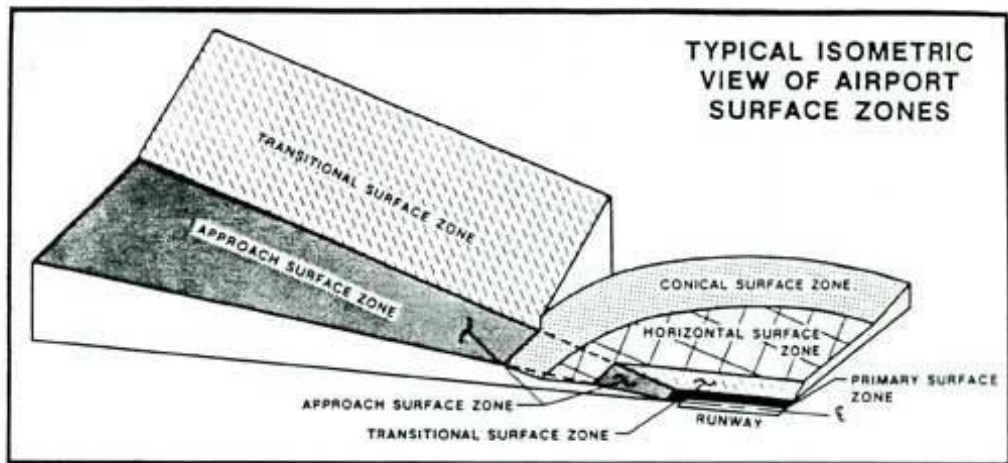
- C. AIRPORT ELEVATION — The highest point of an airport's usable landing area, measured in feet from sea level; here, 897.94 feet above mean sea level.
- D. AIRPORT HAZARD AREA — Any area of land or water upon which a hazard to air navigation (an airport hazard) might be established if not prevented as provided by these regulations and the Act of October 10, 1984, P.L. 837, No. 164. Editor's Note: See 74 Pa.C.S.A. § 5101 et seq.
- E. APPROACH SURFACE — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at such slope as the approach surface zone height limitation slope set forth in Item 4 of this Section. In plan, the perimeter of the approach surface coincides with the perimeter of the Approach Zone.
- F. APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES — These zones are shown in the illustration entitled "Isometric View of Airport Zones" set forth in Item 3 of this Section.
- G. CONICAL SURFACE — A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- H. DEPARTMENT — The Pennsylvania Department of Transportation.
- I. FAA — The Federal Aviation Administration of the United States Department of Transportation.
- J. HAZARD TO AIR NAVIGATION — Any object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "airport hazard" in 74 Pa.C.S.A. § 5102.
- K. HEIGHT — For the purpose of determining the height limits in all zones set forth in this Section and shown on the Zoning Map, the datum shall mean sea level elevation unless otherwise specified.
- L. HEIGHT, TREE – Height as applied to trees shall mean the average of the expected height of the tree at maturity for the respective species in consideration of the geographic region and climate of the Borough.
- M. HORIZONTAL SURFACE — A horizontal plan 150 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the Horizontal Zone.

- N. LARGER THAN UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
- O. NONCONFORMING USE — Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this Section or an amendment thereto.
- P. NONPRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment and for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- Q. OBSTRUCTION — Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth by this ordinance.
- R. PERSON — An individual, firm, partnership, corporation, company, association, joint-stock association or governmental entity, including a trustee, a receiver, an assignee or a similar representative of any of the above.
- S. PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a Precision Approach System is planned and is so indicated on an approved airport layout plan or any other planning document.
- T. PRIMARY SURFACE — A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway for military runways or, when the runway has no specially prepared hard surface or planned hard surface, the primary surface is set forth in Item 3 of this Section. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.
- U. PRIVATE AIRPORT — An airport which is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa.C.S.A. § 5102.
- V. PUBLIC AIRPORT — An airport which is either publicly or privately owned and which is open to the public, as defined in 74 Pa.C.S.A. § 5102.

- W. RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- X. STRUCTURE — An object, including a mobile object, constructed or installed by man, including, without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
- Y. TRANSITIONAL SURFACES — These surfaces extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet, measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.
- Z. TREE — Any object of natural growth.
- AA. UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
- BB. VISUAL RUNWAY — A runway intended solely for the operation of aircraft using visual approach procedures.
- CC. WOODLAND - An area of land, bearing a minimum of one quarter acre, where the cumulative coverage of tree canopies at maturity covers one quarter acre of land or one half of the ground on which the group of trees is located, whichever is greater.

3. Airport Overlay Zoning Map Overlay Zones. In order to carry out the provisions of this Section, there are hereby created and established certain airport overlay zoning districts which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Zelienople Municipal Airport. Such zones are visually depicted on the Height Limitation and Zoning District Map, prepared by L. Robert Kimball and Associates and dated May 2006, which is available at the Borough offices and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

- A. ZONE A: RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN $\frac{3}{4}$ MILE NON-PRECISION INSTRUMENT APPROACH SURFACE ZONE – Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. ZONE B: TRANSITIONAL SURFACE ZONES – Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Airport Overlay Zoning Map.
- C. ZONE C: HORIZONTAL SURFACE ZONE- Established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.



Airport Overlay Zoning District Height Limitations. Except as otherwise provided in this Section, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Zone A: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary

surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

B. Zone B: Slopes seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation, which is 897.94 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.

C. Zone C: Established at 150 feet above the established airport elevation or at a height of 1,047.94 above mean sea level.

D. Excepted Height Limitations.

(1) Nothing in this Section shall be construed as prohibiting the construction or maintenance of any building to a building height of 35 feet or any tree or other structure of up to 40 feet above the surface of the land.

(2) Nothing in this Section shall be construed as prohibiting the replanting or additional planting of trees within Zone C that are within a woodland as existing as of the date of this Section's adoption.

4. Airport Zoning Requirements.

A. Reasonableness. All airport zoning regulations adopted under this Section shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this Section.

B. Use restrictions. Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

C. Nonconforming uses.

- (1.) Regulations not retroactive. The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section or otherwise interfere with the continuance of any nonconforming use, except as provided in Item 6 (relating to permits and Variances). Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section and is diligently prosecuted.
- (2.) Marking and lighting. Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Zelienople Municipal Airport.

5. Permits and Variances

A. Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall meet with the Zoning Officer to determine if the proposed work will comply with Paragraph D above. If the Zoning Officer requires, the applicant shall notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a Variance from such regulations as outlined below. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

B. Any request for a Variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form

7460-1 as amended or replaced). Determinations of whether to grant a Variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a Variance shall consider which of the following categories the FAA has placed the proposed construction in:

- (1) No Objection - The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a Variance shall be granted.
- (2) Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a Variance shall be granted contingent upon implementation of mitigating measures as described in Section 9 - Obstruction Marking and Lighting.
- (3) Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A Variance shall be denied and the reasons for this determination shall be outlined to the applicant.

C. Such requests for Variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

6. Enforcement Notice.

A. Local enforcement. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and Variances shall be made to the Zoning Officer upon a form published for that purpose. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer.

B. Notice to Department. Notwithstanding any other provision of law, a municipality or board which decides to grant a permit or Variance under this Section shall notify the Department of Transportation of its decision. This notice shall be in writing and shall be sent so as to reach the Department at least 10 days before the date upon which the decision is to issue. All permits shall include the following disclaimer the language of which shall be a requirement of this ordinance: "This permit is not intended to authorize activities in conflict with federal or State statutes. The applicant shall obtain remaining necessary

approvals in order to effectuate the issuance of a building permit where required by the Pennsylvania Uniform Construction Code.”

7. Zoning Hearing Board. The Zelienople Zoning Hearing Board shall have the power to hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Section and to further hear and decide special exceptions to the terms of this Section upon which such Zoning Hearing Board under such regulations may be required to pass and, further, to hear and decide specific Variances, all of which is pursuant to the authority granted by this chapter, as amended.

8. Appeals.

A. Right to appeal. Any person aggrieved or any taxpayer affected during the administration of this Section by any decision of the Borough may appeal to the Zoning Hearing Board.

B. Reasonable time requirement. All appeals to the Zoning Hearing Board hereunder must be taken within a reasonable time and as per the procedures outlined in Section 1501 of this Ordinance.

C. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Borough certifies to the Zoning Hearing Board, after the notice of appeal has been filed with it, that, by reason of the facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the Zoning Hearing Board on notice to the Borough.

D. Power to reverse, affirm or modify orders. The Zoning Hearing Board may, in conformity with the provisions of this Section, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

9. Acquisition of air rights. In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than airport zoning regulations, the municipality within which the property or nonconforming use is located or the municipality or municipal authority owning the airport or served by it may acquire by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to

acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of this Section. In the case of the purchase of any property or any easement or estate or interest therein or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

10. Relation to other zoning regulations. In the event of conflict between any regulation of this Section and any other regulations otherwise applicable to the same area, whether the conflict be with respect to the height of structures or trees and the use of land, or any other matter and whether the other regulations of this ordinance, the more stringent limitation or requirement shall govern and prevail.

**PART 7 - DIMENSIONAL REQUIREMENTS,
BULK STANDARDS, AND SUPPLEMENTARY REGULATIONS.**

Section 701 - Dimensional Requirements The following standards relate to lot areas, dimensions and yard and height requirements as set forth in Part 6 of this ordinance and apply to all buildings and structures erected, constructed or moved.

1. Notwithstanding heights otherwise authorized by this ordinance, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, radio towers, or necessary mechanical appurtenances and decorative elements utilized to screen such appurtenances, may be erected to a height above the height limitations of the district but not to exceed fifteen (15) feet over such limitation as measured from the point at which the maximum height is measured.¹⁶
2. Mechanical equipment placed on the roof of a building shall be obscured from the public view through an opaque fence or decorative elements extending from the roof.
3. Unit Lots. Unit Lots, where authorized, shall be in accordance with the standards of this Section.¹⁷

A. Definitions.

- (1.) For purposes of this Section, Unit Lots shall be defined as a lot or parcel bearing a dwelling unit that is part of a townhouse or duplex, or building housing a nonresidential principal use where the location of a party wall dividing units or buildings comprises one or more of the lot lines.
- (2.) For purposes of this Section, Site Area shall be defined as the entire tract of land subject to the initial subdivision or land development approvals required by the Subdivision and Land Development Ordinance, for the purposes of construction of the aforesaid units or uses.

B. The overall land area required per dwelling unit, lot coverage, and impervious surface coverage of the Site Area on which the units are located shall comply with those as applied to the zoning district in which each is located.

C. Residential Unit lots shall provide for the following minimum standards:

- (1.) Minimum Unit Lot Size: 2,000 square feet.
- (2.) Front yard setback: same as underlying district.

¹⁶ This is intended to cover gable roofs which are measured to the midpoint of the roof. This Section was moved from Table 703.

¹⁷ This Section is intended to authorize the division of lots with party walls in commercial areas and townhouse developments where no condominium association is proposed.

- (3.) Side yard setback for the principal structure shall be zero feet at any line that lies on a party wall. Otherwise, the side yard setback enforced in the underlying district shall prevail.
- (4.) Required Minimum Unit Lot Width shall equal the width of the unit at the back of the required 30-foot front yard and the required frontage shall equal 60% of the Minimum Unit Lot Width at the required front yard line.
- (5.) Accessory structures shall be set back from all lot lines in accordance with those otherwise applicable.
- (6.) Maximum Lot Coverage: 60% or 100% for nonresidential principal uses.
- (7.) Maximum Impervious Surface Coverage: 80% or 100% for nonresidential principal uses.

4. Lighting Standards

- A. No lighting on a parcel bearing a residential use shall exceed on foot candle at any point on the property.
- B. Unless part of a unified development complex or center, all foot candles projected onto a property line shall be reduced to zero.
- C. Maximum height of pole lighting for nonresidential principal uses in the C-3 and I Districts shall be 20 feet and 15 feet in all other districts and uses.
- D. Maximum height luminary mounting for nonresidential principal uses in the C-3 and I Districts shall be 16 feet and 12 feet in all other districts and uses.
- E. Lighting shall bear a cutoff angle of at least 60 degrees unless projecting lighting onto a sign where in such case no projection of lighting beyond the sign shall occur.
- F. No lighting shall not produce glare.
- G. Nonresidential uses in R-1, R-2, R-3, and R-4/C-2 Districts shall not exceed .2 foot candles at any point on the property when the business Sporting is not in operation.
- H. The following minimum foot candles shall be provided for nonresidential uses and multi-family buildings that bear parking lots with more than ten spaces.

Table 701-1
Maintained Foot Candles

| <u>Activity Type</u> | <u>Maintained Foot Candles</u> |
|-----------------------------|--|
| Parking and pedestrian area | 0.6 foot candles minimum |
| Property security only | 0.2 foot candles minimum |
| Parking and pedestrian area | 1.0 foot candles average in C-3 District |

- I. Uniformity Ratio. Average illumination levels cited above shall not exceed four times the minimum level.
- J. An applicant may apply for a modification of any standard of this Section excepting height, glare, and cutoff standards as a Conditional Use and shall demonstrate that such is the minimum modification to provide for security and impact to surrounding properties and glare.

5. Commercial Vehicles

- A. No commercial vehicle or combination of vehicles for the operation of which State law requires a Commercial Driver's License or CDL shall be parked, stored or maintained on any street, road, or right-of-way, within any zoning district of the Borough of Zelienople. Such vehicles shall not be permitted on properties within any R District, unless within an authorized commercial establishment bears a loading space used for deliveries where the vehicle is only on the property at such times.
- B. Motor homes and recreational trailers, as defined in the Pennsylvania Vehicle Code, and boats shall not be parked nor stored or maintained on any street, road, or right-of-way, within any zoning district of the Borough of Zelienople.
- C. Commercial vehicles and those cited under Item B shall not be parked in the front yard of any parcel within an R District, including R-4/C-2 Mixed Use.

Section 702 – Summary of Dimensional Requirements for Single Family and Nonresidential Uses¹⁸

- 1. Rear Yard Depth - in computing the depth of a rear yard, where such yard abuts an alley, one half of the alley width may be included as a portion of the rear yard.
- 2. Accessory Building Location - accessory buildings which are not part of a principal structure shall be erected so as to conform with all of the dimensional and yard requirements specified for the district in which it is located. Accessory structures that cover less than 600 square feet of a lot and bear a maximum height of 14 feet and swimming pools may encroach into half or 50% of the required rear yard. Additionally, sheds that cover 144 square feet or less may locate within five feet of any side or rear lot line excepting the front yard and any such lot line that adjoins a street.¹⁹

¹⁸ The tables in 703 and 704 simply provide a summary of standards authorized elsewhere in the ordinance and simply repeat or reformat information. Therefore, they are best included as an appendix to the ordinance. The consultant will prepare updated tables along with a use authorization summary table as an illustrative appendix to the ordinance.

¹⁹ The Zoning Hearing Board noted some suggestions for setbacks applied to accessory structures. This suggestion may indicate that unnecessary hearings and hardships are proposed by applying the exact same yard requirements as applied to accessory structures.

3. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings that are otherwise authorized to encroach further, and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed 12 inches. This requirement shall not prevent the construction of structures such as fences and parking lots, driveways, and access drives as otherwise authorized in this chapter.

4. Projections - open, or lattice enclosed, fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than four (4) feet, six (6) inches, and the ordinary projections of chimneys and flues may be permitted.

5. Porches and Terraces - an open unenclosed porch not more than one (1) story in height or paved terrace may project into the required front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into the required front yard for a distance not to exceed five (5) feet.

6. Platforms, etc. - terraces, uncovered porches, patios, platforms, and ornamental features that do not extend more than three (3) feet above the floor level of the first (ground) story may project into a required yard provided these projections be distant at least two (2) feet from the adjacent side lot line.

7. Setbacks in Developed Areas - in single family dwelling districts R-1., R-2, R-3, C-2/R-4 or the C-1 Central Business District Overlay, when seventy-five (75%) percent of the frontage of a block on both sides of the street between two (2) intersecting streets, or between an intersecting street and a cul-de-sac has been developed with main buildings and accessory buildings with front and side yards less than required by the zoning district in which said property is situated, then the front and side yard requirement for any main buildings or accessory buildings in said block may be the average front and side yards of all parcels that are included in the block.

8. Corridor or Buffer - a site situated in any commercial district (C-1 Central Business, R-4/C-2 Mixed Use, C-3 Heavy,) or a site authorized as a Conditional Use within an R-2 or R-3 District, which is utilized for principal nonresidential purposes shall have a corridor or buffer of at least ten feet (10') in width established and maintained along all portions that abut, parallel, or which are in any manner adjacent to or bordering any residential district, whether or not separated by a street or similar right-of-way. This corridor shall be developed with plant materials in a manner that will provide continual year long screening of all residential areas from nonresidential uses and activities and shall be so screened as to provide a six foot buffer at plant maturity which may include up to three feet of mounding. Said requirements shall not apply along the front lot line unless parking is provided in the front yard

These provisions shall also apply to the industrial districts except that a corridor of twenty feet (20') shall be maintained. These provisions shall not apply where

the dividing line between zoning districts is a railroad right-of-way of eighty feet (80') or more in width.²⁰

9. All landscaping and required buffers shall be established and maintained consistent with required site distances for traffic safety purposes and in accordance with the requirements of the Subdivision and Land Development Ordinance.

10. Fences - fences shall conform to the following requirements:

- A. Fences, walls, plant materials or similar enclosures are permitted up to the property line. In no case shall such structures and/or materials be placed beyond the lot line or in any public right-of-way.
- B. In residential districts, rear yard fences and any portion of side yard fences that extend from the front building line to the rear lot line, may be erected up to the property line of a lot, to a height not in excess of six (6) feet above the adjacent ground level. Solid fences may be permitted.
- C. In residential districts, front yard fences and any portion of side yard fences that extend from the front building line to the front lot line, may be erected up to the property line of a lot to a height not in excess of four (4) feet above the adjacent ground level, provided that the ratio of the solid portion of the fence to the open portion shall not exceed one (1) to one (1).
- D. In commercial and industrial districts, fences or similar enclosure walls not exceeding six (6) feet in height are permitted up to the property line of any lot.
- E. Where determined by the Zoning Hearing Board to be necessary in conjunction with any use permitted as a special exception, such required fences or enclosures may exceed the height limits of this Section.

11. Minimum Site Distance Requirements. On any corner lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained that may cause danger to traffic on a street by obscuring the view. At a minimum, no such structure or vegetation shall be constructed or maintained greater than three feet in height within a clear sight triangle of any intersection of 25 feet, measured along the right of way lines of the intersecting streets.²¹

²⁰ The buffer provisions are certainly a reasonable practice. However, the Borough may wish to locate more details regarding such buffering within the Subdivision Ordinance, as such requirements are typically enforced when a land development or subdivision occurs.

²¹ This language helps to preserve the intent of the 3 feet fence height requirement and provides the Zoning Officer with more objective criteria.

Section 703 – Bulk Use Regulations.

1. Accessory uses shall include but not be limited to the following. Where a certain threshold is established, any access of said threshold shall constitute a principal use subject to express authorization in a respective district.

A. In "R" Residential Zones or uses (All Classes)

- (1.) Children's playhouse, garden house, private (noncommercial) greenhouse;
- (2.) Garage, shed or building for domestic storage;
- (3.) Storage of camping trailers, boats and similar equipment, which are owned or leased, for the use of the residents of the premises for noncommercial purposes notwithstanding the standards of Section 701-5, Commercial Vehicles.
- (4.) A maximum of two (2) stalls of a private garage may be used for rental purposes, provided said areas are utilized for storage of passenger vehicles or trucks not exceeding a three-quarter ton capacity.
- (5.) Care of up to three children who are not relatives of the occupant (For purposes of these requirements, "relative" shall be deemed to be a child, stepchild, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, stepbrother or stepsister.)
- (6.) Housing of up to five of any one type of domestic pet, wherein a number in excess shall constitute a kennel for purposes of this ordinance.
- (7.) Within the R-2 District, Administrative and Professional Offices housed in a building separate from the quasi-residential and residential facilities which said offices serve provided that the building is located on the same premises of the principal use or uses, that the building adhere to the same setbacks and height requirements of a principal structure in the R-2 District, and that the majority of floor area is used exclusively to serve facilities on the same premises

B. In "C" Commercial and "I" Industrial Zones or uses, including R-4/C-2 (All Classes)

- (1.) Storage of merchandise and goods normally carried in stock in conjunction with retail or wholesale business use, on the same parcel or lot of ground provided that such storage shall not occur in the front yard with the exception of ten percent of a parking or paved area that may be utilized for the display of products sold in conjunction with the establishment. Storage of merchandise, however, beyond the aforesaid exception shall not be permitted outside of a completely enclosed building in the R-4/C-2 District.

- C. In "I" Industrial Zones storage of goods used in, or produced by, manufacturing activities, on the same parcel or lot of ground shall be permitted except within the required front yard.
 - D. In All Zones off-street motor vehicle parking areas, loading and unloading areas shall be permitted subject to any limitations otherwise imposed by this ordinance.
- 2. No Impact Home Based Businesses shall be permitted as an accessory use to any residential dwelling unit.
 - 3. Home Occupations shall be permitted as an accessory use by special exception as per Part 15 of this Ordinance for single family, duplex, and townhouse units and shall not be authorized within multi-family dwelling units.
 - 4. All dwelling units as authorized in this ordinance as single family, duplex, townhouse and multi-family shall be occupied by only one family in each dwelling unit.
 - 5. Forestry shall be a permitted use in all districts and shall not include clear cutting of trees.
 - 6. Gas wells and mineral extraction as permitted and regulated by the Department of Environmental Protection shall be permitted in all districts and shall not require a Zoning Permit.
 - 7. Lighting shall be subject to and meet the following general standards:
 - A. Proposed lighting and existing lighting on sites on which land development or subdivision are proposed and/or approved and constructed shall not constitute nuisance lighting as defined in this Chapter shall not be permitted and shall be abated as per notification of the Zoning Officer.
 - B. The photometrics and specifications of existing and proposed major lighting improvements shall be indicated on photometric plans submitted with subdivision or land development applications. Lighting and future lighting on the site shall be subject to any reasonable conditions imposed and accepted with the associated subdivision or land development. The remaining standards set forth in this Section shall be effective for all lighting installed after the adoption of this ordinance, including replacement of existing lighting fixtures. Where minor lighting improvements are proposed, the developer shall submit plans to the Zoning Officer for approval in accordance with the standards of this Section.
 - C. All outdoor lighting shall be aimed, located, designed, fitted and maintained, so as not to create glare, light pollution and light trespass.
 - D. Lighted signs advertising individual business and combinations of businesses (as in a shopping center) on the same site as the sign may remain on until 15 minutes after closing of the business or combination of businesses and then shall be extinguished.

- E. Entrance signs to residential developments and to business parks or shopping centers may remain on throughout the night for identification purposes for emergency vehicles.
- F. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- G. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward and shall be designed, fitted and aimed so as not to project their output beyond the sign intended to be illuminated.
- H. Except as otherwise permitted in this Section, fixtures meeting Illuminating Engineering Society of North America (IESNA) full-cutoff criteria shall not be mounted in excess of 20 feet above finished grade. Fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of 10 feet above grade except as specifically approved by the Borough Council.
- I. Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be designed, fitted and aimed so as not to project their output beyond the objects intended to be illuminated.

8. Standards Applied to Subdivision and Land Developments

- A. Lighting within Subdivisions and Land Developments as defined by the Zelienople Borough Subdivision and Land Development Ordinance as well as developments approved in accordance with Conditional Uses set forth within this Chapter shall comply with the following specifications and standards. Applicants shall demonstrate compliance with said standards and the General Standards set forth in Section 701-4 prior to final approval of such plans. However, nothing in the Section shall be construed to require street lighting in residential subdivision plans comprised of single family detached housing lots.
- B. When a proposed land development plan is an expansion of an existing land development, where buildings and/or parking have been legally constructed on the same site, lighting standards shall apply to those buildings, additions, and amenities proposed as well as to any area of the existing plan impacted by the proposed expansion(s). Nothing in this Section shall be deemed to require the demolition and replacement of existing lighting which has been legally installed and maintained, provided that replacement of light poles and fixtures as proposed or undertaken by the applicant concurrently with or within

one year of the land development application filing shall meet the standards of this ordinance.

C. Illumination levels.

(1) Lighting shall not exceed the recommended intensities set forth in the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, latest Edition, or as noted below, whichever is less.

(2) Lighting requirements in the specific zoning districts shall be as follows:

| Zoning District | Maximum Maintained Foot candles | Maximum Maintained Foot candles Adjoining Residential Lot | Maximum Maintained Foot candles when Business is not in Use |
|-------------------------------|---------------------------------|---|---|
| R-1 Single Family Residential | 1.0 | 0.1 | 0.2 |
| R-2 General Residential | 1.0 | 0.1 | 0.2 |
| R-3 Urban Residential | 1.0 | 0.1 | 0.2 |
| R-4/C-2 Mixed Use | 1.0 | 0.1 | 0.2 |
| C-1 Central Business, TND | 3.0 | 0.1 | 3.0 |
| C-1 Central Business Overlay | 3.0 | 0.1 | 3.0 |
| C-3 Heavy Commercial | 5.0 | 0.1 | 3.0 |
| I Industrial District | 5.0 | 0.1 | 3.0 |

(3) An applicant may apply for a modification of any standard of this Section excepting height, glare and cutoff standards, as a Conditional Use and shall demonstrate compliance with the standards of Section 701-4-C.

(4) Street lighting fixtures in planned residential developments, traditional neighborhood developments, and residential land developments and mobile home parks shall be placed at the following locations:

(a.) At the intersection of public roads with entrance roads to the proposed development.

(b.) Intersections involving proposed public or non-public major roads within the proposed development.

D. Recreational lighting. When facilities for outdoor recreational activities such as, but not limited to, baseball, tennis, football or miniature golf are specifically authorized within this Chapter:

- (1) Except as otherwise authorized, sporting events shall be timed so that all area lighting in the sports facility, except as required for safe spectator exit, is extinguished by 11:00 p.m.
- (2) Mounting Heights. Maximum mounting heights for outdoor recreational lighting shall be generally in accordance with the following:

SPORT MOUNTING HEIGHT (feet)

| | |
|--|----|
| Basketball | 20 |
| Football and other field sports | 50 |
| Organized Baseball and Softball: | |
| <300 foot radius (Home to Outfield Wall) | 60 |
| 300 Radius or more | 70 |
| Miniature Golf | 20 |
| Tennis | 30 |

- (3) Unless a period of outdoor lighting extending throughout the night for safety or security purposes, lighting shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing lighting between 11:00 p.m. and dawn.
- (4) Plan submission. Required Lighting plans required by this Chapter shall include:
- (5) Layout of the proposed fixture locations.
- (6) For installations of up to four fixtures, an ISO foot candle plot of the individual fixtures.
- (7) Where more than four fixtures are used, a point-by-point plot using a 10 foot by 10 foot illuminance grid. This shall include a statistical summary of typical areas and include minimum, average and maximum values and uniformity ratios that

demonstrate compliance with the intensities and uniformities set forth in this Section.

- (8) Description of the equipment, including fixture catalog cuts, photometrics, glare-reduction devices, lamps, control devices, mounting heights and mounting methods proposed.
- E. When requested by the Borough Council, applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare.
- F. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.
- G. Lighting Modification Conditional Use. The approval of security or flood lighting which exceeds the foot candles authorized in a particular use or district or those standards as set forth in Section 701-4-B, excepting height, glare and cutoff standards, may be granted by the Borough Council upon submission of a Conditional Use application by the applicant in accordance with the following criteria in addition to those set forth in Section 1001:
- (1) Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.
 - (2) All-night safety or security lighting shall be permitted, but the light-intensity levels shall not exceed 25% of the levels normally permitted for the use by this Section.
 - (3) The nature and/or historic functioning of a particular establishment type shall be demonstrated to require greater security for the safety of employees and patrons and/or security of merchandise, products, or other items integral to the establishment's functionality and stored on-site.
 - (4) The departure from the foot candle maximums otherwise required shall be the minimum required for security related purposes.

PART 8 - PARKING AND LOADING REQUIREMENTS

Section 801 - Purpose. The parking and loading requirements of this ordinance work to ensure the proper amount of accessible parking for each establishment necessary to guarantee the public health, safety, and welfare while encouraging shared and offsite parking arrangements that reduce impervious surface areas and protect the essential character of existing districts and neighborhoods. ²²

Section 802 - Extent of Control The off-street and loading requirements shall apply as follows:

1. All buildings and structures erected and all land uses initiated after the effective date of this Ordinance shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.
2. When a building or structure is erected or enlarged after the effective date of this Ordinance and thereafter undergoes a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further when said decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of this Ordinance thereto, off-street parking and loading facilities may be reduced accordingly, provided that existing off-street parking or loading facilities are so decreased only when the facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this Ordinance to the entire building or structure as modified.
3. Following the effective date of this Ordinance, a building or structure that undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further when said increase would result in a requirement for additional total off-street parking or loading spaces through application of the provisions of this Ordinance, parking and loading facilities should be increased so that the facilities would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this Ordinance to the entire building or structure as modified.

Section 803 - Existing Off-Street Parking and Loading Spaces Accessory off-street and loading spaces in existence on the effective date of this Ordinance may not be reduced in number unless already exceeding the requirements of this Section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

Section 804 - Accessory Parking Requirements

1. Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with the requirements below, may be located in any zoning district except as follows:

²² The procedures are more properly outlined in the Subdivision Ordinance.

- A. No parking facilities accessory to a business or manufacturing use shall be located in a residential district.
 - B. No land shall be used for habitual commercial or industrial truck loading, storage or parking activities in any residential district except by amendment of this Ordinance. Such activities are permitted in business districts only when normally attendant to the conduct of the commercial activity as established, and in no other case except by amendment of this Ordinance.
 - C. In all zoning districts covered by this Ordinance, the loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of said truck or vehicle, or the operations of the loading or unloading, shall extend onto the adjacent sidewalk or roadway or in any other manner hinder or impede the use thereof. Exceptions to this requirement shall be made only in instances where physical development of facilities established prior to the effective date of this Ordinance, will not permit compliance.
4. Where authorized, off site accessory parking shall be located within 1,000 linear feet provided by a sidewalk, signalized cross walk, striped crosswalks over access drives, or a combination thereof. Off street parking shall be secured by a perpetual easement agreement or a lease. In the case of a lease, the owner of the property upon which an establishment is placed, shall record an agreement approved by the municipal solicitor, that states the legal occupancy of the establishment expires at the same time as the lease or any extension of the lease and will hold the Borough harmless against the inability to operate after the expiration of said lease.

Section 805 - Calculation of Requirements

1. Tables for required off-street parking and loading (See Section 806) - Requirements governing the number and location of off-street parking, off-street loading facilities in relation to the use of property are established hereinafter in subSections of this Ordinance. The off-street parking and loading requirements for any use not specified therein shall be the same as for a similar specified use, as determined as follows:
2. Floor. Area - the term "floor area" as employed in this off-street parking and loading Section in the case of office, merchandising, or service types of use means the floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. "Floor Area" for the purpose of this Section shall not include any area used for:
- A. Storage accessory to the principal use of a building
 - B. Incidental repairs
 - C. Processing or packaging of merchandise

- D. Show window, or offices, incidental and accessory to the management of an establishment.
- E. Rest rooms
- F. Utilities
- G. Dressing, fitting or alteration rooms

Section 806 – Schedule of Requirements

Off-Street Parking Facilities Shall be Provided for Zoning Districts as Specified Herewith:

Table
OFF STREET PARKING REQUIREMENTS

| USE | REQUIREMENT |
|---|--|
| Administrative And Professional Offices | One per 300 square feet of floor area, minimum of four spaces. |
| Adult Day Services Center | One per 2 patients. |
| Assembly Hall, Public Or Semi-Public | Equal to twenty percent of the maximum occupancy determined by the Uniform Construction Code. |
| Automotive Sales And Leasing | One per 250 feet of floor area with a minimum of four spaces and one per employee on peak shift. |
| Bakery | One per 250 feet of floor area. |
| Bank | One per 250 feet of floor area. |
| Bed And Breakfast | Two plus one per rented room. |
| Church | 1 per 4 seats of areas used for public assembly |
| Crematorium | Two plus one per employee on shift. |
| Day Care Center | One per employee, with a minimum of 8 spaces, plus one offstreet passenger loading space per 8 children enrolled |
| Day Care/Family Home | Two for the family, one per employee on shift, and three additional spaces |

ZELIENOPLE ZONING ORDINANCE, 779, AS AMENDED

| USE | REQUIREMENT |
|--|--|
| Dwelling - Duplex | Two (may be provided in private garage) |
| Dwelling - Multi Or Multiple Family | Two (one may be provided in private garage) plus one for every five units. |
| Dwelling - Single Family | Two (may be provided in private garage) |
| Dwelling- Rowhouse Or Townhouse | Two (one may be provided in private garage) plus one for every two units |
| Entertainment and Indoor Recreation Facilities | One space per every two participants possible by activity (court, lane, etc.) and one per every four seats in areas of assembly such as theaters. |
| Essential Service Buildings | One Space per employee on peak shift |
| Funeral Home | One space per every 125 square feet of floor area. |
| General Retail | One space per every 250 square feet of floor area. |
| Group Residential Facility | One per employee on peak shift plus one per every two residents. |
| Hospital Facility | Two per bed. |
| Industrial Uses | One per employee on peak shift plus an addition number equal to 25 percent of peak employee number |
| Junk Yard | One per employee on peak hour shift plus two spaces. |
| Kennel | One per 250 feet of floor area utilized for service to the public with a minimum of four spaces. |
| Local Public Use | For schools, sufficient parking for teachers and one space per ten students enrolled. Other services shall include sufficient parking for employees plus a minimum of six additional spaces. |

ZELIENOPLE ZONING ORDINANCE, 779, AS AMENDED

| USE | REQUIREMENT |
|--|---|
| Minor Equipment And Automotive Repairs | One space per 250 feet of floor area |
| Mobile Home Or House Trailers | Two spaces per unit. |
| Motel-Hotel | 1 per rental room, plus 2 spaces per 1000 square feet NFA for places of assembly, |
| Normal Agricultural Operation | One per employee on peak shift |
| Outdoor Commercial Recreation | One per every two possible participants determined by fields, courts, etc. |
| Outpatient Treatment Clinic | One per employee on peak shift plus one per every two patients for which clinic is licensed. |
| Personal Service Establishment | One space per 250 feet of floor area with a minimum of four spaces. |
| Restaurant | One per two seats. |
| School, Commercial | One per teacher and one per five students attending a class at any one time. |
| School, Private | One per teacher and one per ten students enrolled. |
| Service Station | One space per 250 square feet of floor area. |
| Transitional Residential Facility | One per employee on peak shift plus one per every two residents for which facility is licensed. |
| Veterinary Clinics | One per 300 square feet of floor area, minimum of four spaces. |

2. Commercial establishments in C-1, C-2 and C-3 Commercial Districts that are within one thousand (1,000) lineal feet of a municipal parking lot, may receive credit for on-site parking requirements at the rate of one (1) space credit for every five (5) spaces within the municipal lot. No space credit shall be given for increments of less than five (5) spaces in municipal lots. No space credit shall be

given for municipal on-street parking stalls. The one thousand (1,000) foot distance shall be computed from the nearest point of the commercial property to the nearest point of the municipal parking lot.

Section 807 - Design and Maintenance

1. Parking Space - Description - a required off-street parking space shall be an area of not less than one hundred eighty (180) square feet nor less than nine (9) feet wide by eighteen (18) feet long measured perpendicularly to the sides of the parking space exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles or commercial vehicles under one and one-half (1½) ton capacity. Aisles between vehicular parking spaces shall be not less than twelve (12) feet in width when serving automobiles parked at a forty-five (45) degree angle in one direction, not less than twenty (20) feet in width when serving automobiles parked perpendicularly for two way aisle movement, and not less than twenty (20) feet in width when serving automobiles parked perpendicularly for one way aisle movement.

2. Measurement of Space - when determination of the number of required off-street parking spaces results in a fractional space, any fraction up to and including one-half may be disregarded, and fractions over one-half shall be interpreted as one parking space.

3. Access - parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed twenty-five (25) feet in width for one-way movement or thirty-two (32) feet in width for two-way movement.

4. Signs - no signs shall be displayed in any parking area within any residential district except such as may be necessary for the orderly use of the parking facilities. All signs in other parking areas shall conform to Part 9 of this ordinance.

5. Striping - all parking spaces shall be properly marked by durable paint in stripes a minimum of four (4) inches wide and extending the length of the parking space.

6. Required Setbacks - no parking space or portion thereof established on a lot shall be located within a required front yard except, in C and I Districts, where off-street parking areas may be installed and maintained in the required front yard, provided such parking areas do not occupy the first five (5) feet of front yard nearest the street or alley.

7. Surfacing - all open off-street parking areas, except those accessory to single family dwellings, shall be improved with a compacted base surfaced with all-weather dustless material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it in a manner consistent with all Borough ordinances and standards.

8. Lighting - any lighting used to illuminate

an off-street parking area shall be so arranged as to reflect the light away from all adjoining properties and shall not produce GLARE and shall adhere to the Lighting Standards of this ordinance.

9. Storm Water - adequate storm water drainage facilities shall be installed in order to insure that storm water does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. The Borough Engineer shall approve all such facilities.

10. Walls or Planting Strip - wherever a parking lot abuts onto a public street, sidewalk, or alley, a structurally sound wall, stop bar or planting strip, approved by the Borough Engineer, shall be installed.

11. All parking lot standards as required by the Zelianople Subdivision and Land Development Ordinance shall be maintained and adhered to for those parking lots designed and constructed thereto.²³

Section 808 – Shared Parking

1. Shared parking is permitted for mixed use development, notwithstanding and in accordance with 804-2 for offsite parking, where the minimum space in the lot utilizing such is computed as follows and accordance with the table in 808-2.

- A. Determine the minimum parking requirements in accordance with Table 808-2 for each land use as if it were a separate use;
- B. Multiple each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 808-2;
- C. Calculate the total parking demand for each time period;
- D. Select the column with the highest total and use this number as the required minimum number of parking spaces.

**TABLE 808-2
Shared Parking Allowances by Land Use**

| A. Land Use | Weekday | | Weekend | | |
|---------------------------|--------------|-------------|--------------|-------------|---------------|
| | B. Day-time* | C. Evening* | D. Day-time* | E. Evening* | F. Nighttime* |
| Office, Industrial | 100% | 10% | 10% | 5% | 5% |
| Retail | 60% | 90% | 100% | 70% | 5% |
| Hotel | 75% | 100% | 75% | 100% | 75% |
| Restaurant | 50% | 100% | 100% | 100% | 10% |
| Entertainment, Recreation | 40% | 100% | 80% | 100% | 10% |

*Key Daytime: 6am - 5pm
 Evening: 5pm - midnight
 Nighttime: Midnight - 6 am

²³ The Subdivision Ordinance will contain standards for parking lot access and landscaping.

PART 9 – SIGNS

Section 901 – Application

1. Signs, as defined in Part 3, Section 302 of this Ordinance may be erected and maintained only when in compliance with the provisions of this Part 9. Signs not specifically authorized by this Part or within the standards of the C-1 District, Section 605, are prohibited.

2. The following shall not be subject to the provisions of this Ordinance as applied to square footage maximums and shall not require a permit: (a) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices or railroad warning signals; (b) Federal, State, or Borough flags; Signs bearing the name and address of the occupant on the lot of a residential dwelling unit up to three square feet, excepting that only one such sign is exempted for a building housing multi-family units; (d) memorial signs or tablets; (e) signs denoting engineer, architect or contractor when placed on a construction site, not exceeding twenty-five (25) square feet in area; (f) small signs displayed for the direction or convenience of the public, including signs which identify landmarks, parking areas, rest rooms, or the like, surface area not exceeding three (3) square feet on any one lot; and, (g) construction signs specified by State or Federal government funding agencies that are located at, or in proximity to, construction sites and public works projects, for the purpose of acknowledging loans and/or grant funds in support of said construction or project. (h) Political signs not exceeding four square feet of sign area per sign for a period of 12 weeks before an election and five days after. (i) Window signs and display of merchandise. (j) Signs advertising events held by or on behalf of nonprofit organizations based in the Borough that do not exceed four square feet for a period not to exceed 21 days prior to the commencement of the event advertised and removed within two days after the end of said event. (k) Any sign as authorized by separate municipal ordinance within public rights-of-way within the Borough.

Section 902 - Permitted Uses

1. General Uses. The following signs and standards are authorized for all properties within the Borough unless otherwise stated herein.

A. Wall or freestanding signs advertising the sale, rental or development of property, not exceed six (6) square feet.

(1) The bottom-most part of the signs shall not exceed the height of two (2) feet above ground level.

(2) Signs shall be located a minimum distance of four (4) feet from the street right-of-way line.

B. Small announcement or professional wall signs designating professional offices or home occupations provided such signs or announcement does not exceed two (2) square feet in area.

- C. The following shall be authorized for nonresidential establishments in all districts: One temporary sign no greater than 12 square feet in sign area may be displayed for a period not more than 30 days after the opening of an establishment nor 30 days before; one temporary sign, no greater than 30 square feet, advertising an on-site promotional event for an establishment and may be placed at a establishment two times per year, not to exceed 30 days each time except that such may not be used simultaneously with a sandwich board sign as authorized by Chapter 208, Signs; temporary window signs may have a total combined sign area of no more than four square feet; temporary signs shall not include pennants, flags as not otherwise authorized, and any suspended or attached pennant that blows in the wind or a spinner which spins in the wind.
 - D. Borough Council may authorize, by resolution, the installation of temporary signs or banners placed on Borough property and rights-of-way for non-profit organizational events limiting the timing of display to one week and one display per year for each per non-profit organization. The resolution, where adopted, shall define specific locations where such is authorized.
 - E. Two menu boards may be authorized for drive through facilities for restaurants in the C-3 and C-1 Districts. Menu boards shall not exceed more than fifty cumulative square feet and eight feet in height and shall conform to the same setbacks required for the principal structure.
 - F. A residential plan or more than six principal single family buildings or two or more multi-family buildings, shall be authorized one monument sign at each entrance not exceeding fifteen square feet in sign area or five feet in height, excepting an additional foot for decorative elements.
 - G. Automatic changeable copy signs shall be authorized for all nonresidential principal structures for walls or frontage bordering or facing Main Street as an accessory to and part of the sign area of a freestanding sign, where freestanding signs are otherwise authorized in this part, and shall not exceed fifty percent of the authorized sign area; and where not authorized, may be placed as a wall sign not to exceed fifty percent of the area available, as per this part, for use as wall signage. Automatic changeable copy signs shall display only amber colored lettering or numerals on a black background advertising products sold or services provided onsite. Additionally, each message shall take no more than one second to complete its display such that no animation or impression of movement is created. Each message display shall begin to change more than once every five seconds.
2. Signs within the C-1, Central Business District TND shall comply with the standards set forth in Section 605.
3. Mixed Use and Industrial District Standards. The following standards shall apply to all lots bearing a principal non-residential use, whether conforming or

nonconforming, in the R-1, R-2, R-3, R-4/C-2 Mixed Use District, and the I Large Scale Office and Industrial District. Each lot is authorized signage as follows:

- A. Wall signs are authorized and shall not exceed ten square feet in sign area and shall be affixed to the wall comprising the building line.²⁴
- B. One Freestanding sign is authorized in the front yard and shall not exceed eight square feet in sign area. Freestanding signs shall not exceed four feet in height and shall be set back at least five feet from adjoining rights of way.
- C. No sign shall be internally illuminated.
- D. Manual changeable copy signs shall be authorized as an accessory to and part of the signs area of a wall or freestanding sign and shall not exceed fifty percent of the authorized sign area.
- E. Lots within the I District shall be subject to the above standards except that maximum sign sizes allotted shall be increased to sixteen square feet for a freestanding sign and twenty square feet for a wall sign.

4. General Commercial Standards. The following standards shall apply to all properties within the C-3, Heavy Commercial District bearing a principal non-residential use.

- A. Wall signs shall be authorized per building commensurate with the sizes and standards authorized under 902-2, Central Business District Standards except that each wall sign may bear a sign area up to 150 square feet.
- B. One Freestanding sign shall be authorized at a rate of one-quarter square foot per foot comprising the frontage of the property to be placed within the front yard of the property. The side yard area of a corner lot fronting on a street and comprising the side lot line may bear a secondary sign if an access road or driveway from the property onto said street exists, up to 24 square feet. Freestanding signs shall be placed at least eight feet from the adjoining right of way and shall not exceed twelve feet in height and fifty square feet in area.
- C. Manual changeable copy signs shall be authorized as an accessory to and part of the signs area of a wall or freestanding sign and shall not exceed fifty percent of the authorized sign area.
- D. Automatic changeable copy signs shall be authorized as an accessory to and part of the signs area of a freestanding sign and shall not exceed fifty percent of the authorized sign area. Automatic changeable copy signs shall display only amber colored lettering or numerals on a black background advertising products sold or services provided onsite. Additionally, each message shall take no more than one second to complete its display such that no animation or impression of movement

²⁴ Building line is defined as the line facing the front yard.

is created. Each message display shall begin to change more than once every five seconds.

- E. While one freestanding sign is authorized per lot or parcel, commercial centers that are planned as an integrated unit with shared parking and access, including outparcels that access a common drive or parking area, shall be considered as one lot for purposes of freestanding sign authorization.
- F. Billboards. Billboards are authorized as a Conditional Use as follows in the C-3 Heavy commercial district on otherwise vacant parcels of land.²⁵
- (1) The billboard shall be limited to 65 square feet.
 - (2) The billboard shall be set back a minimum of 500 feet from any property line which directly abuts a parcel zoned as R-1, R-2, R-3, or R-4/C-2.
 - (3) The billboard shall be setback at least 100 feet from any side or rear property line not withstanding stricter provisions regarding residentially zoned properties.
 - (4) The billboard shall be set back at least 20 feet from any street.
 - (5) No changeable copy signs are permitted in association with a billboard.
 - (6) No flashing or colored lighting are permitted in association with any billboard.

Section 903 - Illumination

1. Signs or devices with flashing, moving or similar lighting or animation are prohibited in all zoning districts.
2. No lighting projected from or upon any sign shall produce glare and shall produce zero foot candles of light at any property line, unless adjoining parcels lie within an integrated commercial center. Lighting of signs in R-1, R-2, R-3, and R4/C-2 Districts shall be turned off between the hours of 10 pm and 6am.
3. All lighting and illumination of signs shall conform to regulations regarding traffic hazards as specified in local and state regulations.

Section 904 - Purpose of Sign Used In addition to the other requirements of this Part 9, except for billboards as authorized in this Part, no signs or other advertising displays shall be permitted except those specifically pertaining to the use of the property on which they are located.

²⁵ Case law shows that municipalities that prohibit billboards and offsite advertising throughout do not prevail. Therefore, strict regulations that effectively limit and discourage billboards provide greater protection.

Section 905 – General Requirements Condition and Maintenance

1. In addition to the other requirements of this Part 9, every sign referred to herein must be constructed of durable materials, kept in repair, and not allowed to become dilapidated. Each sign shall be removed when the circumstances leading to its erection no longer apply. The circumstances shall include, but not be limited to the following:

- A. The creation of a safety hazard.
- B. Vacancy of the subject business structure for more than ninety (90) days.
- C. Legal transfer of ownership of the business that involves change of name or business activity.

2. Signs are subject to the limitations noted under Section 702-11. Additionally, signs greater than three feet in height shall not be placed within a clear sight triangle of 10 feet along the Intersection formed by the adjoining street and driveway or access drive.

3. Pennants, balloons, and similar signage shall not be permitted as temporary signs.

4. Temporary signs shall not be approved for permanent installation as freestanding, wall, marquee, or any other type of permanent sign authorized by this Part.

5. Obscene signs are prohibited. No sign shall utilize sexually explicit or suggestive language or graphics nor any illustration of “specified sexual activities” or “specified anatomical areas” as defined in this ordinance under Section 1016 and/or which bears language deemed obscene by Chapter 15 of the Pennsylvania Crimes Code, Public Indecency.

Section 906 – Sign Permits

1. A separate sign permit shall be required for the erection of signs under this Ordinance, except those expressly exempt from this ordinance.

2. Each application for a sign permit shall be accompanied by a drawing to scale, showing the sign proposed, the size, character and color of letters, lines and symbols, method of illumination, the exact location of the sign in relation to the building and property. A fee shall accompany each application for sign permit. Such fees for sign permits shall be established by resolution of the Council.

PART 10 - CONDITIONAL USES

Section 1001, General Standards

The following shall constitute General Performance Standards to which all Conditional Uses shall adhere:

1. The proposed use shall provide for the arrangement of buildings, signage, lighting, parking, access, and operations of the establishment in a manner that minimizes adverse impacts upon the public health, safety, welfare, and morals of the community.
2. The proposed use shall provide for the arrangement of buildings, signage, lighting, parking, access, and operations of the establishment in a manner that preserves the essential character of the neighborhood in which it is located.
3. The arrangement of landscaping, parking, loading, and other operational amenities, whether principal or accessory to the principal use, shall provide for an impact commensurate with that of establishments bearing uses permitted as of right in the respective zoning district.
4. The site design of the proposed use shall promote the least intrusive options in regards to signage, vehicular circulation, deliveries, and hours of operation as possible while accommodating the basic requirements of the use's regular business operations.
5. The location, size intensity and site layout of the use shall be such that its operations will not be a nuisance or be objectionable to nearby dwellings, by reason of vibration, noise, fumes, lights or pollution of any type or be hazardous to a greater degree than is normal with respect to that of establishments bearing uses permitted as of right in the respective zoning district.
6. The overall costs versus the benefits in regards to public services, tax revenues, and benefits to the Planning Area's residents where the layout or design of such establishment may minimize such impacts to a level commensurate with uses permitted as of right in the respective zoning district.
7. Parking and access shall locate in an area of the property that is least intrusive on neighboring residential properties.
8. All parking and the site itself shall be screened in accordance with Section 702.8 and 702.9 as each relates landscaping corridors and buffers.
9. Unless otherwise stated, all establishment and uses outlined in this part shall be subject to the height, lot coverage, and impervious surface coverage maximums of the zoning district in which each is located.
10. All facilities shall be served by public sanitary sewerage and water facilities available within the Borough, consistent with all rules and regulations thereof.
11. No loading or delivery of goods in connection with an establishment cited in this part is permitted from public rights-of-way.

Section 1002, Conditional Use Application Requirements.

1. The applicant shall submit the items required in this Section, including required filing fees, which shall be required in order to constitute a complete application.

- A. Where new structures, parking, or landscaping are required or proposed, the applicant shall submit a mylar and sufficient copies of a plan on 24 by 36 inch sized paper at a scale necessary to show all required details. Said plan shall be drawn by a registered surveyor and shall include all details necessary to demonstrate and evaluate compliance with the Zoning Ordinance and the standards and criteria specified in this article.
- B. Where new structures are proposed, building elevations showing building façade treatments.
- C. Where specified in this Part, Conditional Uses shall be required to submit the following impact study.
 - (1) Information concerning the average number of daily vehicle trips estimated to be generated by such use, with peak-hour vehicle trip ends identified.
 - (2) Information concerning the estimated amount of tax revenue to be generated by such a use, broken down by revenue to paid to the Borough, Butler County, and the Seneca Valley School District.
 - (3) Information concerning the estimated cost of public services to be provided to such use, broken down by cost to be borne Borough, Butler County, and the Seneca Valley School District, including police, transportation, and other public services.
 - (4) Applicants shall submit a narrative detailing the proposed use including gross floor area, number of employees, operating hours, and a general synopsis of business or use activities and operating polices, including information sufficient to demonstrate compliance with State licenses as may be required.
- D. Required fee per the Borough's adopted fee schedule.
- E. The applicant shall indicate whether or not the applicant is willing to accept the decision of a hearing officer if the Borough Council, by majority vote, accepts the decision and findings of a hearing officer in lieu of its own decision and findings, as authorized in Section 913.2 of the MPC as amended.
- F. Conditional Uses Applications for Planned Residential, Traditional Neighborhood Developments, or related land development that requires some Conditional Use approval may be submitted simultaneously with the preliminary or tentative approval application, wherein the Conditional Use shall be reviewed based on materials

submitted with the tentative application proposal and shall not be accepted until all materials required for Planned Residential Development, Traditional Neighborhood Development, or Subdivision Ordinance requirements. Where no proposal is submitted, the applicant shall submit drawings sufficient to demonstrate compliance with the standards outlined in the respective Sections of this article. Such drawings and materials include, but are not limited to approximate number and type of units and uses proposed, existing topography on five foot intervals, the street network and cartway locations within 250 feet of the site.

2. A complete application shall be submitted to the zoning officer at least 21 days prior to the next regularly scheduled monthly Planning Commission.
3. Three copies of all application materials and reports and seven copies of all plans and drawings.
4. The Borough Council shall hold a public hearing, per public notice within 60 days of the filing of a complete application. Where a hearing officer has been designated, the officer shall preside over the hearing.
5. A decision and accompanying findings of fact shall be issued within 45 days after the conclusion of the aforesaid hearing. The Borough Council or hearing officer may attach conditions to any approval that either finds are necessary to permit the Conditional Use in a manner consistent with this ordinance and this article in particular. A condition of approval shall include the receipt of the applicant's signature, indicating acceptance of the findings of fact and conditions, if any, within 30 days of approval, wherein the failure of the applicant to submit the aforesaid acceptance shall be deemed a denial of the Conditional Use. A copy of the decision shall be filed at the Borough Office. The decision shall be mailed to the applicant no later than one day following the date of the decision.
6. Where the Borough Council fails to render the decision within 45 days of the conclusion of the required public hearing or fails to commence the required hearing within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Borough Council shall fail to provide such notice, the applicant may do so.

Section 1003, Day Care Centers, Adult Day Services and Group Residential Facilities

1. No more than 25 percent of the floor area occupied by the facility, including storage, utility, and restroom areas, shall be utilized as an administrative office, as an accessory to the principal use.
2. Supervision shall be provided by at least one responsible and appropriately qualified adult on duty at all times at which residents or patients are present.
3. The establishment shall obtain all required State permits and shall demonstrate adherence to the requirements of the Department of Public Welfare, Department of Health, Department of Agriculture, or any applicable State agency. Compliance shall include the provision of necessary facilities shown on the site plan or proposed land development plan, where required.
4. All structures accessory to the establishment, excepting those used for utility purposes at or under 144 square feet in floor area, shall be set back at least twenty five feet from any property line.
5. Where the building housing the use is less than 2,000 square feet in gross floor area, the structure shall be set back at least the amount of the minimum side yard in the zoning district in which the establishment is proposed. Such buildings greater than 2,000 square feet in gross floor area shall be set back a minimum of twenty five feet from side and rear lot lines.
6. Day Care Centers and Adult Day Services shall not provide overnight lodging of clients. Hours of operation shall be limited to 6am to 8pm.
7. Adult Day Services may locate within a building containing one single-family residential principal use in addition thereto, provided that only one principal building is located on a lot.

Section 1004, Assembly Halls, Public or Semi-Public; Churches; Local Public Uses; Private Schools and Commercial Schools.

1. Principal and accessory buildings, including recreation courts and fields accessory to the principal establishment, shall be set back at least 25 feet from side and rear property lines.
2. Accessory recreational facilities including fields, playgrounds, and courts shall be subject to the same standards as parking lots, as cited in Section 1001-7 and shall be located in an area of the property that least impacts neighboring property owners. Council may require location of said facilities where topography and existing wooded areas provide a barrier or may require a barrier of mounding and landscaping sufficient to minimize the effects of noise and lighting.
3. Assembly Halls may include a restaurant as an accessory use provided that the restaurant function serves food or drink only to members or parties reserving the facility for specified period of time, rather than the general public in the same manner as a full service restaurant would provide. Assembly halls including restaurant accessory uses shall require be housed within a building on at least

30,000 square feet of land with one principal building other than a church, and shall be set back at least 40 feet from side and rear property lines.

4. Churches may include one single-family dwelling as a secondary principal use, and preschool programs and assembly areas as accessory uses. However, regular operations of day care, adult day services, and assembly halls leased to the public at large shall be classified as separate uses and subject to the authorizations and standards of zoning district in which said use is located.

5. Residential dwelling units intended to house students or employees of an establishment conditionally authorized in this Section shall not be permitted.

6. Hours and frequency of operation for events to be conducted by local public uses and private and commercial schools shall be submitted as part of the application. As such provides a basis for the findings of Council, approval shall include a limitation on such events and operations to that submitted or proposed with the application.

Section 1005, Outpatient Treatment Clinic and Transitional Residential Facility

1. The above uses shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship within the Borough established prior to the proposed treatment facility. Said distance shall be measured from the lot line on which the preceding uses and facilities are situated.

2. All principal and accessory structures shall be set back at least 50 feet from all property lines.

3. The establishment or facility, as a condition of occupancy, shall submit names and contact information of all managing staff, wherein at least one such qualified person shall supervise the facility at all times.

4. Said facilities shall demonstrate compliance with all applicable State regulations as instituted by the Department of Health and the Department of Public Welfare, Corrections, or any other applicable State agency, which shall become conditions of operation.

Section 1006 - Mobile Home Trailers and Parks

1. Mobile homes or house trailers, whether the wheels are attached or detached, shall be permitted only in mobile home parks that meet the requirements of this Section if authorized as a Conditional Use by the Borough Council after recommendation by the Planning Commission. Occupied camping trailers, as defined by this Ordinance, shall meet all the requirements specified for mobile homes.

2. Lot Area - the minimum area for every trailer park hereafter developed shall be two (2) acres.

3. Minimum Lot Area for Each Trailer - the minimum unit area for each trailer lot used or occupied by and under each trailer shall be as follows:

- A. Seventy-five percent (75%) of the lots in any one trailer park shall be not less than two thousand, one hundred (2,700) square feet in area.
- B. Twenty-five percent (25%) of the lots in any one trailer park shall be not less than one thousand, eight hundred (1,800) square feet in area.
- C. Density in any trailer park shall not exceed ten (10) units per gross acre.

4. Minimum Width of Trailer Lots - the minimum width for each trailer lot shall be thirty feet (30').

5. Minimum Distance Between Trailers - no trailer stall be placed within fifteen feet (15') of another, provided that with respect to trailers parked end to end, the distance between trailers so parked shall not be less than ten feet (10').

6. Setbacks - no trailer shall be placed a lesser distance from the trailer park boundary than the side yard width required in the zoning district that abuts each boundary line. In no case shall a trailer be parked less than ten feet (10') from the trailer park boundary. All trailers shall be set back from any public street the same distance as buildings are required to set back in the zoning district in which the trailer park is located.

7. Water and Sewer Facilities - water shall be furnished from the Borough water supply system with supply faucets located on each trailer lot. In each trailer park, all waste from a faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit or laundry shall empty into the Borough sewerage system.

8. Service Buildings - each trailer park shall provide service buildings to house facilities.

- A. All service buildings shall be permanent structures complying with ordinances regulating the construction of buildings.
- B. All service buildings shall be adequately lighted at all times of day and night, shall be well ventilated, shall be constructed of such moisture proof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of not less than sixty degrees (60) Fahrenheit during the period from October first to May first.
- C. Service buildings housing sanitation facilities shall be located no closer than twenty feet (20') from any trailer lot nor further than one hundred and fifty feet (150') from any trailer lot serviced by such building. Setback requirements from public streets pertaining to trailers shall also apply to service buildings. Walkways shall be provided from each service building to the nearest driveway and shall be constructed and maintained to a minimum width of three feet (3') in a manner and of materials suitable for all weather use.

- D. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance or fire hazard.
9. Sanitation Facilities - each park intended for use by camping trailers ²⁶shall provide toilets, baths or showers and other sanitation facilities that shall conform to the following requirements:
- A. Each sex shall be provided with not less than one (1) lavatory for each five (5) trailer lots, and not less than one (1) shower or bath tub with individual dressing accommodations for each ten (10) trailer lots. Each lavatory, shower or tub shall be provided with hot and cold water outlets.
 - B. Each toilet and each shower or tub with individual dressing accommodations shall be in a private compartment or stall.
 - C. The toilet and other sanitation facilities for males shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall from those provided for females.
10. Storage tanks - gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all County, State and National Fire Prevention Code Regulations.
11. Additions to Trailers - no permanent or semi-permanent structure shall be affixed to any trailer as an addition to such trailer, nor shall any accessory structure be permitted on any trailer lot or in any trailer park except those accessory structures required by these regulations and those necessary for operation and supervision of a trailer park. The prohibition herein against any addition or accessory to a trailer shall not apply to a canopy or awning designed for use with a trailer. The trailer lot coverage of a trailer shall not exceed thirty percent (30%) of the total trailer lot area.

Section 1007 Essential Service Buildings

1. The building's scale and function shall represent the minimum necessary for the satisfactory provision of services by the utility to the neighborhood or area in which the particular use is to be located.
2. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the enjoyment of residents and patrons in the zoning district in which it is located.
3. The applicant shall demonstrate adequate screening through fencing, landscaping, or a combination thereof that shall be evaluated by Council as that necessary to screen those portions of the structure that are incompatible with the

²⁶ This simply states the intent. The Uniform Construction Code would require bathroom facilities in house trailers.

scale and character of residential and non-residential development in the neighborhood or area where the building is located.

Section 1008 Bed and Breakfast

1. All rooms and related facilities provided for transient guests shall be normal integral components of the principal dwelling unit.
2. (The owner of the facility, or members of the owner's immediate family, shall reside within the principal dwelling unit on a full-time basis.
3. Only members of the family in residence on the premises and not more than two (2) nonresident employees shall be engaged in the conduct of the Bed and Breakfast establishment.
4. No facilities, such as cooking accommodations or similar amenities, other than those provided for the normal use of the principal dwelling unit, shall be provided for serving and accommodating transient guests.
5. No more than three (3) guest sleeping rooms shall be utilized concurrently for transient guests in any facility.
6. The size of each individual guest sleeping room utilized for transient guests shall have a minimum floor area of 100 square feet.
7. Maximum occupancy shall not exceed eight (8) guests.
8. Food service, for other than normal residential purposes, shall be limited to overnight transient guests.
9. Only normal residential yard and structure lighting appropriate for residential purposes shall be permitted.
10. An overnight guest shall not occupy the facility for more than five (5) consecutive nights during any thirty (30) day period.

Section 1009 Hospital Facility

1. The minimum site area for an institutional facility or hospital shall be five (5) acres. The site plan must present a unified design that provides for an organized arrangement of all existing and proposed buildings, service facilities, parking, and circulation systems.
2. Buildings shall be sited in conformity and harmony with neighboring sites. The elevation, orientation, and setback of the proposed building shall not detract from the use, view or appearance of adjacent buildings.
3. No structure shall be located within forty (40) feet of an adjacent property line or an adjacent site structure. Structures shall be set back a minimum distance of seventy-five (75) feet from a public right of way, except that said required setback may be reduced to a minimum distance of fifty-five (55) feet where a minimum clear site distance of five hundred (500) feet is provided in all directions from any point of site ingress or egress that intersects with a public right of way.

Section 1010 Kennels and Veterinary Clinics

1. Proper sanitation and disposal of waste shall be demonstrated through an operations plan.
2. In the C-1 District, all animals treated or boarded shall be housed within a completely enclosed building.
3. Outdoor runs, authorized in the C-3 District, shall meet the required side and rear yards of the C-3 District, shall be secured by a fence, and where within 25 feet of an adjoining lot line, shall provide visual screening of six feet in height at plant maturity, which may include mounding.

Section 1011 Funeral Homes

1. No more than one funeral home shall be authorized per block.
2. Traffic circulation on the lot shall be designed to minimize congestion and provide for the anticipated arrangement of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.
3. One residential dwelling unit designed for a single family may coincide with the principal building used as a funeral home.

Section 1012, Conditional Uses Authorized in the R-4/C-2 Mixed Use District

The requirements of specific Conditional Uses enumerated in the part notwithstanding, the following shall apply to all Conditional Uses within the R-4/C-2 District.

1. Applicant shall submit a general operations plan that details timing of expected deliveries, accessory events and functions associated with the business, and expected hours of operation.
2. Loading and delivery of goods shall be provided between the hours of 6 am and 10pm.
3. Where feasible, in terms of subdivision and land development ordinance requirements, those of this chapter, and other applicable requirements, parking shall locate to the rear of the principal structure.
4. Structures shall be constructed subject to the standards of 605-5A except that the amount of variations required shall be for every 30 feet and shall meet the performance standards of Sections 605-5B-D and K.

Section 1013, Planned Residential Development

1. The minimum site area shall consist of ten (10) contiguous acres.
2. While Planned Residential Development is intended to provide for the preservation of steep slopes and wooded hillsides, the site shall demonstrate a reasonable feasibility to construct the units proposed.

3. Each phase proposed shall include at least 25 percent of dwelling units approved or of the total land area included in the tentative plan where principal nonresidential uses are proposed.

Section 1014. Normal Agricultural Operations

1. Normal Agricultural Operations shall take place on parcels of ten acres or greater, wherein operations on smaller parcels shall be considered a nuisance given the general topography of the Borough which would effectively limit the operation to a concentrated area of the property.
2. Boarding of horses shall be limited to one horse per every three acres of the parcel.
3. All principal structures shall be set back a minimum of one hundred feet from any property line.
4. Greenhouses totaling not more than five thousand square feet shall be permitted as accessory retail, where eighty percent of gross sales are derived from the sales of produce grown on site.
5. All patron parking shall provide a minimum of five spaces in a parking lot subject to the standards applicable to other commercial uses.

Section 1015. Service Stations.

1. Access to the site shall be limited to one point on each street on which the establishment fronts.
2. Entrances shall be limited to 24 feet in width.
3. In lieu of a marquee or hanging sign, a projecting sign, defined as a sign with two faces ninety degrees to the wall of a building to which they are affixed, shall be permitted up to twelve square feet and projecting no more than 30 inches from the building. The sign may also be affixed to those canopies and supporting structures that cover fuel pumps.
4. The lot line adjoining a street shall include a picket style or opaque fence constructed of vinyl, wood, brick, or similar materials approved by Council of three to four feet in height. Landscaping may accompany the perimeter of this fence.

Section 1016 - Adult Entertainment

1. Purpose and Legislative Intent

- A. It is hereby declared a matter of legislative declaration and belief that the wellbeing of the citizens of the Borough of Zelenople would be threatened by the presence of adult entertainment establishments as said term is hereinafter defined. These establishments, and the type and character of the merchandise, paraphernalia and services sold in them, create an atmosphere of enticement that is increased by the

lascivious and suggestive advertising often employed to promote the availability of these products and services. It is the intent of the 'Borough of Zelmanople to regulate the exposure of these establishments.

- B. It is the firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of its residents; in particular, the minors of the community.
- C. The location of adult entertainment establishments is of vital concern to society with regard to their location near areas where minors may learn, play, pass by or would be exposed to the advertising, window displays, or the general atmosphere encompassing their operation. The legislative body finds that adult entertainment establishments, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. One of the purposes of this regulation is to prevent the concentration or clustering of these establishments in any one area.
- D. It is the intent of the Borough Council in enacting these regulations relative to adult entertainment establishments to exercise only those powers granted to it. These regulations shall in no way be deemed to permit any adult entertainment establishment, as defined herein, which would otherwise be prohibited or in any way regulated by any other law, statute, ordinance, rule or regulation.
- E. Further, these regulations are enacted to promote, protect and facilitate the public health, safety, morals and general welfare of all residents of the Borough of Zelmanople.

2. Definitions - It is the purpose of this subsection, together with its subparagraphs, to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist in the interpretation of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Section 302 and are intended to be applicable to this Part only.

3. For the purpose of this Part, "adult entertainment establishments" are defined as follows:

- A. "Adult Bookstore" means any establishment which has as a substantial or significant portion of its stock in trade:

- (1) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis or depiction on 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.
- B. "Adult cabaret" means a nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- C. "Adult mini motion picture theater" means an enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- D. "Adult model studio" means any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of and is, in fact, authorized thereunder to issue and confer a diploma.
- E. "Adult motel" means a motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- F. "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- G. "Adult motion picture theater" means an enclosed or unenclosed building with a capacity of fifty (50) or more persons used for

presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

- H. "Adult newsrack" means any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
- I. "Adult theater" means a theater, concert hall, auditorium or other similar establishment, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
- J. "Massage establishment" means any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- K. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- L. "Specified anatomical areas" as used herein shall mean and include any of the following:
 - (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
 - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- M. "Specified sexual activities" include the following:
 - (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation or unclothed genitals, flagellation or torture in the context of sexual relations, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piguerism, sapphism, zooerasty; or

- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breasts.

4. Minimum Spacing and Proximity Requirements

A. No adult entertainment establishment shall be located within 1,000 feet of any other adult entertainment establishment.

B. No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:

(1) No such establishment shall be located within 800 feet to a residential district, whether such District is located in the Borough of Zelienople or in an abutting municipality.

(2) No such establishment shall be located within 900 feet of any parcel of land which contains any one or more of the following specified land uses, whether said uses are located in the Borough of Zelienople or in abutting municipalities:

- i. Amusement park
- ii. Camp (for minors' activities) Child care facility
- iii. Church or other similar religious facility
- iv. Community Center Museum
- v. Park Playground School
- vi. Other lands where minors congregate.

(3) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.

5. Parking - Parking shall be established at the minimum ratio of one (1) parking space for each 100 square feet of gross floor area and one (1) parking space for each employee.

6. Hours of Operation - Borough Council may impose a limitation on the hours of operation, as necessary, to assure that the intent of the Zoning Ordinance is complied with.

7. Visibility from the Street - No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

Section 1017 Traditional Neighborhood Development Type I

1. The development shall comply with all performance standards and approval processes outlined in 605-5, 605-6, and 605-7 excepting 605-5H and those as outlined in this Section any standards or requirements which otherwise conflict with the standards of this Section.
2. The development may include any such nonresidential establishment authorized as a Conditional Use in the R-2 District provided that at least twenty percent of the gross floor area of all principal buildings shall consist of single family, duplex, and townhouse residential dwelling units. Additionally the development may include residential facilities for housing students where kitchen and restroom facilities are shared by more than one family, as defined by this ordinance. Such facilities shall be deemed as non-residential uses for purposes of this Section.
3. The development may include administrative and professional offices and accessory parking within 400 feet of Beaver Road or Main Street.
4. Townhouse groupings may contain up to six units.
5. Multi-Family buildings may contain up to 24 units.
6. The location, design, type and use of structures proposed, with most structures being placed close to the street at generally the equivalent of one-quarter the width of the lot or less. The distance between the sidewalk and residential dwellings should, as a general rule, be occupied by a semi-public attachment, such as a porch or, at a minimum, a covered entryway. In cases of townhouses, the width shall be measured for every two units.
7. The build-to lines shall be established in consideration of an entire block, and the lot widths thereon and shall be commensurate with the setbacks of the adjoining neighborhoods where direct street access is provided.
8. The applicant may request waivers of street width requirements or one-way streets that Council shall consider based upon availability of off street parking, provision of alleys, and the likelihood that the street will be utilized as a local collector street or for adjoining future developments.
9. Garages should not face the front lot line.
10. Parking shall not locate in the front yard of any building.
11. Townhouse units shall adhere to the standards of Section 606 with respect to required variations in building façade.
12. Lot width should not be less than 40 feet, withstanding Unit Lots as authorized.
13. Council may require alley access to discourage excessive curb cuts on narrow lots.

14. Sidewalks of at least four feet in width shall be required as per the specifications of the Borough within the adjoining street right-of-way and connecting to adjacent sidewalks or trails.
15. Street trees shall be planted as required by the Subdivision and Land Development Ordinance.
16. Lot Coverage, Impervious Surface Coverage, and Height shall be as applied to Multi-Family Structures in the underlying district.
17. Overall lot coverage and units per acre authorized in the underlying district shall apply to the site as a whole. However, individual lots may vary from the requirement. At least twenty percent of the total site area shall be distributed as common open space accessible to patrons or residents of the development and may include a neighborhood park or community center. This shall include a twenty foot buffer providing a topographical break, wooded areas, landscaping and mounding, or other barriers sufficient to screen the perimeter of the development, excepting any part fronting on a street. Additionally, the development shall include a plaza linked to buildings in the development via sidewalks built to municipal standards or trails linking residential areas. The plaza shall include park benches flanking side walk areas, and some unifying element or focal point such as a gazebo or similar gathering area. The plaza shall comprise at least five percent of the total site area.

Section 1018 Traditional Neighborhood Development Type II

1. The following residential principal uses and structures are authorized as follows by block, the definition of which for purposes of this Section shall be modified to include both sides of the subject street that lie within the R-3 District. No more than thirty percent of the dwelling units on any particular block shall be incorporated within or classified as the following.
 - A. Duplex Dwelling
 - B. Multi or Multiple Family Dwelling, Apartment, up to four units per principal structure.
 - C. Rowhouse or Townhouse Dwelling, up to four units as a group, joined by party walls.
2. All lighting and signage installed within this area shall meet the specifications and limitations of standards instituted for or permitted within the R-4/C-2 Mixed Use District.
3. Maximum impervious surface coverage applied to the area of any lot within the Overlay shall be 70%.
4. Structures shall be constructed subject to the standards of 605-5A except that the amount of variations required shall be for every 30 feet and shall meet the performance standards of Sections 605-5B-D and K.
5. Garages integral or attached to said units shall not face the front lot line. Access drives providing access to garages and parking shall be limited to one for

every group of townhouses or multi-family structures unless accessed from an alley.

6. Unit lots are authorized as per Section 701-3.

7. No more than one duplex or multi-family structure shall be located on one lot.

Section .1019 - Communications Antennas

1. Antennas as defined in this Ordinance shall be permitted in C-2, C-3 and I zoning districts as a Conditional Use. Conditional Use applications may be authorized pursuant to the standards and criteria specified herewith:

A. Existing Structures

(1) In order to reduce the number of antenna support structures needed in the community in the future, proposed antenna support structures shall be required to accommodate other uses, including other communication companies and local police, tire and ambulance companies.

(2) An antenna site with antenna that is attached to an existing communications tower, smokestack, water tower or other tall structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than fifteen (15) feet. If the antenna is to be mounted on an existing structure (and is within the fifteen (15) foot limit) it shall be authorized as a use by right and the applicant shall not be required to meet the standards and criteria contained in the following provisions of this Section of the Ordinance.

B. New Structures.

(1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission or other state or federal regulatory commissions to operate the antenna.

(2) If the applicant proposes to build an antenna (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of all tall structures within a one-quarter (1/4) mile radius of the site proposed and that one or more of the following reasons for not selecting an alternative existing building or existing antenna structure or other structure apply

- i. The proposed equipment would exceed the structural capacity of the existing building, antenna structure or any other structure and re-enforcement of the existing building, antenna structure or any other structure cannot be accomplished.
- ii. The proposed equipment would cause R.F (radio frequency) interference with other existing or proposed equipment for that

- building, antenna structure or other structure and the interference cannot be prevented.
- iii. Existing buildings, antenna structures or other structures do not have adequate space to accommodate the proposed equipment
 - iv. Addition of the proposed equipment would result in NIER R (non-ionizing electromagnetic radiation) levels which exceed any adopted local, federal or state emission standards.
- (3) All other uses ancillary to the antenna and associated operational equipment are prohibited from the antenna site unless otherwise permitted in the zoning district in which the antenna site is located.
2. Application Requirements Communication Antennas.

A. The application for a Conditional Use shall include a development and operational plan. The following information and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance will be achieved, shall be included.

- (1) A description of the character, timing and duration of the proposed construction, operation and use of the facility, including maps and plans showing the location of the site, all access routes from public roads, and the regional area to be influenced by the proposed activity and use.
- (2) A full site plan drawn to scale for all antenna sites, showing the antenna support structure, building, fencing, buffering, access, and all other items required by other Borough Ordinances. The site plan shall not be required if the antenna is to be mounted on an existing structure. No building permits shall be issued until after final approval of the application and the final approval and recording of a Subdivision Site Plan.
- (3) Complete plans of the proposed tower and all auxiliary structures and support facilities. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or ether debris, electromagnetic fields, or radio frequency., interference. All support structures shall be fitted with anti-climbing devices as approved by the manufacturers.

The Borough Council may require independent studies and reviews of all such assurances. These shall be prepared by qualified professionals acceptable to both the developer and the Governing Body. The cost of all such studies and reviews shall be borne by the applicant in cases where issues develop over the need for, or the adequacy of, safety and compliance with this Ordinance.

- (4) The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height will be approved. Antenna support structures under 200 feet in height should be painted silver or have a galvanized Finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet or taller, or those near airports, shall meet all Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except where here required by the FAA.
- (5) Setbacks from base of antenna support structure
 - i. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the following requirements shall apply-
 - ii. The distance between the geometric ground level center point of an antenna support structure and any adjacent public road right-of-way and the bordering building setback lines of all adjacent land parcels shall be equal to, or greater than, 120 percent of the height of the antenna structure and all appendages attached thereto, as measured vertically from mean ground level.
- (6) All buildings and structures on the site other than the antenna support structure and any guy wire anchors shall conform to the setback and dimensional requirements that apply to the zoning district in which the site is located.
- (7) A fence shall be required around the antenna support structure and other equipment unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height. The entire fence shall be constructed in a manner to prevent the entry onto the portion of the premises on which the use is situated, by unauthorized persons, domestic animals or livestock.
- (8) All applicable parking, sign and other requirements of this Ordinance shall apply. If the antenna site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- (9) The site, including all structures, shall be constructed and landscaped in a manner appropriate to the district in which it is located. Open areas shall be covered with an appropriate vegetative material and properly maintained.
 - i. Suitable landscape screening or buffers shall be developed, if deemed necessary by the Governing Body,

to minimize visibility of outside storage or ground level operational functions if said activities are readily visible from adjoining properties used for residential purposes. Where required, a screen or buffer shall have a height adequate to achieve its purpose

- ii. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within 24 months after commencement of operations in the area to be screened. The Governing Body shall require that either new planting or alternative screening be provided if after 24 months, the plant materials do not provide an opaque screen.
- iii. The Governing Body may permit any combination of existing vegetation, topography walls, decorative fences or other fences instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

- (10) The applicant shall have obtained from each appropriate state and federal regulatory agency or authority, a permit issued in accordance with all applicable state and federal laws, directives and regulations for the proposed use.

Section 1020 Adaptive Reuse

1. As an incentive for the preservation of historically significant structures, namely buildings historically or currently used as single family detached dwellings, a developer or landowner is authorized to utilize such structure as an adaptive reuse under the following conditions and standards set forth in this Section 1101.
2. The building used for adaptive reuse shall be located on a lot bearing frontage on one of the following streets or blocks: the south side of West New Castle Street, between Linden Street and Green Lane; West Beaver Street, between Green Lane and South Clay Street.
3. Unless otherwise specified, structures and activities associated with the adaptive reuse shall be in compliance with the dimensional standards of the zoning district in which it is located.
4. Maximum Impervious Surface Coverage: 65%.
5. The following uses are authorized:
 - A. Administrative and professional offices.
 - B. Personal service establishment.

6. Prior to occupancy, the building shall meet the requirements of the Borough's Property Maintenance Code as enforced by the Borough at the time of application. The Borough's Code Enforcement Officer shall assess the building and shall submit a written report of any violations to the Zoning Officer. Where violations exist, the applicant shall submit a plan for compliance to the Zoning Officer which shall be incorporated as a condition of approval.

7. For purposes of this Section and Conditional Use, the term "building facade" shall include all exterior walls of the building that are visible from a public street and such shall be subject to the requirements and approval processes of Section 605, as referenced in this Section.

8. Where repairs or improvements constitute a minor or major facade alteration as set forth in Section 605, the applicant shall be subject to the requirements therein. However, a separate Conditional Use shall not be required for the approval of a major facade alteration which shall be considered in concert with the consideration of the adaptive reuse.

9. The demolition of any adjoining principal buildings for purposes of accommodating parking and other accessory uses as may be authorized by this Section shall be subject to the processes and standards set forth in Section 605.

10. The building may be expanded by no more than ten percent of the gross floor area as existing at the time of application. The addition shall be subject to the standards of Section 605-5 and shall be consistent with the predominant architectural features of the building.

11. Parking shall be furnished in accordance with Part 8 of this Ordinance and shall meet all standards of Part 8 of this Ordinance. Parking shall meet the following requirements which shall prevail over any conflicting standards otherwise set forth in this Ordinance:

A. Parking spaces provided shall not exceed 110% of the minimum required parking as set forth in Part 8 of this Ordinance.

B. Parking shall be set back and buffered in a manner that meets Sections 1005-10 and 702-8.

C. Access drives and ingress/egress points shall be limited to 12 feet for one way and 22 feet for two-way access excluding curb radii within the right of way of the adjoining street or alley. Only one point of ingress and one point of egress is authorized from the site. Access to adjoining alleys is authorized. Access shall be at points which optimize safety and minimize conflicts with proximate intersections and adjoining traffic patterns.

12. Lighting shall meet the standards of this Chapter.

13. The use of accessory structures shall be limited to the storage of lawn and maintenance equipment and parking of vehicles. Accessory structures shall meet the dimensional standards of the Zoning District in which each is located.

PART 11, SPECIAL EXCEPTIONS

Section 1101, General

1. The following shall constitute special exceptions to be considered by the Zoning Hearing Board subject to the express standards contained in each. All applications for Special Exceptions shall be heard and addressed as per Section 1502 of this ordinance.
2. General Standards. All special exceptions shall be evaluated based on the following:
 - A. The essential character of the neighborhood in which the proposed use is located shall not be altered.
 - B. The impacts of the proposed use or expansion thereof, namely traffic and noise, shall not substantially exceed that of the current use and the neighborhood in which the use is proposed.
3. Applicants shall submit, as written testimony, an application on forms supplied by the Zoning Officer to include the number of current and future employees, a general summary of operations including services performed or products created as well as hours of operation, and a plan, drawn to scale, showing parking, area of the existing or proposed structure to be utilized, and any other relevant site improvements. The application shall include a fee as required by Council. The applicant shall supply five copies of all materials to the Zoning Officer.
4. Landscaping or buffering required for principal uses shall not apply to Home Occupations and Family Home Day Care, but may be placed as a condition by the Zoning Hearing Board where the Board deems such necessary.

Section 1102, Home Occupations

1. A home occupation that involves an activity or operation which is construed as being capable of adversely influencing surrounding residential uses through any of the following conditions shall not be permitted:
 - A. Changes the external appearance of the dwelling;
 - B. Is visible from surrounding properties or the adjacent street;
 - C. Generates traffic, parking or utility use in excess of normal levels in the neighborhood;
 - D. Creates hazards to persons or property;
 - E. Creates interference or a nuisance;
 - F. Involves outside storage, display or operations; or,
 - G. Utilizes more than Twenty-five percent (25%) of the floor area of the primary dwelling structure; Fifty percent (50%) of the floor area of an accessory structure; or, 3. A combined total floor area which exceeds four hundred (400) square feet.

2. Signs shall be limited to the provisions of this Ordinance in Part 9 of this Ordinance.
3. Only members of the family residing on the premises shall be permitted to work at the establishment.
4. Activities shall be limited to the following:
 - A. Professional, technical or business pursuits that involve only office related functions and practices.
 - B. Light handicrafts, sewing, photography and objects of art.
 - C. Teaching instruction limited to no more than three (3) students at any one time.
 - D. Small appliance and lawn mower repair.
 - E. Beautician, barber and similar services, limited to no more than two (2) clients at any one time.

Section 1103, Day Care, Family Home

1. No overnight lodging of children shall occur.
2. Play facilities shall not exceed the scale of that expected for single-family detached homes.
3. Family Home Day Care shall occur only in single-family detached homes.

Section 1104, Expansion of Non-Conforming Use

1. The expansion shall represent the minimum necessary to accommodate natural expansion or growth associated with the type of nonconforming use.
2. The aforesaid provisions notwithstanding, cumulative expansions approved shall not exceed fifty percent of the floor area occupied by the use as of January 1, 2007.
3. The expansion shall be set back commensurate with the impact on surrounding uses or, at a minimum, shall observe the yard requirements of the district in which it is located, withstanding the provisions of Section 1303.

Section 1105, Change Of Nonconforming Use.

1. The proposed use shall be reasonably similar to the nonconforming use meeting one or more of the following criteria:
 - A. Same three digit North American Industrial Classification Number
 - B. Similar or more limited hours of operation and trips generated.
 - C. Similar or less overall impact.
 - D. Smaller number of people using facility.
2. The proposed use shall not add trips, additional outside storage, noise, or any other adverse impact.

PART 12 – PLANNED RESIDENTIAL DEVELOPMENT

Section 1201. Purpose

The Borough establishes Planned Residential Development in forms authorized by District for the following purposes:

1. To provide an adequate array of housing opportunities and choices for existing and future residents of the Borough; and
2. To encourage the preservation of wooded hillsides and open space throughout the Borough; and
3. To facilitate connected open space throughout the Borough in a manner consistent with the community development objectives of this ordinance; and
4. To encourage the development of unique nodes of residential and mixed use development that are properly integrated into adjacent transportation networks and uses with proper buffering and separation from traditional neighborhoods and mixed use development; and
5. To provide for development and redevelopment in sustainable forms and proportions; and

Section 1202, General Buffering Standards

1. All Planned Residential Development shall include a fifty foot buffer area around the perimeter of the entire development and a thirty foot buffer area around any portion facing a public street. The buffer area shall include preserved woodlands where available, mounding and landscaping and breaks in topography sufficient to screen the development from adjacent properties. This requirement shall supersede any buffering requirement otherwise applied by this ordinance.
2. Where a use within the district is authorized conditionally in an underlying district, the landscaping standards of this Section shall apply.

Section 1203. Residential Community PRD Development Standards.

1. Common Open Space. Forty percent of the site shall be dedicated as common open space accessible to all residents of the PRD and adhering to the following standards.
 - A. Said open space shall be distributed in a manner that provides adequate buffering from adjacent neighborhoods of differing housing type and design, in a manner in which adjacent neighborhoods of varied or contrasting character are bordered by open space. Topography, landscaping, and types of adjacent uses shall determine said adequacy.
 - B. Five percent of the open space required shall be distributed in central areas of the plan, directly visible from and faced by housing constructed

therein. Such open space shall bear at least 50 feet of frontage on streets within the Planned Residential Development. The grading of said open space shall not exceed 8%.

- C. The common open space shall be distributed in such a manner so as to preserve, by private covenant in favor of the respective municipality in which it is located and by the PRD itself, wooded hillsides, steep slopes, and other valuable natural features within the plan, including jurisdictional wetlands and floodplains as regulated by this ordinance.
- D. Each phase of the PRD shall bear at least a proportional amount of open space or may include the dedication of all open space required per the tentative approval, or protective covenants acceptable to and in favor of the Borough may be placed on the remaining land necessary for the provision of open space for the entire PRD as tentatively approved in a manner guaranteeing preservation and use of said land as common open space, as defined herein.
- E. Common Open Space may include Neighborhood Park or Community Centers and Normal Agricultural Operations, including equestrian facilities where such are primarily intended to serve or provide for residents of the PRD.

2. Uses Authorized. The following uses are authorized in the Residential Community PRD.

- A. Single Family
- B. Duplex
- C. Townhouse
- D. Multifamily up to twelve units per building, 50 units per building in the R-3 Zoning District.
- E. Uses authorized as a Conditional Use in the underlying district.

3. The amount of dwelling units permitted per acre shall be calculated as follows: 43,560 square feet divided by the minimum lot size in square feet of the respective underlying zoning district shall equal the base density or units per acre.

- A. The following table shall serve to outline the number of units by type permitted per acre for the gross acreage included in the PRD. Each acre against which dwelling unit types are calculated shall not be included in the calculation of other types permitted. Therefore, the multipliers listed times the base density equal the number of units permitted per the proportional acreage of land applied to that dwelling unit type.

Table 1203-1
Use or Dwelling Type Multipliers

| Use or Dwelling Unit Type | Multiplier |
|---------------------------|------------|
| Single Family | 1.2 |
| Duplex | 2.4 |
| Townhouse | 2.5 |
| Multi-Family | 2.5 |

4. Lot standards.

- A. All lots shall bear safe and legal access to a street or access drives. Residential Community PRD's within the R-3 District that exceed 12 units per acre in density shall be accessed via either a street network platted to provide direct access to all dwelling units in said PRD, or a driveway or access drive that serves all dwelling units in said PRD wherein, the preceding street network, access drive, or driveway shall bear direct access to a State-maintained road or a State Route. Such developments shall be limited to one such access per block on any adjoining State Road.
- B. Maximum building height of any structure is 45 feet or three stories.
- C. Yard setbacks, separation between units, or front yard build-to lines shall be proposed by the developer in such a manner as to assure adequate buffering from adjacent neighborhoods of differing housing types and design as well as to wherein approved lines shall not impede the administration of emergency services, but in no case shall the setbacks and separation be less than 10 feet. Additionally, setbacks from State Roads shall be 45 feet.

5. Landscaping. At a minimum, townhouse units shall be landscaped around the front of the units which face the street or access drive bearing one high level planting per unit or two ornamental trees per unit; and four low level plantings per unit. Conditional Uses and multi-family buildings shall provide thirty percent of the lot on which they are constructed as landscaped area bearing grass, groundcover, or decorative stone or mulch. Said area shall include one high-level or two ornamental trees for every 1,500 square feet of landscaped area and one low level planting for every 300 square feet of said landscaped area.

6. Conditional Uses and multi-family buildings shall be housed within structures which meet the variation requirements of Section 605-5A.

7. Maximum impervious surface coverage. If Green Infrastructure Technologies are incorporated into the development resulting in a net stormwater runoff from the site is not greater than the 50% impervious coverage stormwater runoff, then

the maximum impervious surface permitted may be increased by 10%. Increasing retention basin volumes to allow for reduced runoff shall not be permitted.

8. Dimensional Standards by Unit Type:

Table 1203-2
Dimensional Standards by Unit Type

| REQUIREMENT | Single Family Detached | Duplex Townhouse Rowhouse | Multi-Family |
|----------------------------|-------------------------------|---------------------------------------|-------------------------------|
| Minimum Lot Width | 40 feet | 30 feet per unit at the building line | 120 feet at the building line |
| Minimum Lot Frontage | 40 feet | 20 feet per unit | 75 feet |
| Maximum Lot Coverage | 45% | 45% | 45% |
| Maximum Impervious Surface | 50% | 50% | 50% |

Section 1204 Advisory Conference

A developer may request an advisory conference with the Planning Commission prior to application submission. The developer shall make such request from the Zoning Officer on forms provided by the Borough at least ten (10) days prior to the regular meeting of the Commission. Said conference and review shall not constitute acceptance of an application, whether tentative or final.

Section 1205 Tentative Approval Application Requirements

1. At least thirty (30) calendar days prior to the regular meeting of the Planning Commission, fifteen (15) copies of an Application for Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:

- A. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - (1) A written statement demonstrating conformance with the Borough Plans and Community Development Objectives of this ordinance.
 - (2) A written statement detailing the general character of the development in relation to surrounding uses and the proportion of use types contained therein. Each use type shall be listed by unit

and square footage. Types shall include those separately authorized as residential or Conditional Use in the Residential Community PRD and authorized nonresidential or commercial in the Mixed Use Community PRD.

- B. A written statement of the requested modifications to other ordinance provisions otherwise applicable.
- C. A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
- D. A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') showing the following information:
 - (1) Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes, delineating and labeling 25% through 40% slopes and greater than 40% slopes; and other natural features.
 - (2) Proposed lot lines and subdivision plat. The plat shall show approximate building footprints and anticipated square feet, identify the type of use anticipated, and proposed setbacks for both residential and commercial uses.
 - (3) Proposed phases of development.
 - (4) The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density.
 - (5) The location and size in acres or square feet of all areas to be conveyed dedicated or reserved as common open space.
 - (6) The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the Planned Residential Development to public rights-of-way.
 - (7) The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and open space.
 - (8) The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - (9) Subsurface conditions, including mining and overburden.
 - (10) A preliminary landscaping plan indicating the treatment and materials proposed to be used in common areas, buffer areas, parking, townhouses, and commercial buildings.

- (11) Location of trails for public use and easements or right-of-ways dedicating those trails for public use.
- E. A preliminary traffic report which details impact on onsite intersections and off site intersections substantially impacted by the PRD.
- F. Application forms prepared by the Borough requiring information sufficient to review the application, provide findings of fact, and determine conformance to the provisions of this Section.
- G. Review and application fees required by Borough ordinance or resolution.
- H. Preliminary elevations and architectural renderings of typical structures.
- I. Preliminary reports demonstrating the general basis or nexus of general site design to grading, erosion, storm water, and street construction ordinance standards.
- J. In the case of development plans that call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

Section 1206 Tentative Plan Approval Process.

- A. The Zoning Officer shall review an application for tentative approval within one week of delivery and shall notify the applicant of any deficiencies of certify the applicant as complete. Submissions of deficient items shall be reviewed in the same manner. The Zoning Officer shall, when all application materials are submitted, certify the application as complete. The date on which completion is certified shall constitute the official filing date.
- B. The Planning Commission shall review the application at the next regular meeting scheduled twenty one days or later from the official filing date.
- C. The Planning Commission shall hold a public hearing on the matter pursuant to public notice within 60 days of the official filing date. The commission or governing body may hold subsequent hearings provided that all hearing area concluded within 60 days of the initial hearing.
- D. Decision. Within sixty (60) days following the conclusion of the public hearings, the Borough shall, by official written communication, either grant Tentative Approval of the Development plan, as submitted; grant Tentative Approval of the Development plan, subject to specified conditions not included in the Development plan as submitted; or deny Tentative Approval. Failure to act within said period shall be deemed to be a grant of Tentative Approval of the Development plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions, the

landowner may, within thirty (30) days after receiving a copy of the official written communication of the Borough, notify the Borough of his refusal to accept all said conditions, in which case, the Borough shall be deemed to have denied Tentative Approval of the Development plan. In the event that the landowner does not, within said period, notify the Borough of his refusal to accept all said conditions, Tentative Approval of the Development plan, with all said conditions, shall stand as granted. The decision will be filed with the secretary of the Borough and the applicant. The decision shall include an approved schedule of final plan application filing which shall not be less than three months from the tentative approval date.

Section 1207 Tentative Plan Approval Findings.

1. Tentative approval shall be approved, denied, or approved with conditions based on the following findings of fact.
 - A. In those respects in which the development plan is or is not consistent with the plans for the development of the Borough;
 - B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - C. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established;
 - F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan; and
 - H. The mixture of uses and housing choices and commercial establishments and their ability or inability to meet current and anticipated needs of present and future residents and patrons.

- I. Adherence to all specific performance standards and requirements of this part or lack thereof.

Section 1208 Final Approval Application Requirements.

- A. Final Applications shall include the following.
 1. All final reports demonstrating compliance with local erosion and sedimentation, grading, and storm water ordinances in forms required by the Borough Engineer and the respective ordinances.
 2. A plan showing existing and proposed contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes, delineating and labeling 25% through 40% slopes and greater than 40% slopes; and other natural features.
 3. A plat, in conformance with that required by the local subdivision ordinance showing or denoting all approved setbacks.
 4. Plans showing the platted lines along with building footprints and number of stories and gross square footage related thereto. Said plans shall show all easements and designations of residential and commercial areas. Single-family homes may show a building envelope or area with a typical square footage or building footprint anticipated.
 5. All covenants required to demonstrate initial and ongoing compliance with the provisions of this article. Such covenants shall include but not be limited to the preservation of woodlands, usage of open space, preservation of natural features, maintenance of buffer areas, signage and lighting, etc.
 7. Documents establishing a home or land owners' association and detailing the maintenance of common open space. Said documents may include condominium declaration statements and related covenants.
 8. A general plan of signage and lighting, including styles, materials, and colors utilized.
 9. Street cross-Sections and construction drawings demonstrating compliance with municipal standards or approved modifications.
 10. Further reports including geotechnical reports where required to demonstrate safe and stable construction of principal dwellings, streets, access drives, and parking.
 11. A narrative detailing any modifications from tentative approval.
 12. A finalized phase specific traffic study indicating level of service for all intersections.
 13. Deeds dedicating public land, where required through tentative approval.
 14. Estimates for public improvements and amenities for which bonds are required by the local subdivision ordinance.

15. Final landscaping and parking plans including tables demonstrating compliance with the provisions of this article in terms of number and percentage provided.

Section 1209 Final Plan Approval Process.

1. The Zoning Officer shall review an application for final approval within one week of delivery and shall notify the applicant of any deficiencies of certify the applicant as complete. Submissions of deficient items shall be reviewed in the same manner. The Zoning Officer shall, when all application materials are submitted, certify the application as complete. The date on which completion is certified shall constitute the official filing date.

2. Variation from original plan. In the event that the development plan submitted contains variations from the development plan granted Tentative Approval, the Borough may refuse to grant Final Approval and may, within forty-five (45) days of the official filing date 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 refile the Application for Final Approval without the variations objected; or file a written request with the Council that it hold a public hearing on the Application for Final Approval. If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance. If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

3. In the event the application for final approval has been officially filed, together with all drawings, specifications and other documents in support thereof, and as required by this article and the official written communication of tentative approval, the Borough shall, within 45 days from the date of the regular meeting of the local planning commission, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the official filing date.

4. The developer shall post financial security and shall execute a developer's agreement as required by the local subdivision ordinance prior to recording of the final plat. The plat shall be recorded within 90 days of final plan approval. The developer's agreement shall at a minimum, in addition to that required by the local subdivision ordinance, cite those

provisions of the notice of tentative approval applicable to the respective phase, include a timeline for development proposed by the developer but not to exceed five years, reference construction inspections and responsibilities, reference the installation of landscaping and private amenities, and address the recordation of homeowners' association documents and covenants.

5. The developer shall be afforded the five-year timeline to commence and complete development as noted in Section 508 of the Municipalities Planning Code and otherwise applicable to subdivisions and land developments. Where the developer notifies the Borough that he has abandoned the plan or the aforesaid timeline cited in Section 508 expires, the plan shall be deemed abandoned and no further development or permits for such development shall take place. The Borough shall amend its ordinance to reclassify the property to a zoning district.

Section 1210 Modification of Planned Residential Development Provisions.

1. An applicant for permits which do not conform strictly to the approved plan may request a modification to the plan by providing all reports and plans required by final approval which are proposed to be modified. A statement concerning consistency with the comprehensive plan and community development objectives shall be submitted along with any required fees and forms provided by the Borough. Upon acceptance, the application shall be afforded the timelines and process provided for final PRD approval. The Borough, however, shall hold a public hearing pursuant to public notice prior to voting on the application.

2. Modification approval shall be provided in a manner that meets all requirements and standards of this article.

3. Findings regarding approval shall consider the following:

A. No such modification, removal or release of the provisions of the development plan by the Borough shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section.

B. No modification, removal or release of the provisions of the development plan by the Borough shall be permitted except upon a finding by the Borough or the planning agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this article, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

C. No part of the approval shall conflict with private covenants that run in favor of residents or property owners within the entire PRD.

PART 13 - NONCONFORMING USES

Section 1301 - Application Subject to the provisions of this Section, a use of building or land existing at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of these regulations for the district in which it is located.

Section 1302 - Unsafe Structure Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

Section 1303 – Alterations and Additions to Non-Conforming Structure A nonconforming structure may be increased in height not to exceed the maximum height of the respective district. A nonconforming structure may be expanded into an a required yard as long as such expansion does not encroach further into the yard and does not increase the footprint of the building as existing at the time of passage of this ordinance amendment more than twenty five percent. The Zoning Officer shall keep a written log of permit issuances for the expansion of nonconforming structures such that this provision may be properly enforced.²⁷

Section 1304 – Restoration and Regular Maintenance Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or Act of God, excepting demolition specified in Section 1308, subsequent to the date of this Ordinance nor shall it prevent the regular maintenance of a nonconforming structure including the replacement of a roof, exterior façade, windows, and other treatments.

Section 1305 - Extension A nonconforming use shall not be extended, except as authorized by special exception pursuant to Part 11, but the extension of a lawful use to any portion of a nonconforming building or structure that existed prior to the enactment of the Ordinance shall not be deemed the extension of such nonconforming use.

Section 1306 – Changes No nonconforming building, structure, or use shall be changed to another nonconforming use unless approved by the Zoning Hearing Board as a special exception pursuant to Part 11

Section 1307 - Construction Approved Prior to Ordinance Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a Zoning Permit has been issued and the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the date of this Ordinance.

Section 1308 – Reconstruction of Demolished Structures. Where fifty percent or more of the floor area of a nonconforming structure is demolished by fire, accident, vandalism, or Act of God and the owner receives an insurance settlement in an amount equal to the fair market value of the demolished building or portion thereof,; and where

²⁷ This provision helps to minimize Zoning Hearing Board Cases

nonconforming buildings are voluntarily demolished, any future building on the site shall comply with the following. Lots with demolished residential dwelling units and accessory structures thereto, may include the construction of a building within some or the entire footprint of the demolished building at the time of its demolition within 18 months of such. Lots bearing demolished commercial and other principal structures and structures accessory thereto shall be subject to all existing requirements of this ordinance.

Section 1309, Signs. Any nonconforming sign removed, whether by Act of God, vandalism, accident, or voluntarily, if replaced, shall be subject to all existing standards of this ordinance.

Section 1310, Application of Ordinance.²⁸

1. Parking. Where access and circulation of a parking lot is changed and the lot is expanded by more than ten percent, the entirety of said lot shall be subject to the standards of this ordinance and the Subdivision and Land Development Ordinance. Lighting on the entire site shall then comply.
2. Where landscaping buffers are required, any expansion of the square footage on a site beyond twenty five percent of the gross floor area existing at the time of this amendment shall require the installation of buffers on the entire lot. Similarly, lighting standards shall be met on the entire lot.
3. Otherwise, parking, lighting, and landscaping standards shall only apply to the land area altered or improved.
4. Where a demolished structure is required to be constructed in accordance with this ordinance as required by Section 1308, such conformance shall not apply to the nonconforming parking associated therewith, wherein the amount of parking existing at the time of destruction or demolition shall continue as a nonconforming use, unless a principal structure is not rebuilt within 18 months of demolition or destruction. However, expansion of the new structure or change of use shall require additional spaces in accordance with this ordinance and the Subdivision and Land Development Ordinance.
5. Where lots in the R-1 or R-2 Districts were approved prior to the enactment of this ordinance amendment, as building lots and as part of a subdivision bearing new street infrastructure, said lots may bear the amount and type of residential dwelling units per acre and may cover the percentage of the lot permissible at the time of approval of said subdivision.

Section 1308 – Abandonment - A nonconforming use of a building or land that has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned as follows:

1. When the intent of the owner to discontinue the use is apparent;
2. When the use is abandoned;

²⁸ This helps to clarify the application of the Subdivision Ordinance and related standards and the nonconforming status of existing site plans.

3. When a nonconforming use has been discontinued for a period of six (6) months;
4. When it has been replaced by a conforming use; or
5. When it has been changed to another use under permit from the Zoning Hearing Board.

Section 1309 - Unlawful Use Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

Section 1310 - District Changes Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.

PART 14 – ADMINISTRATOR

Section 1401 - Zoning Officer

1. The Zoning Officer shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises and the issuing of Zoning Permits. No Zoning Permits shall be issued by said officer except where the provisions of this Ordinance have been complied with. The Zoning Officer shall be appointed by the Council of the Borough of Zelienople, Butler County, Pennsylvania.
2. The Zoning Officer shall be qualified by demonstrating to the satisfaction of the Borough Council a working knowledge of the Zoning Ordinance, an understanding of municipal development goals and objectives, an ability to work harmoniously with local citizens, and such other criteria as may be established by the Borough Council to qualify for this office.

Section 1402 - Zoning Permit Required

1. No building or structure shall be erected, placed, or added to, until a permit therefore has been issued by the Zoning Officer. All applications for Zoning Permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such Zoning Permits 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.
2. Matter accompanying applications. There shall be submitted with all applications for Zoning Permits, two three (3) 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 chapter.
3. No permit shall be issued unless all requirements and approvals of the Subdivision and Land Development Ordinance and this ordinance have been met.

Section 1403 - Certificate of Occupancy

1. After completion of a building or structure for which a Zoning Permit has been issued, and inspection has determined that all requirements of the Ordinance have been met, a certificate of occupancy shall be issued by the Zoning Officer. The certificate of occupancy shall state that the building and proposed use thereof complies with the provisions of the Ordinance.
2. Additional uses affecting the structure for which the original certificate of occupancy was issued shall require additional and separate issues.
3. No nonconforming use shall be renewed, changed or extended without a certificate of occupancy having first been issued by the Zoning Officer for such use.

4. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
5. No permit for excavation, or erection, alteration of, or repair to any building shall be issued until an application has been made for a certificate of occupancy.
6. A zoning certificate of occupancy shall be required for all changes in tenants within nonresidential principal uses and for nonresidential occupancy of any building.
7. A zoning certificate of occupancy shall be required for all Home Occupations and Family Home Day Cares upon special exception approval by the Zoning Hearing Board.

PART 15 - ADMINISTRATION

Section 1501 - Zoning Hearing Board The following regulations shall govern the Zoning Hearing Board:

1. Creation and Appointment

A. The membership of the Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by resolution of the Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the terms of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the municipality.

B. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of Zelmanople Borough to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other elective or appointive office in the Borough. Any alternate may participate in proceedings or discussions of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member pursuant to the following process:

(1) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum.

(2) Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case.

(3) Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

2. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided by law. The board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a year.

3. Members of the board may receive compensation for the performance of their duties as may be fixed by the Borough Council, but in no case shall it exceed the

rate of compensation authorized to be paid to the members of the Borough Council. Alternate members may receive similar compensation when designated to participate in hearing as specified in Section 1501-B, above.

4. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the Borough Solicitor. The board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the Borough Council for this use.

Section 1502 - Powers, Duties, Procedures and Appeals

1. Hearings - The board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Hearings shall be held within sixty (60) days following an applicant's request for a development permit. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. In addition, notice of said hearing shall be conspicuously posted on the affected tract of land. Fees based on cost shall be paid by the applicant and by persons requesting any notice not required by this ordinance. Adopted fees are cited in Section 1503 of this Ordinance.
- B. The hearings shall be conducted by the board or the board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings, shall be made by the board, but the parties may waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing.
- D. The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The board or hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- H. The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff, memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; 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.
- I. The board or the hearing officer, as the case may be, shall render a written decision, or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendation available to the parties and the parties shall be entitled to make written representations thereon to the board prior to the final decision or entry of findings. Where the board has power to render a decision and the board or the hearing officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
- J. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or decision as hereinabove provided, the municipality shall give public notice of said decision within ten (10) days in the same manner as provided in subsection (A) of this Section. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

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

2. Board's Functions; Appeals from the Zoning Officer- The board shall hear and decide appeals where it is alleged by the appellant that the zoning officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the zoning officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to PA. R.C.P., Sections 1091 to 1098 relating to mandamus.

3. Board's Functions; Challenge to the Validity of any ordinance or Map - The board shall hear challenges to the validity of a zoning ordinance or map except as indicated in Section 1003 and subsection (1)(b) of Section 1004 of the Pennsylvania Municipalities Planning Code - Act 247, as amended. In all such challenges, the board shall take evidence and make a record thereon as provided in this Ordinance for the conduct of hearings. At the conclusion of the hearing, the board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

4. Board's Functions; Variances- The board shall hear requests for Variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The board may grant a Variance provided the following findings are made where relevant in a given case:

- A. that there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
- B. that because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization
- C. of a Variance is therefore necessary to enable the reasonable use of the property;
- D. that such unnecessary hardship has not been created by the appellant;
- E. 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; and

- F. 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. In granting any Variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

5. Board's Function; Special Exceptions - Where the Borough Council in the zoning ordinance, has stated special exceptions to be granted or denied by the board pursuant to express standards and criteria, the board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

6. Unified Appeals- Where the board has jurisdiction over a zoning matter pursuant to Sections 1502-2 through 1502-4, the board shall also hear all appeals an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the board shall have no power to pass on the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 1502. At the conclusion of the hearing, the board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

7. Parties Appellant Before Board - Appeals under Section 1502-2 and proceedings to challenge an ordinance under Section 1502-3 may be filed with the board in writing by any officer or agency of the Borough, or any person aggrieved. Requests for a Variance under Section 1502-4 and for special exception under Section 1502-5 may be filed with the board by any landowner or any tenant with the permission of such landowner.

8. Time Limitations - The time limitations for raising certain issues and filing certain proceedings with the board shall be the following:

- A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the board later than thirty (30) days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- B. No person shall be allowed to file any proceeding with the board later than thirty (30) days after any application for development, preliminary

or final, has been approved by an appropriate borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

9. Stay of Proceedings - Upon filing of any proceeding referred to in Section 1502-7 and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals on petition after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the board. 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.

Section 1503 – Fees The Borough Council shall set and adopt a reasonable schedule of fees and charges as well as collection procedures for permits, Conditional Uses, special exceptions, Variances, amendments and other administrative procedures pertaining to this Ordinance and may prescribe reasonable fees with respect to hearing before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

PART 16 – AMENDMENTS

Section 1601 - Permitted Changes Whenever the public necessity, convenience, or general welfare indicates, the Council of the Borough of Zelenople may, by ordinance in accordance with applicable laws of the State of Pennsylvania, amend, supplement, or change the regulations, restrictions, boundaries or classifications of buildings, structures, and land, as the same are established by this Ordinance, or may hereafter be made a part thereof.

Section 1602 - Applications or petitions for any change or amendments to existing zoning districts in the Borough shall be made to the Secretary of Council. Said applications, fees set forth as per Section 1503 - Fees, or petitions shall include plats, maps and other data that is deemed necessary by the Borough Council and Planning Commission for consideration of the proposed action.

Section 1603 - Amendment by Borough Council The Borough Council may from time to time, on its own motion or petition, after public notice and hearing, amend the regulations and districts herein established, but no amendment shall become effective unless the same shall have first been submitted to the Planning Commission for approval, and said Commission shall have allowed 30 days' time for consideration and report.

Section 1604 – Curative Amendments Any owner of land situated within the Borough may challenge, on substantive grounds, the validity of this chapter or any provision thereof that prohibits or restricts the use of development of land in which he has an interest. Said owner may submit a curative amendment to the Borough Council together with written documentation of the basis for the challenge to the existing ordinance and fees set forth in Section 1303.

Section 1605 - Invalidation of Ordinance Should the Council of the Borough of Zelenople at any time suspect that this Ordinance or any portion thereof is invalid, by failure of its provisions to allow for a legitimate land use or a reasonable quantity of a particular use, it may declare the Ordinance invalid. The invalidation of the Ordinance shall provide the Borough with up to six (6) months immunity. During this time, corrective measures to amend the deficiencies in the Ordinance or to invalidate portions of the Ordinance shall be accomplished. This provision shall not be invoked at intervals of less than thirty-six (36) months.

Section 1606 - Zoning Map Amendments If a proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient along the perimeter of the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one week prior to the date of the hearing.

PART 17 – VALIDITY

Section 1701 – Validity Should any Section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts of or Sections remaining, shall remain in effect as though the part or Sections declared unconstitutional had never been a part thereof.

PART 18 - INTERPRETATION, PURPOSE AND CONFLICT

Section 1801 – Interpretation Purpose and Conflict In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough of Zelenople. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough of Zelenople provided that where this Ordinance imposes a greater restriction upon the use of building or premises or upon the height of a building, or requires larger open spaces than are imposed by other such rules, regulations, or ordinances, the provisions of this Ordinance shall prevail.

PART 17 – REMEDIES

Section 1701 – Remedies

1. If a violation of the Ordinance occurs, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section. 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.

The enforcement notice shall state at least the following:

- A. The name of the owner of record and any other person against whom the Borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

2. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough Council, or with the approval of the Council, an officer of the Borough, or an 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 Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough. No such action may be maintained until such notice has been given.

PART 18 – PENALTIES

Section 1801 - Penalties Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough of Zelienople, pay a judgment of not less than \$50 nor more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

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

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