

Borough of Tarentum
Zoning Ordinance
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ARTICLE I

General Provisions

§ 265-201 TITLE

This ordinance shall be cited as the “Tarentum Borough Zoning Ordinance” or the “Zoning Ordinance,” which shall be deemed to include the “Zoning District Map” as cited in this Chapter.

§ 265-202 STATEMENT OF PURPOSE

This ordinance is adopted and administered for the following purposes:

- A. To promote, protect and facilitate the public health, safety, morals, and the general welfare; coordinated and practical community development; vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, and the provision of a safe, reliable and adequate water supply.
- B. To promote the preservation of the natural, scenic and historic resources in the Borough.
- C. To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- E. To implement the objectives and policies outline in its Comprehensive Plan.

§ 265-203 STATEMENT OF CONSISTENCY AND COMMUNITY DEVELOPMENT OBJECTIVES

This Zoning Ordinance promotes general consistency with the Borough Comprehensive Plan through the following Community Development Objectives:

- A. Facilitate the Redevelopment of the Third Ward and promote compatible infill development in the Borough’s traditional commercial center.
- B. Provide for maintenance, replacement, and connection of the Borough’s sidewalks and pedestrian infrastructure, namely within the commercial centers of the Borough.
- C. Encourage rehabilitation of structures that is consistent with the historic integrity and functionality of the neighborhood in which the structure is located through Traditional Neighborhood Development design standards.
- D. Provide clear standards for nonconforming uses that protect property rights while encouraging long term development and maintenance of compatible uses.
- E. Promote the maintenance and preservation of single family detached housing.
- F. Promote reuse of vacant or abandoned properties in a manner compatible with the surrounding neighborhood and uses.

- G. Encourage development of varied but compatible residential and nonresidential establishments, traditional neighborhood development, and preservation of open spaces corridors within areas of land available for development or redevelopment.

§ 265-204 APPLICATION OF REGULATIONS

- A. No building or land shall, after the effective date of this ordinance, 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, provided also that nonconforming uses, lots, and structures shall be occupied, expanded, or continued in accordance with the standards and processes set forth in this ordinance.
- B. No structure, use, or occupation of land that does not lawfully exist at the time of adoption of this ordinance shall be made legal solely through the adoption of this ordinance or subsequent amendments thereto.

§ 265-205 INTERPRETATION

- A. Where any provisions of this Chapter conflict with other applicable state and federal laws, the stricter shall apply.
- B. This Chapter is not intended to annul or supersede any private easements, covenants, or agreements, except where provisions of this Chapter are more restrictive. The Zoning Officer shall not be responsible for the enforcement of the aforesaid agreements unless the Borough is a party thereof.
- C. The zoning classification of improved and unimproved rights-of-way within the Borough boundaries shall be considered part of the adjacent zoning district. In cases where these areas are bordered by more than one district, the abutting zoning shall extend to the centerline of the subject right-of-way.
- D. Zoning classifications as initially determined, generally follow existing lot boundaries where apparent, as defined by recorded deeds. However, the revision, through subdivision, of current boundary lines does not constitute any revision of zoning district boundaries, which shall retain the boundary of the original lot line, unless an amendment the Zoning Ordinance via the Zoning Map is approved.
- E. In cases where a lot lies within multiple zoning districts, district boundaries traversing the lot shall be determined as lines extending from points originating at apparent known points on adjoining lot lines.
- F. Borough land incorporated by the annexation process after adopted of this ordinance shall be zoned as R-1 until or unless the Zoning Map is amended to indicate zoning of the property as another district set forth in this ordinance.
- G. In interpreting the language of this ordinance to determine the extent of the restriction upon the use of property in the Borough, the language shall be interpreted, where doubt

exists as to the intended meaning of the language written and enacted by the Borough, in favor of the property owner and against any implied extension of the restriction.

ARTICLE II

Terminology

§ 265-201 LANGUAGE INTERPRETATION

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural and the plural shall include the singular.
- C. The word "person" includes a corporation, company, partnership, or association as well as an individual.
- D. The word "lot" includes the word plot or parcel.
- E. The term "shall" is always mandatory.
- F. The word "may" is permissive.
- G. 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.
- H. The word "building" includes the word "structure."
- I. The word "erected" shall include the word constructed. The word "moved" shall include the word "relocated."
- J. An establishment which includes activities defined as an "adult use" by this Article shall be entirely classified as an adult use as a principal use, subject to all standards, limitations, and requirements imposed on adult uses by this ordinance.
- K. Where a particular definition of a use or establishment is set forth under Section 265-203 of this ordinance, Use Definitions, it shall be interpreted to be excluded from any use that is more generally or generically defined in said Section.

§ 265-202 GENERAL DEFINITIONS

The following terms shall have the following meanings when used within this ordinance, unless otherwise specified in this ordinance.

ACCESS DRIVES – Privately owned driveways that serve one or more retail, personal service, office, or industrial uses; or that serve development including townhouses, multifamily dwellings, or more than four dwelling units; or drives serving mobilehome lots in mobilehome parks or uses in a Major Traditional Neighborhood Development.

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

ACTIVE OPEN SPACE - Land legally accessible to residents or patrons of a Traditional Neighborhood Development that is improved for active use for authorized entertainment events, trails, recreational fields, courts, and playgrounds.

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

ANIMATED SIGN - Any sign that uses movement or change of lighting to depict action or create a special effect or scene. The term "animated sign" expressly includes multi-color electronic message center signs, video screens, television screens, plasma screens and holographic displays, but does not include single-color electronic message center signs.

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.

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

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

AWNING - A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

BASE ZONING DISTRICT - Exclusive zoning districts or classifications depicted on the Zoning Map where application of provisions is uniform for each class of uses or structures, within each such district except where modified by an Overlay Zoning District.

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.

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.

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.

BOX SIGN (ALSO KNOWN AS CABINET SIGNS) - A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.

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

BUILDING FAÇADE - The wall or walls of a building, the extensions of which intersect the front lot line at an interior angle of less than 135 degrees.

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.

BUILDING OF HISTORIC SIGNIFICANCE - any structure designated as a historic landmark by the Pennsylvania Historical Commission or any structure over 50 years old that is deemed as such by Borough Council via a study or studies commissioned by the Borough in conjunction with conditional use, planned residential development or traditional neighborhood development review processes and based upon specific criteria as set forth in this ordinance.

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.

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

CANOPY - A roof like structure typically permanent in construction that covers a doorway or entryway that extends from and is supported by the building. A canopy may include a freestanding or projecting cover above an outdoor service area, such as an automobile service station.

CHANGEABLE COPY SIGN, 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.

CHANNEL LETTER - A fabricated or formed three-dimensional letter, number or symbol.

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.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within a development site designed and intended for the use and enjoyment of the

residents of a planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements in the development plan as finally approved and are appropriate to the recreation.

CONDITIONAL USE – A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code.

CONSTRUCTION COSTS - Costs as determined by the Borough Engineer including labor and material costs based on prevailing wage rates and material costs.

CONSTRUCTION SIGN - Any sign identifying individuals or companies involved in design, construction, demolition, financing, or development when placed upon the premises where construction or development is ongoing.

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

DIRECTIONAL SIGN - A sign used to convey directions and other information for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are signs on private property designed to direct pedestrians or vehicular traffic, such as “entrance” or “exit.”

DIRECTORY SIGN - A wall or freestanding sign on a multi-tenant development site that is used to convey directions or tenant information to pedestrians and motorists who have entered the site.

DISTINCTIVE MATERIALS/DESIGN SIGN - Custom-made signs that use only indirect lighting and do not include a raceway or visible electrical housing and that are constructed primarily of the following materials and methods:

1. ceramic tile—painted or sandblasted;
2. wood—carved or sandblasted;
3. metal—formed, etched, cast, or engraved;
4. brick or stone with recessed or raised lettering.

ELECTRONIC MESSAGE CENTER - A sign or component of a sign that uses changing lights of a single color, consisting of a red or amber hue, to form a message or series of messages that are electronically programmed or modified by electronic processes.

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

FAMILY - One or more persons related by blood, marriage, adoption or foster care, or a group of not more than five unrelated individuals living together in a manner similar to persons related by blood, marriage, adoption or foster care, who maintain and occupy one dwelling, including individuals with handicaps that are defined and protected by the Fair Housing Act of 1998 or its successor legislation who live in one dwelling properly licensed and operated by a nonprofit entity. The preceding number of unrelated persons shall be in addition to caregivers of an individual or individuals residing within a dwelling, gratuitous guests, or domestic servants

provided that the primary purpose of residence is as caregivers or servants and that gratuitous guests reside in the dwelling on a temporary basis. However, in no instance shall a family include transient residents other than gratuitous guests.

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.

FLASHING SIGN - Any illuminated sign that contains an intermittent or flashing light source or that changes light intensity in sudden transitory bursts.

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.

FREESTANDING SIGN - Any sign on a frame, pole or other support structure that is not attached to any building, excluding monument signs.

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

GROSS FLOOR AREA - The sum of the gross horizontal area of the several floors of a building, measured between the exterior faces of walls.

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

IMMINENT DEVELOPMENT - Construction of principal structure where associated land development, land development applications or building permit applications are filed within eighteen months of a particular point in time as established by reference in this ordinance including but not limited to application for a Traditional Neighborhood Development or conditional use.

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.

INDIRECT LIGHTING - Illumination from a light source not contained within a sign or awning, or halo or silhouette lighting that is not visible or exposed on the face of the sign.

INFILL – The development of new residential or nonresidential uses on scattered, vacant sites in a built-up area.

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

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

LOT AREA- The area of a lot calculated within the lot lines, excluding areas that lie within streets.

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

LOT FRONTAGE - the length of one front lot line measured in feet.

LOT FRONTAGE or FRONTAGE - the length of one front lot line measured in feet.

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 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.

LOT, CORNER - A lot at the junction of and having frontage on two or more intersecting streets, excepting double frontage lots.

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.

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.

LOW LEVEL PLANTING OR SHRUB - Consists of shrubs and similar plant species that are greater than 2 feet in height at planting.

MEDIATION – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MENU BOARD SIGN - A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.

MOBILEHOME - 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.

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MONUMENT SIGN - A freestanding sign where the base of the sign structure is on the ground or no more than 12 inches above the ground adjacent to the sign. Typically constructed of brick, wood, stone, or metal, monument signs have a base that is at least 80% of the width of the top of the sign structure.

NAICS CODE - The North American Industrial Classification Code, 2007, as published by the White House Office of Management and Budget, that includes classification codes and definitions by establishment.

NET SITE AREA - The site area after deducting planned street rights of way, environmentally sensitive areas, and land area required for nonresidential uses.

NOISE LEVEL - airborne sound levels expressed in dB or decibel and obtained by the use of certain frequency-dependent weighting networks, as specified in the reference standards and indicated by proper notation; where A-weighting is employed, and the sound level is indicated as dB(A).

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

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

NONCONFORMING USE - A use, whether of land or of a structure, that does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of 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.

NUISANCE - A use, structure or activity of personal property which creates a danger to the health, safety and welfare of persons in the immediate environment.

OBSOLETE SIGN - A sign which serves to draw attention to or commercially advertise for an establishment which is no longer actively operating and which has not actively operated for a period of more than 180 days.

OFFICE PARK - A group of commercial establishments, primarily comprised of professional offices, warehousing and distribution, manufacturing facilities, which is planned, developed, owned and managed as a unit related in its location, size, including independently owned and managed outparcels which are accessed solely through the access drive or drives serving the core of the center, which includes less than 20,000 square feet of exclusively retail uses, including but not limited to restaurants, small professional offices, and commercial schools, and indoor commercial recreation establishments

OUTPARCEL - A parcel of land, located on the perimeter of a shopping center that is subordinate to the larger parcel for access, parking and drainage purposes.

OVERLAY ZONING DISTRICT - A zoning district classification, the extents of which are described in the Zoning Ordinance and/or depicted on the Zoning Map, that modifies the standards of the Base Zoning District within but not limited to areas of relatively steep slope or grade, floodplains, transitional areas, the Allegheny River, areas where innovation and the promotion of flexibility, economy and ingenuity are encouraged, and areas surrounding and including public buildings and public grounds.

PASSIVE OPEN SPACE - Open space preserved in perpetuity with limited disturbance permitted to vegetation and slopes thereon. Limited disturbance may include timber harvesting according to accepted silvicultural practices for purposes of maintaining a healthy forest, replanting and revegetation, and installation of storm water best management practices.

PIN-MOUNTED CHANNEL LETTER SIGN - A wall sign mounted directly on the face of a building wall as individual letters, numbers, or symbols without a raceway or background other than the background provided by the building to which the sign is affixed. In order to qualify for the sign area ratios established for pin-mounted channel letter signs, pin-mounted channel letter signs must not be illuminated or be illuminated only by indirect lighting, halo lighting, or silhouette lighting. Pin-mounted channel letter signs with other forms of illumination are subject to raceway-mounted channel letter sign area ratios.

PLANNING COMMISSION - The Planning Commission of Tarentum Borough as established by ordinance of the Borough with membership duly appointed by Tarentum Borough Council.

PORCH - An open roofed or enclosed exterior appendage to a main or accessory structure, projecting from the front, side, or rear walls of the structure. For purposes of this chapter, porches shall include structures and home additions commonly referred to as sun porches, sunrooms, decks, and similar structures or construction, excluding stoops or slabs that extend less than an additional four feet beyond the structure of the porch.

PORTABLE SIGN - Any sign not permanently attached to the ground, a building or other structure that is not readily movable. Any sign attached to a sign structure that has wheels will be considered a portable sign, as well as any sign attached to a frame or other sign structure that is not permanently attached to the ground or a building.

PROJECTING SIGN - Any sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than 18 inches.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Borough Council, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code. Editor's Note: See 53 P.S. § 10101 et seq.

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act." Editor's Note: See 65 P.S. § 271 et seq.

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

RACEWAY - A mounting bar or similar device that is used to attach channel letters to a building. Raceways often conceal the electrical components of channel letter signs.

RACEWAY-MOUNTED CHANNEL LETTER SIGNS - A wall sign mounted on a raceway as individual letters, numbers, or symbols. Also includes channel letter signs mounted on a background other than the building wall. In order to qualify as a raceway-mounted channel letter sign, the raceway must be painted or otherwise designed to match or blend in with the color of the wall to which it is attached.

ROOF SIGN - Any sign erected, constructed, and maintained above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof.

SCREENED BOX SIGNS WITH RAISED (PUSH-THROUGH) OR RECESSED LETTERS - A box sign with opaque (screened) background and lighting that highlights only the individual letters, symbols, or logos and on which the letters, symbols, or logos are raised or recessed onto a different plane than the sign background, thereby giving a clearly distinguishable "dimensional" effect to the sign.

SHADE TREE - Consists of trees of a deciduous nature with a minimum height of 6 feet at planting and a caliper of 1½ inches at planting which will bear an ultimate height exceeding 25 feet.

SHOPPING CENTER - A group of commercial establishments which is planned, developed, owned and managed as a unit related in its location, size, including independently owned and managed outparcels which are accessed solely through the access drive or drives serving the core of the center, which includes at least 20,000 square feet of exclusively retail uses, including but not limited to restaurants, small professional offices, and commercial schools, and indoor commercial recreation establishments.

SIGN - For purposes of this Chapter, a sign shall be considered as any writing (including letter, word, or numeral); pictorial representation (including illustration or 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 AREA - The area, in square feet, the calculation of which is set forth in this Article.

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.

SITE AREA - The entire area of land involved in a TND, including open space, proposed street rights of way, public lands, and proposed lots.

STAND-ALONE LOT - A lot bearing principal nonresidential uses that lies outside of an office park or shopping center.

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, excluding manmade slopes designed and constructed in accordance with all applicable ordinances and laws.

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.

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

TEMPORARY OUTDOOR ACTIVITY - Any activity conducted outdoors or within or about tents or other such contrivances within any special, commercial or residential districts in the municipality, including but not limited to carnivals, outdoor displays of merchandise, vehicles or manufactured products, promotions, amusements, gatherings of people and similar activities. (All "temporary outdoor activity" shall be considered temporary uses.)

TEMPORARY SIGN - Any sign, banner, pennant, valance, or advertising display that by intent is not permanent, constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

TEMPORARY STRUCTURE - Any structure without a permanent foundation or footings which is intended to be removed after expiration of a designated time period authorized for its installation.

TEMPORARY USE - Any activity of limited duration, other than a household garage sale, established for a period of at least one (1) day, or portion thereof, and for no more than twenty one (21) days, with the intent to discontinue the use after the expiration of that time period, whether or not a temporary structure is required.

TRADITIONAL LOT - Any nonconforming lot bearing 10,000 square feet or less of lot area or any such lot as authorized in the respective zoning district through the cluster option as set forth in Section 265-503, Cluster Option Model.

UNDERSTORY TREE - Trees at least 4 feet in height at planting, with a minimum caliper of 1½ inches, the ultimate height of which will not exceed 25 feet.

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 Tarentum Borough Council after recommendation by the Tarentum 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.

WALL SIGN - A single-faced sign attached generally flush or parallel to the wall of a building.

WINDOW SIGN - A sign posted, painted, placed, or affixed in or on the interior side of a window and exposed to public view. A sign that is interior to the building that faces a window exposed to public view that is located within 2 feet of the window face is a window sign for the purposes of calculating the total area of all window signs. Merchandise used in a window display will not be considered a window sign.

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, the depth of which is the least distance between the front lot line and the corresponding building line.

YARD, REAR - A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the corresponding building line.

YARD, SIDE - A yard located in the least distance between the side lot line and the corresponding building line, bounded by front yard, or from the front lot line where no front yard is required, to the rear yard.

ZONING HEARING BOARD or BOARD - The Zoning Hearing Board of Tarentum Borough, appointed by resolution in accordance with the procedures set forth in this ordinance.

ZONING MAP - The map adopted as part of this ordinance and amended by ordinance of the Borough in accordance with all applicable procedures which sets forth the boundaries of the zoning districts established by this ordinance in relation to property lines, rights of way, and natural features indicated thereon.

§ 265-203 USE DEFINITIONS

The following terms consist of uses of particular establishments as authorized and regulated throughout this ordinance within but not limited to the authorized uses within particular zoning districts, parking, and signage.

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.

ANIMAL HOSPITAL/CLINIC - A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use not including outdoor runs, pens and/or cages. The definition shall also include veterinary clinics.

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 USES - Adult uses shall include any one or more of the following establishments where any such activity whether or not accessory to a principal use otherwise defined herein shall render the establishment an adult use: (See Section 265-502)

ADULT BOOKSTORE— Any commercial establishment in which is offered for sale any book or publication, film or medium which depicts nudity or sexual conduct.

ADULT BUSINESS — An adult bookstore, movie theater, VCR, digital, or other electronic or recording device medium movie, movie rental or movie house or other adult entertainment, as defined herein. In the event that a use includes activities which constitute an adult bookstore, adult movie theater or movie house or adult entertainment, as defined herein, then such use shall be considered an adult business and shall be subject to all provisions in this chapter applicable to adult business uses, even if such activities are not the only activities conducted upon the premises.

ADULT ENTERTAINMENT— An establishment providing, either as a sole use in conjunction with or in addition to other uses, entertainment consisting of the use of live dancing, posing, displaying, acting or other live presentation or use of persons whose actions are distinguished or characterized by emphasis on use of the human body in a manner intended to or resulting in arousal of sexual excitation or sexual titillation or a prurient interest or intended to or resulting in producing lustful emotions.

ADULT MOVIE THEATER OR MOVIE HOUSE (INCLUDING ADULT MINI-THEATERS) — Any movie theater which on a regular continuing basis shows films rated "X" by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct, as defined by this chapter.

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 agency, excluding amateur radio antennas as accessory uses.

ASSEMBLY HALL, PUBLIC OR SEMI-PUBLIC — A room, hall or building used for lectures, tours, 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.

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

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

BANQUET HALL - A premises where food is prepared for direct onsite consumption by individuals or groups of people and their respective guests who rent the facility for specific events, conventions, celebrations, dances, or similar gatherings and/or including catering for offsite events.

BAR/TAVERN - An establishment which sells alcoholic beverages for consumption on the premises as the principal use and offers food for consumption on the premises as an accessory use.

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.

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.

COMMERCIAL KENNEL - A facility for the boarding of small 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.

CONVENIENCE STORE - A retail establishment that sells limited food, common households items, and convenience goods in addition to gasoline sales.

DAY CARE CENTER - A State-certified facility licensed to provide care to seven or more children for a period of less than 24 hours in a day.

DRIVE-THROUGH FACILITY - An establishment, whether of a principal or accessory use, that by design, physical facilities, service, or by packaging encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

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, 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.

ENTERTAINMENT RECREATION FACILITIES, INDOOR - 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 nonresidential 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.

FAMILY DAY CARE HOME - A home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

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.

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, including grocery and convenience stores that do not sell gasoline, excluding retail supercenters.

GREENHOUSE, RETAIL - A glass-enclosed building or area of land devoted to the cultivation and sale of plant materials and the products which aid their growth and care, excluding sale of fruits and vegetables for direct retail or wholesale consumption or sale.

GROCERY STORE - A retail store which contains 10,000 square feet or less of gross floor area and whose primary activities involve the retail sales of beverages, confections, drugs, unpackaged and packaged food, unprepared and prepared food, magazines, tobacco and other household staples, which may or may not include a deli as an accessory use.

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 provide services for individuals not in need of hospitalization or incarceration, but who because of age, convalescence, infirmity, disability or related circumstance require such services, including shelters for battered persons and their children, and maternity homes.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which may render inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital may include operating facilities, a cafeteria or restaurant, medically related heliports, optical facilities and shops for pharmaceutical supplies, gifts, books, magazines, toiletries, flowers, candy or similar items, provided such uses are primarily for the benefit of patients, staff and visitors and are located so as not normally to attract other retail customers and in accordance with the standards of this chapter; or an outpatient clinic as defined in this section.

HOTEL or MOTEL - An establishment offering transient lodging accommodations at a daily rate to paying guests; the facility may also provide additional services, such as restaurants, meeting rooms, and recreational facilities, all of which are available to paying guests only.

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.

LOCAL PUBLIC USE Building structures and land owned and occupied by Tarentum Borough, the Highlands 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, excepting bus garages.

MEDICAL OFFICES - Offices of recognized and licensed medical and mental health professionals such as doctors, chiropractors, psychologists, social workers, and psychiatrists.

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.

MOBILEHOME PARKS - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

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. The business or commercial activity must satisfy 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.

NURSERY SCHOOLS - A preschool or nursery school licensed to educate preschool students by the Pennsylvania Department of Education.

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, and amphitheaters.

OUTPATIENT CLINIC - any clinic, primarily intended for the treatment of those who typically do not reside within the establishment including but not limited to the following services provided for less than a 24 hour per day period:

1. Dialysis services.
2. Physical rehabilitation.
3. 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.
4. Methadone Clinic or Methadone Treatment Facility- A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.
5. 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.

PERSONAL CARE HOME - A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility (as defined and regulated by State law) , but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

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.

PHARMACY - Retail establishments that primarily sell prescription and nonprescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationery, personal care products, limited food products and general merchandise.

RETAIL SUPERCENTER - Any retail establishment, supermarket, or home center as classified under 2007 North American Industrial Classification Code 444110, Home Centers, that encompasses more than 90,000 square feet of gross floor area, including outside display or storage of merchandise as may be authorized by this article.

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.

SIMILAR USES, UNDEFINED - Any use, not otherwise specifically defined within this ordinance, which is determined by Borough Council through approval of a conditional use with applicable conditions to be similar to uses defined in this section and authorized within a respective zoning district, in accordance with specific criteria set forth in this Chapter.

SUPERMARKET - A grocery store that contains more than ten thousand (10,000) square feet of gross floor area.

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.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND), INFILL MODEL - Any TND that proposes a combination of two or more of the following activities within the zoning district in which the TND is authorized:

1. Construction or renovation of a building exceeding 1,000 square feet of gross floor area.
2. Expansion of an existing building by 50% of gross floor area or more.
3. Construction of a new parking lot.

4. Expansion of an existing parking lot by more than 25% of existing parking spaces.
5. Demolition of an existing building.

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.

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

ARTICLE III

Bulk Regulations

§ 265-301 BULK REGULATIONS

- A. Principal Uses. Within the R-1 and R-2 Districts, one principal use is authorized per lot unless otherwise expressly authorized within this Chapter provided that where townhouse and duplex dwellings are authorized, such may be considered as one principal use for purposes of the preceding limitation of principal uses. Multiple nonresidential principal uses within the CC Commercial Center, RFO Riverfront Overlay and RRO Rural Resource Districts shall be authorized to the extent that all other standards of this Chapter are met.
- B. Access to Lots. Notwithstanding stricter provision of this Chapter, no lot shall be created nor any principal use constructed, operated, or housed on any lot unless there is direct access to it through a recorded right-of-way or easement for ingress and egress on the same lot. Such open space shall extend from the lot to a public street or highway, or to a private street or highway and shall bear a cartway so constructed and maintained to a mud-free and permanently passable condition allowing vehicular access. For the purpose of this Section, an alley or street expressly designed and functioning as an alley shall not constitute a public street or highway.
- C. Noise. No establishment, excepting Borough and school district activities, as part of its regular operations, shall exceed the noise levels as measured at the property lines of the parcel upon which the establishment is operated in the following manners:
- (1) The sound level at any one point in time exceeds 90 decibels.
 - (2) The sound exceeds any of the established limits in Item (3) by a measured sound level of 10 dB(A) for a cumulative total of 1 minute or more out of any 10-minute period.
 - (3) The sound exceeds any 75 decibels continually for a period of 5 minutes, or a total of 5 minutes out of any 10 minutes.
- D. Projections into Required Yards.
- (1) No principal building, and no part of a principal building, shall be erected within or shall project into the required front, side or rear yard of a lot, except cornices, eaves and gutters. Steps and stoops, chimneys, and bay windows are permitted to project into yard areas provided that the projection is not more than twenty-four (24) inches. Porches may encroach up to eight feet into a required front yard setback.
 - (2) Corner Lots. On corner lots, the yard abutting the street on the longer dimension may be reduced by an amount not to exceed fifty (50) percent of the required front yard, but shall otherwise be recognized as a front yard for purposes of this Chapter. The remaining yards may be applied as side yards.

- (3) Platforms, etc. - terraces, uncovered porches, patios, platforms, and ornamental features that do not extend more than four (4) 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 and five feet from front and rear lot lines.
- (4) Accessory Structures.
- (a) Any accessory structure which is attached to a principal structure shall be subject to the same application of yard standards and exceptions as applied to the principal structure.
 - (b) Accessory Building Location - accessory buildings which are not part of a principal structure shall be erected so as to conform to all of the dimensional and yard requirements specified for the district in which it is located. Accessory structures that cover less than 800 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.
- (5) Fences - Fences may encroach into required yards as established by minimum setbacks provided that the fence(s) 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) 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.
 - (c) 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) Where any nonresidential use is authorized as a conditional use and such approval is sought by an applicant, Council may approve the encroachment of a fence higher than the maximum heights authorized to encroach into particular yards with the criteria that the height of the fence is the minimum required to provide security, safety, and/or visual screening of products or materials authorized to be stored onsite and integral to the functioning of the use authorized. The preceding shall be authorized as a special exception subject to the same criteria where the principal use is existing or authorized as a permitted use by right.

- E. Height Regulations. No structure shall exceed the maximum height regulations imposed by this Chapter with respect to each Zoning District or provision otherwise imposing greater or lesser height maximums, except as follows. Spires, belfries, cupolas, or domes not used for human occupancy, chimneys, ventilators, skylights, silos, and ornamental or necessary mechanical appurtenances may exceed the maximum height requirements imposed by a respective district by fifteen feet.
- F. Commercial Vehicles
- (1) 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 Tarentum. Such vehicles shall not be permitted on properties within the R-1 and R-2 Districts, unless within an authorized commercial establishment bears a loading space used for deliveries where the vehicle is only on the property at such times.
 - (2) 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 Tarentum.
 - (3) Commercial vehicles and those cited under Item (2) shall not be parked in the front yard of any parcel within the R-1 and R-2 Districts.
- G. Accessory Uses. 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.
- (1) In R-1 and R-2 Residential Zones or uses (All Zones)
 - (a) Children's playhouse, domestic gardens, garden house, private (noncommercial) greenhouse;
 - (b) Garage, shed or building for domestic storage; 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 265-301F Commercial Vehicles.
 - (c) 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.)
 - (d) 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.
 - (2) Uses accessory to nonresidential principal uses.
 - (a) 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 unless otherwise provided for as a temporary use in this Chapter. However, storage of such merchandise shall be housed within an completely enclosed building or screened in accordance with the requirements of this Chapter.

- (b) Where principal use is authorized, 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.
 - (3) 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.
 - (4) No Impact Home Based Businesses shall be permitted as an accessory use to any residential dwelling unit.
 - (5) Amateur Radio Antenna Structures - Amateur Radio Antennas shall further be authorized in all zoning districts with the exception of the CC Commercial Center District for purposes of protecting the historic integrity of the neighborhoods comprising the district. The following shall apply to amateur radio antennas:
 - (a) The antenna shall not exceed 65 feet in height.
 - (b) Evergreen tree species that will ultimately grow to a height comparable to the height of the proposed antenna shall be planted along the property line that lies along the yard in which the antenna is constructed.
 - (c) The antenna shall be set back at least 50% of its height as measured vertically from mean ground level from all lot lines.
 - (d) No antenna shall be erected in the front yard of a lot.
- H. Modified Yard Depth. The following yard depth shall be maintained from adjoining district boundaries of the district noted where a portion or the entirety of a lot located within the adjoining district bears one or more residential dwelling units. Landscaping and buffering otherwise required by this Chapter may be installed within said area. Each category sited shall be exclusive of and shall not include the buildings or uses of the preceding.

Depth	Use Types
20 Feet	Parking Areas, Storage, Access Drives, and drive-through lanes where permitted.
40 Feet	Local Public Uses, Churches, Daycare, Funeral Homes; and structures housing one or more of any other nonresidential principal use where said structure bears 8,000 or less square feet of gross floor area.
70 Feet	Buildings housing one or more uses other than Local Public Uses, Churches, Daycare, Funeral Homes that exceed 8,000 square feet of gross floor area.

- I. Construction in Areas of Steep Slopes. No greater than 25% of lot area which is comprised of steep slope shall be disturbed for purposes of grading, installation of structures, or clear cutting of forests except for forestry, as defined in this Chapter. Upon initial evaluation using the most recent topography available through the USGS, Pennsylvania Department of Conservation and Natural Resources PAMAP Program, or other standardized and reliable resource, the Zoning Officer may require submission of topography necessary to verify compliance with the foregoing performance standard.
- J. Forestry shall be authorized as a permitted use in all Zoning Districts.
- K. All lands, lots, and rights-of-way within the Borough shall be subject to the Parking, Signage, and Supplemental standards set forth in this Chapter. Unless otherwise stated, said standards shall apply equally to all Zoning Districts within the Borough.

ARTICLE IV

District Regulations

§ 265-401 AUTHORIZATION OF DISTRICTS

The following Base Zoning Districts are authorized by this Chapter and shall be depicted on the Zoning Map.

- A. Commercial Center, CC.
- B. Highway Commercial and Manufacturing District, HC-M
- C. Mixed Density Residential District, R-2.
- D. Single Family Residential District, R-1
- E. Public District, P-1.
- F. Roadway Commercial District, RC.

The following Overlay Zoning Districts are authorized in this Chapter and shall be depicted on the Zoning Map.

- A. RFO Riverfront Overlay.
- B. Floodplain District as depicted on the most current Flood Insurance Rate Maps as defined herein.

§ 265-402 COMMERCIAL CENTER, CC

- A. Purpose. The purpose of the CC District is to promote the character and vitality of Tarentum's traditional downtown through preservation of existing structures and development and redevelopment of commercial and residential structures and uses.
- B. Traditional Neighborhood Development. Where any construction or improvement of structures in the CC Commercial Center District constitutes a Traditional Neighborhood Development (TND) as defined in Article II of this Chapter, the construction or improvement shall meet the standards and require approval in accordance with the Article VI of this Chapter. In addition, to the extent possible, construction or improvement should meet the guidelines prepared by the Pittsburgh History and Landmarks Foundation, attached as an appendix to this Ordinance.
- C. Permitted Uses. The following uses shall be authorized within the CC District subject to the performance standards of this Article.
 - (1) Administrative And Professional Offices
 - (2) Adult Day Services Center
 - (3) Animal Hospital/Clinic

- (4) Assembly Hall, Public Or Semi-Public
- (5) Bank
- (6) Banquet Hall
- (7) Bar/Tavern
- (8) Bed And Breakfast
- (9) Cemetery
- (10) Church
- (11) Day Care Center
- (12) Entertainment Recreation Facilities, Indoor
- (13) Essential Services and Facilities
- (14) Family Day Care Home
- (15) Funeral Home
- (16) General and Specialty Retail
- (17) Group Residential Facility
- (18) Local Public Use
- (19) Minor Equipment And Automotive Repairs
- (20) Nursery Schools
- (21) Personal Care Home
- (22) Personal and Professional Services
- (23) Pharmacy
- (24) Restaurant
- (25) School, Commercial or Private
- (26) Traditional Neighborhood Developments
- (27) Dwelling Units, Single Family and Duplex
- (28) Mixed Use Structures with Residential Uses Above the First Floor

D. Conditional Uses. See Section 265-502

- (1) Drive-Through Facilities
- (2) Hospitals or Clinics
- (3) Industrial Uses

E. Basic Dimensional Standards. The following standards may be modified through the performance standards of the Traditional Neighborhood Development approval processes outlined in Articles VI and VII of this Chapter.

- (1) Minimum Front Yard: 0 Feet
- (2) Build-to Line: One quarter of lot width to zero feet unless otherwise specified in a Design Manual if adopted by the Borough.
- (3) Minimum Side Yard: 0 Feet
- (4) Minimum Rear Yard: 40 Feet
- (5) Maximum Lot Coverage: 80 Percent
- (6) Maximum Impervious Surface Coverage: 85 Percent
- (7) Maximum Building Height: 45 feet or three stories, whichever is less.

F. Design Standards. The following shall apply to Traditional Neighborhood Developments as authorized in this Section.

- (1) 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.
 - (a) 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.
 - (b) Offset in the building of at least one foot.
 - (c) The above variations shall occur not more than once every twenty lineal feet.
- (2) Flat roofs, those without any pitched form, shall include a parapet on the front concealing the roof.
- (3) At least three of the following shall be incorporated into any building proposed.
 - (a) Pitched or mansard roof form.
 - (b) Cornices or roof overhangs.
 - (c) Pilasters, stringcourses, or similar means of dividing the floors of a structure.
 - (d) At least two stories in the building.
 - (e) Clear window including a display area.
- (4) 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:

- (a) Two stories, 40 to 60 percent of the total required on each story.
 - (b) Three Stories 24 to 36 percent of the total required on each story.
- (5) Drive through facilities shall be limited to one per block.
 - (6) Parking lots and access drives that access or lie within 50 feet of a particular street shall be limited to two per block of said street, separated by distances as may be required by Borough ordinances. The access to such parking 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 access 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 sight 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.
 - (7) All buildings shall include a pedestrian 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.
 - (8) Loading and garage access shall occur from and be oriented to an alley, where frontage of a lot is borne on an alley as of the adoption date of this ordinance.
 - (9) Dwelling units shall not be located on the first story of structures within the **CC** District unless permitted through conversion of single family homes. Each dwelling unit shall bear a minimum of 800 square feet of gross floor area.
 - (10) Buildings may set back up to twelve feet from the required 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.
 - (11) New buildings on corner lots shall have two (2) facades.

§ 265-403 HC-M, HIGHWAY COMMERCIAL AND MANUFACTURING DISTRICT

- A. Purpose. The HC-M District aims to encourage development and redevelopment of highway oriented retail and commercial uses near or with access to corridors of

the Borough where land and corridor type may reasonably accommodate these uses and related vehicular and truck traffic. Within these areas of the Borough, the District also aims to provide for comparatively large scale manufacturing and industrial uses that meet the performance standards of this Chapter.

B. Permitted Uses. The following uses shall be authorized as permitted uses within the HC-M District:

- (1) Administrative And Professional Offices
- (2) Adult Day Services Center
- (3) Animal Hospital/Clinic
- (4) Assembly Hall, Public Or Semi-Public
- (5) Bank
- (6) Banquet Hall
- (7) Bar/Tavern
- (8) Bed And Breakfast
- (9) Day Care Center
- (10) Entertainment Recreation Facilities, Indoor
- (11) Essential Service
- (12) Essential Service Buildings
- (13) Funeral Home
- (14) General Retail
- (15) Group Residential Facility
- (16) Local Public Use
- (17) Minor Equipment And Automotive Repairs
- (18) Nursery Schools
- (19) Personal Care Home
- (20) Personal Service Establishment
- (21) Pharmacy
- (22) Restaurant
- (23) School, Commercial
- (24) School, Private
- (25) Drive Through Facilities
- (26) Industrial Uses

C. Conditional Uses. See Section 265-502

- (1) Automotive Sales And Leasing
- (2) Car Wash
- (3) Commercial Kennel
- (4) Hospital
- (5) Service Station
- (6) Adult Uses – Also see Ordinance #95-3.

D. Basic Dimensional Standards.

- (1) Minimum Front Yard: 35 Feet
- (2) Minimum Front Yard for Industrial Uses: 75 Feet from front lot line adjoining West Seventh Avenue.
- (3) Minimum Side Yard: 20 Feet
- (4) Minimum Rear Yard: 30 Feet
- (5) Maximum Lot Coverage: 75 Percent
- (6) Maximum Impervious Surface Coverage: 85 Percent
- (7) Maximum Building Height: 45 feet or three stories, whichever is less.

§ 265-404 R-2 MIXED DENSITY RESIDENTIAL DISTRICT

A. Purpose. The R-2 District aims to preserve the character of the Borough's traditional residential neighborhoods which have historically been comprised of single family detached dwelling units on small lots.

B. Permitted Uses. The following uses shall be authorized as permitted uses within the R-2 District:

- (1) Single Family Dwelling
- (2) Traditional Neighborhood Development
- (3) Essential Services.

C. Conditional Uses. See Section 265-502.

- (1) Duplex Dwelling
- (2) Local Public Uses
- (3) Essential Service Buildings
- (4) Neighborhood Park or Community Center
- (5) Church
- (6) Day Care Center

(7) Adult Day Care Services Center

(8) Funeral Homes

D. Basic Dimensional Standards.

(1) Minimum Front Yard: The depth of the determined Build-to Line.

(2) Build-to Line: One quarter of lot width to fifteen feet unless otherwise specified in a Design Manual if adopted by the Borough.

(3) Minimum Side Yard: 12 Feet Total between both yards with two feet minimum on each side yard.

(4) Minimum Rear Yard: 25 Feet

(5) Maximum Lot Coverage: 80 Percent

(6) Maximum Impervious Surface Coverage: 85 Percent

(7) Maximum Building Height: 40 feet or two and one half stories, whichever is less.

(8) Minimum Lot Area: 5,000 square feet.

E. Design Standards. The following improvements and standards shall be constructed or adhered to where all new principal structures are proposed or where single family detached structures are converted to other uses authorized.

(1) Exterior building renovations and additions as well as new buildings shall be constructed in a manner that meets the District Performance Standards as set forth in Section 265-1104 and as applied to the building façade.

(2) Parking lot expansions and new parking lots shall meet the standards of Article VIII of this Ordinance and shall include screening in accordance with Section 265-901 of this ordinance.

(3) If not existing, a sidewalk or pedestrian connection from the entrance to the sidewalk shall be provided.

(4) If not existing, a sidewalk meeting Borough standards, constructed within the adjoining street right of way and spanning the frontage of the lot on which a traditional neighborhood development is proposed shall be constructed.

(5) Street trees, where specified shall be installed.

F. Demolition of Structures. No building of historic significance shall be demolished unless the applicant has demonstrated that the building is in disrepair and is in an immediately unsafe condition, thereby warranting condemnation by the Borough Building Code Official through the Pennsylvania Uniform Construction Code and applicable Borough ordinances.

§ 265-405 R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

- A. Purpose. R-1, Single Family Residential District is intended to promote limited, primarily residential, development in areas that now consist of natural open spaces, including areas of steep slopes and portions of the Borough's riverfront.
- B. Permitted Uses. The following uses shall be authorized as permitted uses within the R-1 District:
 - (1) Single Family Dwelling
- C. Conditional Uses. See Section 265-502.
 - (1) Cluster Development
 - (2) Retail Greenhouse
 - (3) Churches
 - (4) Local Public Use
 - (5) Day Care Center
 - (6) Nursery School
- D. Basic Dimensional Standards.
 - (1) Minimum Front Yard: 50 Feet
 - (2) Minimum Side Yard: 25 Feet
 - (3) Minimum Rear Yard: 30 Feet
 - (4) Maximum Lot Coverage: 40 Percent
 - (5) Maximum Impervious Surface Coverage: 60 Percent
 - (6) Minimum Lot Area: 20,000 square feet
 - (7) Minimum Lot Width: 100 feet
- E. Dimensional Standards for Traditional Lots. Traditional lots shall be subject to the following standards which shall prevail over the Basic Dimensional Standards.
 - (1) Minimum Front Yard: 30 Feet
 - (2) Minimum Side Yard: Two yards totaling 15 feet with none less than 6 feet.
 - (3) Minimum Rear Yard: 30 Feet
 - (4) Maximum Lot Coverage: 60 Percent
 - (5) Maximum Impervious Surface Coverage: 75 Percent
 - (6) Minimum Lot Area: 7,500 square feet
 - (7) Minimum Lot Width: 50 feet

- (8) Maximum Building Height: 40 feet or two and one half stories, whichever is less.

§ 265-406 RFO RIVERFRONT OVERLAY

- A. Purpose. The RFO District is designed to encourage innovative development in conjunction with complementary protection of the Borough's natural features and assets, including its riverfront and wooded hillsides.
- B. Applicability of the Districts. The RFO District shall be designated as an overlay district. Therefore, the district standards, whether greater or lesser than those of the underlying base zoning district, shall prevail when uses expressly authorized within the overlay are constructed, operated, and maintained.
- C. The following uses shall be authorized as permitted uses within the RFO District:
- (1) All permitted and conditional uses in the R-1 Single Family District.
 - (2) Administrative and Professional Offices
 - (3) Banquet Hall
 - (4) Entertainment Recreation Facilities, Indoor
 - (5) Personal Care Home
 - (6) School, Private
 - (7) Group Residential Facility
 - (8) Planned Commerce Park Model
 - (9) Hospital or Clinic
 - (10) Transitional Residential Facility
 - (11) Animal Hospital/Clinic
- D. Basic Dimensional Standards. The following shall apply to all uses authorized
- (1) Minimum Front Yard: 75 Feet
 - (2) Minimum Side Yard: 60 Feet
 - (3) Minimum Rear Yard: 75 Feet
 - (4) Maximum Lot Coverage: 40 Percent
 - (5) Maximum Impervious Surface Coverage: 60 Percent
 - (6) Minimum Lot Area: 40,000 square feet
 - (7) Minimum Lot Width: 150 feet
- E. Dimensional Standards for authorized conditional uses. The Planned Commercial Park Model shall be subject to the standards enumerated in Section 265-504.
- (1) Minimum Front Yard: 75 Feet

- (2) Minimum Side Yard: 75 Feet
- (3) Minimum Rear Yard: 75 Feet
- (4) All yards shall increase by five feet for every thousand square feet of gross floor area beyond five thousand square feet of total gross floor area of buildings on the lot.
- (5) Maximum Lot Coverage: 35 Percent
- (6) Maximum Impervious Surface Coverage: 50 Percent
- (7) Minimum Lot Area: 80,000 square feet
- (8) Minimum Lot Width: 50 feet
- (9) Maximum Building Height: 45 feet or three stories, whichever is less.

§ 265-407 FLOODPLAIN DISTRICTS

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

- (1) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- (2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
- (3) Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
- (4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability.

- (1) These provisions shall apply to all lands within the jurisdiction of the Borough of Tarentum and shown as being located within the boundaries of the designated floodplain districts which are considered as a part of the Official Zoning Map.
- (2) No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

C. Overlay concept.

- (1) The floodplain districts described in this Section shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
 - (2) Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
 - (3) In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provision shall remain applicable.
- D. Zoning Map. The boundaries of the floodplain district are established as part of the Official Zoning Map of the Borough of Tarentum which is declared to be a part of this article and which shall be kept on file at the Borough of Tarentum offices.
- E. District boundary changes. The delineation of any of the floodplain districts may be revised by the governing body where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (HA).
- F. Interpretation of district boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- G. District provisions.
- (1) All uses, activities and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances such as the Borough of Tarentum Building Code and applicable Subdivision Ordinance. In addition, all such uses, activities and development shall be undertaken only in compliance with federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.
 - (2) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

- (3) Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the Borough of Tarentum, a permit shall be obtained from the Department of Environmental Protection, Dams and Waterways Management Bureau. Further, notification of the proposal by the Borough shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

H. Administration.

- (1) A zoning permit shall be required for all construction and development which includes but is not limited to paving, filling, grading, excavation, mining, dredging or drilling operations, etc.
- (2) These provisions are to be read in conjunction with those of Ordinance No. 95-7 (Chapter 95, Building Construction, Article 111, Floodplain Management).

§ 265-408 P-1 PUBLIC DISTRICT

- A. Purpose: The purpose of the P-1 Public District is to provide areas for active and passive recreational activities and facilities as determined appropriate by Borough Council.
- B. Permitted Uses:
 - (1) Permitted Principal Uses:
 - a) Appropriate recreational uses as determined by the Borough Council, and in accordance with the current Park and Recreation Commission rules and guidelines.
 - b) Facilities designed and constructed to promote access to and utilization of riverfront property including, but not limited to, boat launch ramps, outlooks and fishing docks.
 - (2) Permitted Accessory Uses: Accessory uses and structures customarily appurtenant to a permitted use.
- C. Basic Dimensional Standards: Dimensional standards shall be determined based on the characteristics of the use proposed and the physical attributes of the land being developed.

§265-409 RC, ROADWAY COMMERCIAL DISTRICT

- A. Purpose. The RC District is designed to encourage innovative commercial development along the Borough's Route 28 corridor while retaining the essential characteristics of the region and protecting the Borough's natural features.
- B. Permitted Uses. The following uses shall be authorized as permitted uses within the RC District:

- (1) All permitted and conditional uses in the R-1 Single Family District
- (2) Administrative and Professional Offices
- (3) Banquet Hall
- (4) Entertainment Recreation Facilities, Indoor
- (5) Personal Care Home
- (6) School, Private
- (7) Group Residential Facility
- (8) Hospital or Clinic
- (9) Transitional Residential Facility
- (10) Animal Hospital/Clinic
- (11) Warehouse
- (12) Billboards

C. Basic Dimensional Standards. The following shall apply to all uses authorized:

- (1) Minimum Front Yard: 75 Feet
- (2) Minimum Side Yard: 60 Feet
- (3) Minimum Rear Yard: 75 Feet
- (4) Maximum Lot Coverage: 40 Percent
- (5) Maximum Impervious Surface Coverage: 60 Percent
- (6) Minimum Lot Area: 40,000 square feet
- (7) Minimum Lot Width: 150 feet

D. Dimensional Standards for authorized conditional uses.

- (1) Minimum Front Yard: 75 Feet
- (2) Minimum Side Yard: 75 Feet
- (3) Minimum Rear Yard: 75 Feet
- (4) All yards shall increase by five feet for every thousand square feet of gross floor area beyond five thousand square feet of total gross floor area of buildings on the lot.
- (5) Maximum Lot Coverage: 35 Percent
- (6) Maximum Impervious Surface Coverage: 50 Percent
- (7) Minimum Lot Area: 80,000 square feet
- (8) Minimum Lot Width: 50 feet

- (9) Maximum Building Height: 45 feet or three stories, whichever is less.

E. Billboards are authorized permitted uses in the RC District, either as a principle or accessory use, subject to Pennsylvania Department of Transportation (PennDOT) regulations where such billboard is proposed on land abutting a Commonwealth owned and maintained right-of-way and the following standards:

- (1) Billboards may not exceed forty-two feet (48') in width and fourteen feet (14') in height.
- (2) Billboards may not be illuminated after 1 a.m. and before 6 a.m.
- (3) Billboards may not be placed closer than five hundred feet (500') from any point on another billboard.
- (4) An annual billboard permit fee shall be paid to the Borough, upon inspection, at a rate set by Council by resolution, as may be amended from time to time.

ARTICLE V

Conditional Uses

§ 265-501 GENERAL STANDARDS AND APPLICATION REQUIREMENTS

- A. Conditional Uses. Conditional uses are unique, and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular parcel of land. At the time of application, a review of the location, design, configuration and potential impact of the proposed use shall be conducted by the Planning Commission. The proposed use shall be analyzed by comparing it to established development standards and design guidelines. This review shall determine whether the proposed use addresses the specific standards identified in this Ordinance, and whether or not it should be permitted by weighing the public need for, and the benefit to be derived from the use, against the impact which it may cause.
- B. General Standards. Each conditional use proposed shall be evaluated by and shall meet the following standards.
- (1) The use shall meet the specific standards and criteria set forth in this Chapter, particularly in the Article with respect to the particular use authorized. Where no express standards are set forth relating to a specific use,
 - (2) The use shall not endanger the public health, safety, morals and general welfare in the location where proposed.
 - (3) The use shall not deteriorate the environment or generate extraordinary nuisance conditions including but not limited to traffic congestion, noise, dust, smoke, glare and vibration.
 - (4) The use, as proposed, shall be consistent with the Comprehensive Plan.
 - (5) The character of the use shall be in general conformity and compatible with uses in the neighborhood in which it is proposed to be located.
 - (6) Shall not adversely affect the assessed valuation of abutting properties.
- C. Application Requirements. The applicant shall submit all of the following in order for the application to be considered as an application for conditional use approval.
- (1) 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.

- (2) Where new structures are proposed, building elevations showing building façade treatments.
- (3) The following shall be submitted as an impact study.
 - (a) Information concerning the average number of daily vehicle trips estimated to be generated by such use, with peak-hour vehicle trip ends identified.
 - (b) Information concerning the estimated amount of tax revenue to be generated by such a use, broken down by revenue to paid to the Borough, Allegheny County, and the Highlands School District.
 - (c) Information concerning the estimated cost of public services to be provided to such use, broken down by cost to be borne Borough, Allegheny County, and the Highlands School District, including police, transportation, and other public services.
 - (d) 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.
- (4) Required fee per the Borough's adopted fee schedule.
- (5) The applicant shall indicate in writing 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 Pennsylvania Municipalities Planning Code, as amended.

§ 265-502 SPECIFIC CONDITIONAL USE STANDARDS

A. Automotive Sales And Leasing

- (1) The impervious area utilized for the retail display of vehicles shall not exceed twice that of the gross floor area of the principal structure.
- (2) A full parking plan shall be submitted delineating areas reserved for employee and customer parking versus those to be utilized for retail display of vehicles.
- (3) Display of vehicles shall be within parking spaces that are striped and landscaped in accordance with those standards otherwise applied to parking lots throughout this Chapter.
- (4) In lieu of screening requirements, the applicant may install one additional ornamental tree for every thirty feet of screening omitted in order to permit visibility of the retail display of vehicles on the lot. Said trees shall be installed within the landscaping area from which the required screening was omitted.

B. Billboards. Billboards are authorized as a conditional use as follows in the C-3 Heavy commercial district on otherwise vacant parcels of land.

- (1) The billboard shall be limited to 200 square feet.
- (2) The billboard shall be set back a minimum of 500 feet from the property line of any lot bearing an existing single family dwelling.
- (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 and shall be located within 125 feet of the right of way of Route 28 and oriented to Route 28.
- (5) Manual changeable copy signs and electronic message centers as defined in Article VIII are not permitted in association with a billboard.
- (6) No flashing or colored lighting are permitted in association with any billboard.

C. Drive Through Facilities and Car Washes

- (1) A minimum of 100 feet as a stacking lane shall be provided with an additional twenty feet of stacking required for each bay or station beyond one. The lane(s) shall be at least ten feet in width.
- (2) Drive through facilities shall be situated on parcels bearing a lot size of 20,000 square feet or greater.
- (3) All drive through lanes shall abide by the same setbacks imposed on principal building structures as applied to the lot on which the facility is constructed.

D. Animal Hospital or Clinic, Commercial Kennel

- (1) Exterior runs shall be enclosed by a secured opaque fence of six feet in height which shall be setback the same distance as required for principal building, as applied to the lot on which the establishment operates. Use of the runs shall not occur before 8 am and after 9 pm.

E. Hospitals and Transitional Residential Facilities

- (1) Notwithstanding stricter standards otherwise applied by this Chapter, the principal building housing the establishment or facility shall be set back 300 feet from a preexisting dwelling unit, day care or adult day care center, nursery school, or local public use, church, or other hospital. The same requirement shall apply to heliports accessory to the facility. The establishment shall be situated on a lot with a lot area of one acre or greater.

F. Service Station

- (1) No gasoline service station shall be located within 1,000 feet of a preexisting service station.
- (2) Access driveways to the service station shall be at least 30 feet from the intersection of any public street.
- (3) Fuel pumps, air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than 10 feet of any property line.
- (4) Inspections, lubrication, oil changes, tire changes and similar minor repairs are permitted if conducted entirely within a building.
- (5) All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five feet from the pumps.

G. Industrial Uses in the CC Commercial Center District

- (1) Loading spaces required by this Chapter shall be provided on site and out of any public right of way.
- (2) Existing retail storefronts shall be preserved such that they may be utilized for future retail or use or ancillary retail use as related to the establishment.
- (3) Noise or fumes associated with the production process shall not be discernible outside of the principal building.
- (4) With the exception of loading and unloading in authorized spaces, no part of the production process, including storage of materials, shall occur outside of a completely enclosed building.

H. Adult Uses and Businesses

- (1) Adult businesses may be established only in the HCM District.
- (2) Persons or owners who intend to open an adult business must obtain from the Borough of Tarentum a license to operate such an enterprise and must pay a five hundred dollar (\$500.00) investigation fee to the Borough. In addition, such persons or owners must supply to the Borough detailed information as to the ownership and financing as required on the licensing application form. This form can be obtained at the office of the Borough Secretary. This paragraph does not apply to nonconforming uses.
- (3) No adult business may be located within five hundred feet (500') of a pre-existing residence, mental health/mental retardation centers, community action centers, nonprofit centers established to help the mentally infirm or families or children, schools, private and public, pre-schools, hospitals, nursing homes, sanitariums, retirement or convalescent homes, group homes, personal care homes, public parks, churches or synagogue or other place of

worship, and establishments which are licensed to and does sell alcoholic beverages or to other adult business.

- (4) No adult business may be located within two hundred and fifty feet (250') of an area zoned residential.
- (5) An adult business shall be initially licensed, where it has met all ordinance requirements, through December 31st of the year in which the license is used. For each year thereafter that the adult business intends to continue its business as an adult commercial enterprise, it must seek from the office of the Secretary of the Borough of Tarentum a renewal of this license. The application for renewal is due in the Secretary's office no later than November 21st of the year preceding the year for which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Borough to deny or revoke an Occupancy Permit to an adult bookstore, adult movie theater, bar or similar adult commercial enterprise or other adult establishment.
- (6) Operators of adult businesses shall comply with all applicable provisions of Borough Ordinance 95-3, as amended.
- (7) Any adult bookstore, X-rated movie rental on any format, adult movie theater, or similar adult commercial enterprise or other adult entertainment establishment found to be in violation of this Ordinance, as amended, shall be subject to the enforcement penalties provided for in Article XIII and/or the Pennsylvania Municipalities Planning Code.

I. Gas and Oil Extraction, Mineral Extraction

- (1) The applicant shall submit evidence that all required materials have been submitted to the Department of Environmental Protection.
- (2) The applicant shall submit a statement of understanding concerning the noise limitations set forth in the supplemental standards of this chapter and shall to the furthest extent practical, meet said ordinance.
- (3) The applicant shall submit cross sections of the proposed access where it meets Borough streets.
- (4) The applicant shall submit sight distance measurements for the access drive, whether proposed or existing.
- (5) The applicant shall submit a plan showing the access route (of Borough or state roads) over which heavy equipment will travel to the site.
- (6) The applicant shall meet all current minimum driveway sight distance standards and shall demonstrate that the point of access to any Borough street will not cause the deposition of mud or debris onto said street.

- (7) The applicant shall post all necessary street and road bonding as approved by the Borough Engineer.
- (8) Mining: Deep or open pit mining shall be permitted only upon authorization of the Borough Council, as a result of a public hearing held thereon by the Borough Council, duly advertised as provided by law, and further subject to all rules and regulations of the Commonwealth that apply to such operation, plus additional safeguards to the public health, safety, and general welfare deemed necessary by the Borough Council.

J. Communications Towers

- (1) Lot Size: The lot size dimensions (depth and width) shall be dictated by the fall radius of the tower. The minimum dimensions shall be the radius of the height of the tower in each direction.

The communications company is required to demonstrate, using technological evidence that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.

- (2) If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter (1/4) mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures.
- (3) The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed one hundred ninety nine feet (199') in height.
- (4) All communications towers not erected in the RRO District shall be stealth towers. A stealth tower is a Communications Tower which is not recognizable as a conventional Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo.
- (5) The Borough Council may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height; screening; number of uses per tower, including public uses; location; and actual setbacks.

- (6) Setbacks from base of antenna support structure: If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
- (a) One hundred percent (100%) of antenna height.
 - (b) The minimum setback in the underlying zoning district.
 - (c) Fifty feet (50') minimum.
- (7) Fencing: A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height.
- (8) Landscaping: The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. Tarentum Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
- (9) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.
- (10) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (11) In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and Borough authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communications towers, measured from the base of the support structure.
- (12) The communications company must demonstrate that it is licensed by the Federal Communications Commission.
- (13) Antenna support structures should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures near

airports, shall meet all Pennsylvania Department of Transportation, Bureau of Aviation and Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the Pennsylvania Department of Transportation, Bureau of Aviation and FAA.

- (14) A plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and access to public rights-of-way. The plan shall not be required if the antenna is to be mounted on an existing structure.
- (15) In granting the use, Borough Council may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.
- (16) All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto, other than co-location which meets all associated setbacks, will be permitted without a new application and accompanying conditional use approval.

K. Mobile Home Parks

- (1) A mobile home park shall have principal access from a street or highway capable of handling the traffic generated by the park and providing adequate access for the individual mobile units without impairing the normal traffic operations of the street or highway.
- (2) Ten percent of the park's gross site area shall be set aside for common open space, including recreation areas, community buildings, storage facilities for park residents, laundry facilities, management offices for the park and storage of park maintenance equipment.
- (3) All internal roads and parking areas shall be improved with an asphalt or similar all-weather surface. Internal roads shall be designed to meet anticipated traffic loads and shall have a minimum cartway width of 28 feet.
- (4) The park operator shall obtain required permits and approval from the Pennsylvania Department of Environmental Protection, Allegheny County and Borough agencies for the sanitary sewer and water supply systems.
- (5) Borough storm drainage standards shall apply to a mobile home park. A park shall have an erosion and sedimentation plan in compliance with Pennsylvania Department of Environmental Protection regulations and reviewed by the Allegheny County Conservation District and approved by the Borough Engineer.
- (6) Landscaping and planting shall be provided in accordance with Article X.

- (7) No individual mobile home shall be closer than 20 feet to any street right-of-way or to any property line of the park, nor shall any unit be located within a one-hundred-year floodplain.
- (8) The following lot area and setback requirements shall apply for individual home lots:
 - (a) Lot area: 6,000 square feet.
 - (b) No mobile home unit shall be sited to be within 15 feet of any other unit or accessory structure.
 - (c) An enclosure of compatible design and material to the exterior of the mobile home shall be erected around its entire base. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.
- (9) No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.
 - (a) Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed on the pad.
 - (b) The pad, at least six inches in thickness, shall be constructed from either concrete, asphalt or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six tie-downs such as concrete dead men, screw augers, arrowhead anchors or other devices suitable to withstand a tension of at least 2,800 pounds.
 - (c) Each mobile home shall be set level on sturdy and substantial supports.
- (10) Two off-street parking spaces shall be provided for each mobile home lot.
- (11) Parking shall comply with Articles IX and X of this Chapter.

L. Similar Uses, Undefined

- (1) The Zoning Officer shall formally determine that the use is not classified under any use definition of which the particular use is authorized in any district.
- (2) The use shall be reasonably similar to other uses authorized in the district in terms of general intensity, impact of noise and lighting, and hours of operation.
- (3) Borough Council, in its written decision, shall set forth parameters for future expansions or alterations of the use, wherein expansions or changes to the

particular establishment which is the subject of use approval beyond those limitations stated in the decision shall require additional conditional use approval to determine continuity as a undefined similar uses.

§ 265-503 CLUSTER OPTION MODEL

A. Purpose. The Cluster Option is set forth to promote the preservation of wooded steep slopes and open space in the Borough as well as the minimization of street construction and long term maintenance of public improvements.

B. Lot Types.

- (1) Traditional Lot
- (2) Suburban Lot
- (3) Estate Lot

C. Lot Standards.

Lot Type:	Traditional Lot	Suburban Lot	Estate Lot
Lot Size	7,000 to 10,000 square feet	10,001 to 20,000 square feet	>20,000 square feet
Required Front Yard	30	40	50
Required Side Yard	15 total with neither yard less than 5 ft.	20 feet	20 Feet
Required Rear Yard	20	25	30
Minimum Lot Width	65	80	90
Minimum Lot Frontage	65	48	54

D. Determination of number of lots.

- (1) The gross site area shall be defined as the cumulative lot areas of all parcels proposed for the cluster option.
- (2) The gross site area shall be a minimum of five acres.
- (3) The maximum density or number of lots permitted shall be two per acre.

E. Mixture of Lots. Where application of a percentage results in a fraction of a lot, the number shall be rounded to the nearest whole number.

- (1) Traditional Lots: 50% to 65%
- (2) Suburban Lots: 30% to 50%

- (3) Estate Lots: 0 to 20%
- F. The sole permitted principal use of each lot shall be limited to one single family dwelling.
- G. A minimum of 50% of the site shall be dedicated as open space in one or more of the following methods:
 - (1) Dedicated to the Borough at the sole discretion of Borough Council.
 - (2) Dedicated as open space to be maintained by a homeowner's association.
 - (3) Established as estate lots where covenants in favor of the Borough are established to protect further subdivision of the lot and clear cutting of healthy forest beyond the anticipated curtilage of the proposed dwelling which is not exceed 25% of the lot size. Said lots shall bear adequate frontage on public streets existing at the time of application.
- H. All proposed streets shall meet Borough standards unless waived in accordance with the ordinances requiring said standards.

§ 265-504 PLANNED COMMERCIAL PARK MODEL

- A. Purpose. The Planned Commercial Park Model is authorized in order to promote the provision of industrial, manufacturing, wholesale, and administrative uses and functions in a park like setting, integrated with adjoining open space and jointly maintained access roads, landscaping, and accessory uses and amenities.
- B. Authorized Uses. The following shall be authorized subject to meeting the performance standards of this chapter and the Planned Commercial Park Model.
 - (1) Assembly Hall, Public Or Semi-Public
 - (2) Industrial Uses
 - (3) Commercial Kennel
 - (4) Hotel Or Motel
 - (5) Multiple Family Dwelling
 - (6) All uses authorized as permitted by right in the Mixed Use Development Overlay District.
- C. Performance Standards. The following shall apply to the overall site.
 - (1) For purposes of this section, a site shall be defined as the entire tract of land or lot (s) under common ownership of which all or a portion of said lots are the subject of final land development approval, excluding public rights of way.
 - (2) General Design Standards. The plan shall meet the following general objectives and standards:

- (a) The plan will incorporate areas of environmental value including but not limited to wooded steep slopes, wetlands, and floodplains as preserved focal points of the development.
 - (b) Development in accordance with the Planned Commercial Park Model shall promote a sense of destination and place while facilitating linkages between destinations in the Borough and recognized open space corridors.
 - (c) The scale of structures shall promote perception of the development as complementary to residential-scale uses including single family dwellings when coupled with surrounding park-like settings and buffering.
- (3) Perimeter setbacks shall be determined by the yards otherwise required in the Mixed Use Development Overlay District.
- (4) Interior yards on lots within the plan shall be enforced as follows:
- (a) Front Yard: 50 Feet
 - (b) Side Yard: 30 Feet
 - (c) Rear Yard: 40 Feet
- (5) Principal structures on the same lot shall be separated at least 30 feet from other such structures.
- (6) Maximum Lot Coverage: 30%
- (7) Maximum Impervious Surface Coverage: 50%
- (8) Lot and impervious surface coverage ratios shall be increased respectively to 50% and 70% respectively as an incentive to and upon meeting the following standards:
- (d) Covenants, as approved by the Borough Solicitor, shall be prepared and recorded in favor of the Borough and all future property owners ensuring that lot and impervious surface area coverage on lots within the plan collectively do not exceed the increased coverage granted by this section.
 - (e) No lot shall bear more than 80% total lot and impervious surface coverage.
 - (f) A minimum of ten percent of the total site area shall be dedicated as contiguous open space for the enjoyment of residents, tenants, employees, or visitors of principal uses on the site. Where the site adjoins a public trail or a public pedestrian connection is indicated on the Borough's Official Map, such area shall be dedicated to the Borough for such use.

- (9) Parking shall be subject to the same perimeter setbacks set forth in this section and may not encroach more than 50% into any other yard required.
- (10) Access to the development shall be limited to one access point per public street on which the site fronts.
- (11) The applicant shall submit a preliminary plan for the entire site for all imminent development as per the requirements of the applicable Subdivision and Land Development Ordinance. The preliminary plat shall indicate planned street and access drive connections.
- (12) The applicant shall submit a lighting and landscaping plan verifying compliance with Borough ordinances.
- (13) Covenants guaranteeing compliance of future development and the overall site with the subject approval and Borough ordinances shall be provided in a manner acceptable to the Borough Solicitor and recorded with the related plats.

§ 265-505 CONDITIONAL USE APPLICATION PROCESS

- A. A complete application shall be submitted to the zoning officer at least 21 days prior to the next regularly scheduled monthly Planning Commission.
- B. Three copies of all application materials and reports and seven copies of all plans and drawings shall be submitted with all applications.
- C. The Borough Council shall hold a public hearing, per public notice within 60 days of the filing of a complete application. In addition, written notice of said hearing shall be conspicuously posted on the affected tract or tracts of land or water body at least one week prior to the public hearing. Where a hearing officer has been designated, the officer shall preside over the hearing.
- D. 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.
- E. 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.

- F. Failure to comply with all conditions and standards attached to a specific conditional use in any zoning district within sixty (60) days of occupancy and full operation of said use, shall render the conditional use status null and void and subject the owner of the property and/or owner of the business or land use to all enforcement remedies available to the Borough of Tarentum.

ARTICLE VI

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

The **Traditional Neighborhood Development** TND is established in order to promote forms of mixed use development that complement the Borough's traditional business district and meet the objective of Traditional Neighborhood Development by integrating open space, providing pedestrian connections between varieties of uses and providing a variety of housing choices for current and expected residents. Development, to the extent possible, should meet the design guidelines prepared by the Pittsburgh History and Landmarks Foundation, attached as an appendix to this Ordinance.

§ 265-601 OBJECTIVES

The objectives of the Traditional Neighborhood Development District are as follows:

- A. To establish or encourage the continuation of the traditional commercial downtown that are pedestrian-oriented with connections to parks, a centrally located public or semi-public commons, square, plaza, park or prominent intersection of two or more major streets, commercial enterprises and civic and other public buildings and facilities for social activity, recreation and community functions;
- B. To minimize traffic congestion and reduce the need for extensive road construction by reducing the number and length of automobile trips required to access everyday needs;
- C. To provide the elderly and the young with independence of movement by locating daily activities within walking distance;
- D. To foster the ability of citizens to come to know each other and to watch over their mutual security by providing public spaces such as streets, parks and squares and mixed use which maximizes the proximity to neighbors at almost all times of the day; and
- E. To promote the provision of adequate housing and housing options to the current and expected range of residents;
- F. To facilitate economic viability for small commercial establishments through shared parking, services, pedestrian access, and complementary businesses; and
- G. To encourage preservation of open space, environmentally sensitive areas, and historic assets.

§ 265-602 APPLICABILITY TO OTHER BOROUGH ORDINANCES

- A. Unless expressly modified by provisions of this Article, all Borough ordinances including but not limited to subdivision and land development, erosion and sedimentation, grading, street construction standards, and stormwater shall

apply to subdivisions and land developments approved in accordance with this Article and compliance with the aforesaid shall serve as a prerequisite or requirement of traditional neighborhood development approval.

- B. Where conflicts occur between the standards of this Article and the aforementioned Borough ordinances, the standards of this Article, whether greater or lesser, shall prevail.
- C. Where a finally approved traditional neighborhood development is recorded and properly filed with the Allegheny County Recorder of Deeds Office, all portions of the zoning ordinance and subdivision ordinance otherwise applicable to the land shall cease to apply thereto.

§ 265-603 OPEN SPACE AND PUBLIC AREAS

- A. Where a TND involves construction of 20,000 square feet or more of space, calculated by the sum of the gross floor area of all commercial establishments and 1,200 square feet per dwelling unit proposed, open space shall be required as follows:
 - (1) A minimum of 25% of the site area shall be preserved as open space. Where the base zoning of the respective district is R-1, 40% of the site shall be preserved as open space. Where the site is proposed to be under the control of one property owner and no subdivision or condominium is proposed, required open space may be designated on the plat. Otherwise, open space shall be shown by easement or parcel with applicable covenants.
 - (2) Environmentally sensitive areas such as jurisdictional wetlands, steep slopes, floodplains, and riparian buffers shall be preserved as passive open space and may incorporate trails where feasible.
 - (3) Unless the TND acts as infill within an area of existing development, passive open space shall be distributed around the perimeter of the site.
 - (4) A minimum of five percent of the site area shall be dedicated as centralized active open space or spaces that meet the following design objectives:
 - (a) Provide active open space suitable for use by residents and/or patrons or members of establishments or institutions within the TND or the public at large.
 - (b) Facilitate interaction of pedestrians and focused social activity for the mutual benefit, support, and security of neighborhoods and establishments within the TND through installation of sidewalks, trails, street furniture such as park benches, gazebos, and uniform styles of lighting and landscaping.

- (c) Centralized active open space shall be bounded by street rights of way on at least two sides.
- B. Common Open Space shall be maintained, through covenants, by an association comprised of landowners including condominium associations and homeowners associations which shall perpetually maintain the open space which may not be conveyed to a private third party.
- C. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the TND fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents of the TND setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
- D. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the TND and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Borough shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.
- E. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents or owner(s) of the TND, to be held by the Borough Council, at which hearing such organization or the residents of the TND shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough Council shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Borough shall cease to maintain said common open space at the end of said year. If the Borough Council shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

- F. The decision of the Borough Council shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by this act.
- G. The cost of such maintenance by the Borough shall be assessed ratably against the properties within the TND that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Borough at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of Allegheny County, upon the properties affected by the lien within the TND.

§ 265-604 PERMITTED USES

- A. Principal and accessory uses permitted within the base district and the following types of residential uses:
 - (1) Duplex Dwelling
 - (2) Single Family Detached Dwelling
 - (3) Townhouse Dwellings
 - (4) General and Specialty Retail
 - (5) Professional Service
 - (6) Personal Services
 - (7) Restaurants and Drinking Establishments

§ 265-605 DENSITY AND DIMENSIONAL STANDARDS

- A. Where the base district is an R or residentially zoned district, the number of dwelling units permitted shall not exceed the minimum lot size relating to the type of dwelling unit(s) divided into the net site area. Where varied minimum lot sizes per dwelling unit type are required in the base district, the number of units by type of unit permitted in the TND shall be proportional to the respective minimum lot size or area required per such dwelling.
- B. Where the base district is an R or residentially zoned district, uses authorized as conditional uses in said districts may be incorporated into the TND. Such uses, upon receiving requisite conditional use approval may locate at the lesser front yard setback lines authorized in the TND.
- C. Major TND's shall be subject to the performance and dimensional standards of the CC Commercial Center Zoning District.

§ 265-606 SITE DESIGN STANDARDS

- A. Streets.
 - (1) Generally, streets shall be arranged in a grid pattern with limited use of cul-de-sac streets. Blocks shall generally be no longer than 600 feet.

Variations in street and grid design shall incorporate the preservation of natural topography and environmentally sensitive areas.

- (2) Streets shall be constructed in accordance with the Borough's Construction Standards unless such standards are waived by the Borough Council in accordance with Section 265-706E
 - (3) Lots bearing single family dwellings where a majority of said lots are less than 65 feet in width at the building line and/or those lots bearing structures with party walls shall be served by an alley. Alleys shall be a minimum of 16 feet in width. The preceding shall be evaluated on a block by block basis.
 - (4) The Borough Council may require the installation of on-street parking in primarily commercial blocks of the TND where on-street parking helps to promote the objectives of this Article.
- B. Landscaping shall be in accordance with Article X.
- C. Parking: Parking may be provided in central lots serving establishments within one block of the lot. In such instances, maintenance of the lot shall be maintained by an association in accordance with the standards and remedies for failure to maintain the lot set forth in Section 265-603. Use of the lot and number of spaces credited per establishment shall be determined at the time of tentative approval. Easements or fee simple ownership through an association shall be executed or established.
- D. Sidewalks. Sidewalks should be installed in accordance with Borough construction standards. Sidewalks on blocks primarily serving nonresidential establishments shall promote pedestrian traffic between such establishments and from parking and common areas to the business district.
- E. Modification of Waiver of Standards. The Borough Council may waive standards of this Article or those otherwise applicable to the submitted TND Including but not limited to street width, landscaping, and parking requirements, where the applicant shall demonstrate that the proposed modification better furthers the objectives of this Article than the standards otherwise required.
- (1) Specifically, waiver of minimum street width and one way streets may be considered where blocks serving single family detached lots provided with alley access depending upon the overall functionality of the street with the TND's street network.
 - (2) Landscaping requirements as relating to individual lots may be waived or the distribution of required landscaping may be modified based on the relationship structures and lots to the adjoining street.

- F. Development or redevelopment in the CC Commercial Center District should, to the extent possible, meet the design guidelines prepared by the Pittsburgh History and Landmarks Foundation, attached as an appendix to this Ordinance.

§ 265-607 SKETCH PLAN REVIEW

The Borough Planning Commission may informally meet with a landowner to informally discuss the conceptual aspects of the landowner's development plan prior to the filing of the application for tentative approval for the TND. The landowner may present a sketch plan to the Borough Planning Commission for discussion purposes only, and during the discussion the Borough Planning Commission may make suggestions and recommendations on the design of the developmental plan which shall not be binding on the Borough.

§ 265-608 TENTATIVE PLAN APPLICATION REQUIREMENTS

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) 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 TND.
- 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 TND.
 - 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.

§ 265-609 TENTATIVE 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 hearings are concluded within 60 days of the initial hearing.
- D. Decision. Within sixty (60) days following the conclusion of the public hearings, the Borough Manager 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.

§ 265-610 TENTATIVE PLAN, CONSIDERATION OF FINDINGS

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
 - G. 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.
 - H. Adherence to all specific performance standards and requirements of this Article or lack thereof.

§ 265-611 FINAL PLAN, APPLICATION REQUIREMENTS

Final Applications shall include the following.

- A. 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.
- B. 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.
- C. A plat, in conformance with that required by the local subdivision ordinance showing or denoting all approved setbacks.
- D. 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.

- E. 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.
- F. 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.
- G. A general plan of signage and lighting, including styles, materials, and colors utilized.
- H. Street cross-Sections and construction drawings demonstrating compliance with municipal standards or approved modifications.
- I. Further reports including geotechnical reports where required to demonstrate safe and stable construction of principal dwellings, streets, access drives, and parking.
- J. A narrative detailing any modifications from tentative approval.
- K. Finalized phase specific traffic study indicating level of service for all intersections.
- L. Deeds dedicating public land, where required through tentative approval.
- M. Estimates for public improvements and amenities for which bonds are required by the local subdivision ordinance.
- N. Final landscaping and parking plans including tables demonstrating compliance with the provisions of this article in terms of number and percentage provided.

§ 265-612 FINAL PLAN, APPROVAL PROCESS

- A. 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.
- B. 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 Borough 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.
- C. 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.
 - D. 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.
 - E. The developer shall be afforded the five-year timeline to commence and complete development as noted in Section 508 of the Pennsylvania Municipalities Planning Code, as amended, 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.

§ 265-613 MODIFICATION OF APPROVED PLANS

- A. 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 TND approval. The Borough, however, shall hold a public hearing pursuant to public notice prior to voting on the application.

- B. Modification approval shall be provided in a manner that meets all requirements and standards of this article.
- C. Findings regarding approval shall consider the following:
 - (1) 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.
 - (2) 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.
 - (3) No part of the approval shall conflict with private covenants that run in favor of residents or property owners within the entire TND.

ARTICLE VII

SIGNS

The construction, operation, improvement, and maintenance of all signs in the Borough of Tarentum shall be subject to the standards outlined in this Article.

§ 265-701 CALCULATION METHODS

- A. For purposes of this Article, sign area shall be calculated as follows:
 - (1) In the case of panel or cabinet type signs, the sign area shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated.
 - (2) Signs consisting of individual letters and/or elements or logos installed directly on a building surface will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter.
 - (3) When the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted.
- B. Where sign area allotment is calculated based on building frontage, the linear feet used shall be the length of the building façade at ground level.

§ 265-702 GENERAL STANDARDS

- A. Obscene material, illustrations, or language shall not be depicted or displayed on any sign.
- B. To the extent possible, signs should meet the design guidelines prepared by the Pittsburgh History and Landmarks Foundation, attached as an appendix to this Ordinance.
- C. Notwithstanding that any signs not expressly authorized within this Article are prohibited, the following are expressly prohibited:
 - (1) Flashing Signs.
 - (2) Banners, series of balloons, and pennants.
 - (3) Balloons and other inflatable objects with a diameter of 2 feet or greater.
 - (4) Signs larger than 2 square feet that are suspended by chains, ropes, or other means designed to allow the sign to swing or move freely.
 - (5) Roof Signs.
 - (6) Signs affixed directly to a tree, utility pole, light pole, traffic control device, barn, shed, or roof of a building or structure.

- (7) Back-lit, translucent awnings or canopies.
 - (8) Permanent signs made of plywood, pressed board, MDO or non-exterior grade wood products.
 - (9) Signs attached to or painted on a licensed vehicle within a residential zoning district if such sign is visible from a public street where such is displayed with the intent of advertising.
- D. Signs shall not block required sight distance at intersections of streets and access roads and driveways to streets.
 - E. No sign or structure shall be erected at any location where, by reason of the position, shape or color of the sign or structure, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or public directional, emergency, or street signage.
 - F. The display of signage within public rights of way, including sidewalks within public rights of way shall be governed by Article VII of this Ordinance.
 - G. Window signs displayed on a permanent basis shall be considered as walls signs for purposes of this Article.
 - H. All external lighting associated with signs shall be provided as indirect lighting.
 - I. Billboards, as defined, shall be permitted in the RRO Rural Resource Overlay District. (See Section 265-406, Subsection F)

§ 265-703 EXEMPTIONS

The following signs shall not require a permit. The sign area of the following shall not count toward maximum sign area requirements imposed by this Article.

- A. Public, Semi-Public, and Commemorative Signs and Monuments including signs established by, or by order of, any governmental agency; and religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
- B. Signs indicating the address or name of a building up to two square feet for single family dwellings and six square feet for all other uses.
- C. One "For Sale" or "For Rent" sign is allowed per street frontage. Such signs must be removed within 7 days after the sale, rental, or lease has been accomplished.
- D. "For Sale" or "For Rent" signs on lots containing a single-family dwelling unit or zoned for single-family residential development may not exceed 9 square feet in area.
- E. "For Sale" or "For Rent" signs on lots containing principal uses other than single family dwellings may not exceed the greater of 32 square feet or 0.25 square feet of sign area per each linear foot of street frontage for the first 150 feet of street frontage and 0.10 square feet of sign area for each linear foot of street frontage

- for street frontage in excess of 150 feet. These area calculations must be based on the street frontage to which the sign is oriented. No such sign may exceed 150 square feet in area.
- F. One construction sign is allowed per street frontage during the time that construction or development activity is occurring on the subject lot, as follows:
- (1) Construction signs on a lot bearing a single-family dwelling or zoned for single-family residential development may not exceed 12 square feet in area.
 - (2) Construction signs on a lot containing multi-family residential, office, institutional, public, commercial or industrial uses or a lot zoned for such uses may not exceed 32 square feet in area.
- G. Holiday decorations on private property clearly incidental, customary, and commonly associated with national, local or religious holidays are allowed, provided they are displayed for a period of not more than 60 days for each holiday.
- H. One sign per lot not exceeding two square feet with the name of a business operating as a home occupation on the lot.

**§ 265-704 COMMERCIAL CENTER, CC AND HCM HIGHWAY
COMMERCIAL AND MANUFACTURING DISTRICT SIGN STANDARDS.**

- A. The following types of signs shall be authorized in the Commercial Center CC District, on buildings and lots bearing one or more nonresidential principal uses, subject to the standards contained in this Section. No internal illumination of signs is permitted.
- (1) Walls Signs
 - (2) Freestanding Signs
 - (3) Monument Signs
 - (4) Electronic Message Center
 - (5) Changeable Copy Sign
 - (6) Projecting Signs
 - (7) Awning and Canopy Signs
- B. Wall Signs.
- (1) Wall Signs may be installed on any building façade. The minimum sign area allotted shall be 15 feet for each building façade up to a maximum of 200 square feet. The preceding allotments notwithstanding, permitted sign area shall be determined as follows by measuring the respective frontage of the respective building façade on which the wall sign is attached. Multiple wall signs may be installed, the maximum cumulative sign area of which shall not exceed that authorized below.

Sign Type	Square Feet of Sign per linear foot of building frontage.
Box sign	0.25
Screened box sign with raised or recessed letters	0.05
Raceway-mounted channel letter signs	1.0
Pin-mounted channel letter sign	1.25
Distinctive materials/design sign	1.50

- (2) Wall signs shall not include changeable copy signs or electronic message centers, except as expressly authorized within this Section as wall signs.
- (3) Wall signs representing an establishment located on solely on the first floor of a building be located a minimum of twelve feet and a maximum of twenty from the average grade of the ground.
- (4) Walls signs representing an establishment located on the second floor of a building shall be located on the second story of a building shall be located over the header of the second floor and below the second floor cornice line on two story buildings or over the window header and below the sill line of third story windows of third stories.
- (5) Wall signs shall bear only the name(s) or logos of the establishments located within the building on which the sign(s) are installed.
- (6) Maximum Letter Height: 3'-0" (Three Feet)
- (7) Wall signs shall not project more than 18" (Eighteen Inches) from the building façade to which it is attached.

C. Awning and Canopy Signs

- (1) Non-illuminated canopies or awnings with no more than 6 square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed that authorized for wall signs with respect to the building façade to which the signs are attached.
- (2) Maximum Sign Area. Notwithstanding the sign area allotment limitations otherwise applicable, letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 1.25 square feet per one foot of awning length or 25% of the awning area, whichever is less. The total

combined length of letters, logos and symbols may not exceed 70% of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

D. Projecting Signs shall be permitted under the following conditions.

- (1) The sign must be attached directly to the building façade as opposed to an awning or canopy.
- (2) No more than one is installed for every 50 linear feet of building façade to which the sign(s) is (are) attached.
- (3) The lowest point of the sign shall not be located less than 7.5 feet from the grade of adjacent ground.
- (4) The sign shall no project more than 3.5 feet from the building façade to which it is attached.
- (5) The sign area of such signs shall not exceed six feet or 25% of the allotted wall sign area of the respective building façade, whichever is less. The number of square feet used for projected signage shall be deducted from the wall signage allotted for the building façade to which the projected signage is affixed.

E. Freestanding and Monument Signs.

- (1) One freestanding or monument sign is authorized in the front yard of each lot where the yard is ten feet or greater.
- (2) The sign shall not exceed six feet in height.
- (3) The sign area of freestanding signs shall not exceed 8 square feet.
- (4) The sign area of monument signs and freestanding signs that are distinctive materials/design signs shall not exceed 24 square feet.

F. Electronic Message Centers

- (1) Electronic Message Centers shall be authorized as window signs provided that such do not encompass greater than eight square feet. Where, messages are intended to be conveyed to or font size or display are clearly discernible to the motoring public, messages shall remain stationary and shall not change more than once every five seconds.
- (2) Electronic Message Centers are otherwise permitted as and subject to the standards of wall or projecting signs provided that such do not exceed ten square feet and display only time and temperature.

- G. **Changeable Copy Signs.** Changeable copy signs shall be authorized to be incorporated as part of a freestanding sign, provided that the face consisting of the changeable copy sign does not exceed 30% of the sign area of the freestanding sign.

§ 265-705 STANDARDS IN RESIDENTIAL AND OVERLAY DISTRICTS.

Signage in all districts excepting the Commercial Center CC District and including overlay districts shall be subject to the following standards.

- A. **Stand-Alone Lots.** Signs on stand-alone lots, as defined in this Chapter, shall be authorized as follows:

(1) **Walls Signs.**

- (a) Wall Signs may be installed on the building façade of any principal building and other building faces where said faces are oriented to property lines that adjoin properties bearing or approved for the development and operation of nonresidential principal use(s). The minimum sign area allotted shall be 15 feet for each building façade up to a maximum of 400 square feet. The preceding allotments notwithstanding, permitted sign area shall be determined as follows by measuring the area of the respective building façade or face on which the wall sign is attached. Multiple wall signs may be installed, the maximum cumulative sign area of which shall not exceed that authorized below.

Combinations of sign types may be installed where the percentage allotted for a particular sign type is not entirely used and the unused percentage is converted proportionally to that allotted for the respective additional sign type. For example, if 3% of a building face or façade is used for a box sign, the remaining 1% allotted equals 25% of the portion allotted for box signs. This 25% may be applied to the percentage of the face applied to another sign type such as a distinctive materials/design sign where 3.75% (or 25% of the 15% allotted) of the building face or façade may be used for such a sign.

Sign Type	Square Feet of Sign as a percentage of building face.
Box sign	4%
Screened box sign with raised or recessed letters	4%
Raceway-mounted channel letter signs	6%
Pin-mounted channel letter sign	9%
Distinctive materials/design sign	15%

- (b) Wall signs shall not include changeable copy signs or electronic message centers, except as expressly authorized within this Section as wall signs.
 - (c) Wall signs representing an establishment located on solely on the first floor of a building be located a minimum of twelve feet and a maximum of twenty from the average grade of the ground.
 - (d) Walls signs representing an establishment located on the second floor of a building shall be located on the second story of a building shall be located over the header of the second floor and below the second floor cornice line on two story buildings or over the window header and below the sill line of third story windows of third stories.
 - (e) Wall signs shall bear only the name(s) or logos of the establishments located within the building on which the sign(s) are installed.
- (2) Freestanding and Monument Signs on Stand-Alone Lots.
- (a) One freestanding or monument sign is authorized in the front yard of each lot where the yard is ten feet or greater.
 - (b) The sign shall not exceed six feet in height.
 - (c) The sign area of freestanding signs shall not exceed 16 square feet.
 - (d) The sign area of monument signs and freestanding signs that are distinctive materials/design signs shall not exceed 24 square feet.
- (3) Electronic Message Centers
- (a) Electronic Message Centers shall be authorized as wall signs provided that such do not encompass greater twelve square feet. Messages shall remain stationary and shall not change more than once every five seconds.
 - (b) Electronic Message Centers are otherwise permitted as up to 50% of a freestanding sign or as projecting signs provided that any such sign does not exceed eight square feet and displays only time and temperature.
- (4) Awning and Canopy Signs
- (a) Non-illuminated canopies or awnings with no more than 15 square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed that authorized for wall signs with respect to the building façade to which the signs are attached.

(b) Maximum Sign Area. Notwithstanding the sign area allotment limitations otherwise applicable, letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 1.25 square feet per one foot of awning length or 40% of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70% of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

(5) Changeable Copy Signs. Changeable copy signs shall be authorized to be incorporated as part of a freestanding sign, provided that the face consisting of the changeable copy sign does not exceed 50% of the sign area of the freestanding sign.

B. Shopping Centers and Office Parks

(1) Wall signs as authorized for stand-alone parcels shall be authorized on building facades and faces within shopping centers and office parks except that wall signs in office parks shall be authorized at a rate of 75% as otherwise authorized for stand-alone parcels and shopping centers.

(2) One freestanding or monument sign is authorized for each entrance from a public street with a limit of one sign per street where multiple entrances exist on the street.

(a) Monument and freestanding signs shall not be located closer than ten feet to any adjoining street right of way.

(b) Freestanding signs shall not exceed fifteen feet in height. The sign area of freestanding signs as box signs and similar sign types shall not exceed 100 feet and the sign area for freestanding signs as distinctive materials/design sign shall not exceed 150 square feet. The lowest point of the sign face attached to the sign's support structures shall be mounted no higher than eight feet from the average grade of the ground.

(c) The sign area of monument signs shall not exceed 150 square feet.

(3) Each outparcel in a shopping center or lot within an office park shall be authorized one freestanding or ground sign as authorized for stand-alone lots provided that said sign is located within fifteen feet of an entrance from the lot to the internal street or access road network of the shopping center or office park.

- C. Traditional Neighborhood Development. Signage within an area approved and developed as a Traditional Neighborhood Development shall adhere to the standards set forth for the CC Commercial Center District.

§ 265-706 MISCELLANEOUS STANDARDS

- A. Menu Board Signs. Menu board signs accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:

(1) Number and Dimensions.

(a) Primary Menu Board. One primary menu board not to exceed 36 square feet in area or 8 eight feet in height is allowed per order station up to a maximum of 2 primary menu boards.

(b) Secondary Menu Board. One secondary menu board not to exceed 15 square feet in area or 6 six feet in height is allowed.

(2) Residential Separation. Menu board signs must be set back at least 75 feet from residential zoning districts.

- B. Neighborhood or Subdivision Identification Signs. Neighborhood or subdivision identification sign are allowed as entrance features to neighborhoods or subdivisions and must be actively maintained by a homeowners association. Neighborhood/subdivision identification signs must be monument signs and may not exceed 8 feet in height or 40 square feet of sign area. One such sign shall be authorized for a group of multi-family dwellings and may be installed as a freestanding sign in the form of a distinctive materials/design sign not to exceed 20 square feet.

- C. Temporary Signs. The following shall be authorized for non-residential establishments in all districts. One Temporary sign no greater than sixteen square feet in sign area may be displayed for a period not more than 30 days after the opening of an establishment nor fourteen days before the opening of said establishment. One temporary sign not exceeding twenty four square feet and advertising an onsite promotional event for an establishment may be placed at an establishment two times per year, not to exceed 14 days each time.

ARTICLE VIII

Parking

§ 265-801

- A. Parking shall be provided in accordance with the rates cited in the following schedule and in accordance with the specifications and standards set forth in this article and associated development approvals.

OFF-STREET PARKING	
Use	Requirement
Administrative And Professional Offices	1 per 325 square feet of gross floor area.
Adult Day Services Center	One space per three clients, based on the maximum authorized occupancy at any one time during the Center's operation.
Adult Uses	Determined as per parking study
Animal Hospital/Clinic	4 Spaces for every veterinarian and one space for each additional employee.
Assembly Hall, Public Or Semi-Public	Number of spaces shall equal twenty percent of the maximum occupancy determined by the Uniform Construction Code.
Bank	One per 250 feet of floor area.
Banquet Hall	1 for every 3 1/2 seats for areas with fixed seating, plus 1 for each 100 square feet of assembly area or display area without fixed seating, plus 1 for every 2 employees on a peak shift
Bar/Tavern	.85 spaces per seat
Bed And Breakfast	Two spaces plus one space per guest bedroom.
Car Wash	Four stacking spaces per either bay (self-serve car wash) or four standard parking spaces per bay plus one space per employee on peak shift for full serve carwash.
Cemetery	1 for each employee, plus 1/4 space for every seat of a chapel or assembly room
Church	1 for every four seats in places of assembly
Convenience Store	One per 150 square feet of gross floor area
Day Care Center	1 for each teacher, administrator or employee on a peak shift, plus one for every 6 persons based on regulated maximum capacity

OFF-STREET PARKING	
Use	Requirement
Dwelling Unit	Two per multi family dwelling unit and 2 per dwelling unit for all other dwelling unit types
Entertainment Recreation Facilities, Indoor	Determined as per parking study
Essential Service	Two spaces
Essential Service Buildings	One per employee on peak shift and one per 250 square feet of meeting room space.
Family Day Care Home	Five Spaces
Funeral Home	One space for each 50 square feet of floor area in the public or parlor rooms plus one space for each vehicle maintained on the premises, plus one space for each employee.
General Retail	1 for every 225 square feet of gross floor area.
Greenhouse, Retail	1 1/2 for every 1,000 square feet of gross floor area
Grocery Store	1 for every 200 square feet of gross floor area
Group Residential Facility	Determined as per parking study
Hospital	Determined as per parking study
Hotel or Motel	1 per sleeping room. A parking study is required for other accessory functions that may serve patrons other than hotel guests.
Industrial Uses	One per employee on peak shift plus an additional number equal to 25 percent of peak shift number of employees
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.
Medical Offices	Two spaces per treatment room or chair (whichever is greater) and one per doctor and/or employee on peak shift.
Minor Equipment And Automotive Repairs	One space per 250 feet of gross floor area
Mobilehome Parks	One space per 250 feet of floor area

OFF-STREET PARKING	
Use	Requirement
Nursery Schools	3 for each classroom and administrative office or 1 space for every four seats in places of assembly available to the public, whichever requirement is greater
Outdoor Commercial Recreation	Determined as per parking study
Personal Care Home	1 for every 4 beds, plus 1 for each staff position during the peak shift
Personal Service Establishment	1 per 350 square feet of gross floor area.
Pharmacy	1 per 200 square feet of gross floor area.
Restaurant	1 space per every three seats
Retail Supercenter	Determined as per parking study
School, Commercial	Determined as per parking study
School, Private	Determined as per parking study
Service Station	Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and one (1) space for every two (2) persons employed on the premises at maximum employment on a single shift.
Similar Uses, Undefined	Determined as per parking study
Supermarket	1 for every 250 square feet of gross floor area
Transitional Residential Facility	Determined as per parking study

- B. Parking for dwelling units may be accommodated within garages with each bay capable of accommodating a motor vehicle equaling one space. Such garages shall be accessory structures to the principal structure(s) for which parking is required.
- C. All areas used for parking, access, and loading shall be paved with an all-weather dustless material such as asphalt, grouted brick, concrete, pavers, or similar material approved by the Borough Engineer.
- D. 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.
- E. Parking Study. Where parking is to be determined by a study, said study shall be performed by a qualified engineer in accordance with the following standards:

- (1) Parking requirements shall be related to current and relevant studies conducted by the Institute of Traffic Engineers or a similarly accepted industry standard and shall be directly related to the size, number of employees, hours of operation, and other applicable factors associated with the particular establishment proposed; or parking requirement studies may be based upon studies of similar establishments at existing locations in accordance with the preceding standards.
 - (2) The study shall outline minimum parking requirements based on certain criteria including but not limited to employees, floor area, and hours of operation. Said criteria shall be used to determine future parking requirements if or when additional parking is required due to building, employment, or similar expansion of activities requiring additional parking.
 - (3) The study shall be sealed by a qualified engineer.
 - (4) The study shall subject to the review and approval of the Borough Engineer or a qualified Engineer as appointed by the Borough to review the study.
 - (5) The study shall address the number of off street loading spaces that are required.
- F. 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.
- G. Parking Space - Description - a required off-street parking space shall be not 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, directly 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 (1 ½) ton capacity.
- H. 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 two (22) 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.
- I. Off-street Loading

- (1) The minimum size loading space shall be 40 feet in depth and 12 feet in width, with an overhead clearance of 14 feet.
 - (2) A minimum of one off-street loading space shall be provided on any lot on which a building exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected or converted.
 - (3) All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space(s) adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking. Loading space shall be provided to ensure that in no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public rights-of-way or approved access roads be used for loading or unloading of materials.
 - (4) Required off-street parking spaces shall not be computed for loading and unloading purposes.
- J. Shared Parking. Shared parking is permitted for development containing multiple principal uses or establishments notwithstanding and in accordance with 804-2 for offsite parking, where the minimum spaces in the lot utilizing such is computed as follows and accordance with the table in 265-901A.
- (1) Determine the minimum parking requirements in accordance with Table 808-2 for each land use as if it were a separate use;
 - (2) Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 808-2;
 - (3) Calculate the total parking demand for each time period;
 - (4) Select the column with the highest total and use this number as the required minimum number of parking spaces.

Shared Parking Allowance by Land Use					
Land Use	Weekday		Weekend		Nighttime*
	Daytime*	Evening*	Daytime*	Evening*	
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: 6 a.m. – 5 p.m. Evening: 5 p.m. – midnight					

Nighttime: Midnight – 6 a.m.

- (5) Shared parking shall be permitted in the CC Commercial Center District on public parking lots, metered spaces and other unassigned designated on-street parking spaces located within five hundred feet (500') of the use generating the need for such parking, and may be counted toward meeting the off-street parking requirements of said use.
- K. Off-Site Parking. Unless otherwise approved through a Traditional Neighborhood Development in accordance with the following standards, all parking shall be located on the same lot as the principal use(s) which it serves except that off-site parking shall be authorized as a conditional use subject to the following same standards:
- (1) The parking shall lie within 500 linear feet of the entrance to the building housing the establishment for which the parking is required.
 - (2) The parking area shall be connected to the principal structure by a system of sidewalks and crosswalks meeting all Pennsylvania Department of Transportation, American with Disabilities Act, and other applicable Borough standards.
 - (3) Easements or leases shall be executed in a manner that guarantees use of the parking area sufficient to meet the minimum parking requirements of this article. The applicant shall execute a developer's agreement, prepared by the Borough Solicitor, which gives notice that operation and occupancy of the subject establishment(s) is contingent upon continued access to the off-site parking approved.
 - (4) Existing parking lots, all or a portion of which, are proposed for off-site parking, shall meet the dimensional requirements set forth in this article for aisle width, access, and parking stall size.
- L. Uses located in historically designated structures are exempt from off-street parking requirements.

Article IX

Landscaping Requirements

§ 265-901 SCOPE, PURPOSE, AND GENERAL STANDARDS.

- A. This section sets forth landscaping and tree planting requirements by Zoning District and type of use and establishes thresholds of construction, improvement, and change of use at which the current landscaping requirements shall apply. The purpose of the following requirements is to:
- (1) Promote tree planting and screening requirements that are an integral part of traditional neighborhood development guidelines;
 - (2) Protect property values by providing landscape buffering as a transition between districts and uses of varying intensities.
 - (3) Ensure installation and maintenance of landscaping and vegetation in new residential neighborhoods, commercial centers, and mixed use developments in order to minimize effects of heat associated with paved areas, provide for shade, minimize erosion, and provide for functional integration with existing neighborhoods and commercial centers.
 - (4) Landscaping shall be used in all open areas not covered by buildings, required parking areas, sidewalks or other impervious surfaces. Landscaping shall be a mixture of shade tree, low-level planting and ground cover that shall be of a type, size and placement compatible with the land development and the surrounding land uses.
 - (5) 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.
- B. Parking lot requirements. The following shall apply to all parking lots in the Borough.
- (1) All parking lots shall meet the following requirements for landscaping.
 - (a) All landscaped island curbs shall be constructed of a durable material such as asphalt or concrete.
 - (b) Raised landscaped islands adjacent to municipal or state rights-of-way shall comply with Pennsylvania Department of Transportation (PennDOT) or Borough regulations, whichever is more stringent.
 - (c) Trees, shrubs or flowers shall not be permitted to grow within two feet of a curb to prevent damage of plant materials by auto bumpers.

- (2) In addition to the requirements above, parking lots with five or more parking spaces other than single-family or duplex dwellings shall include one shade tree for each 50 linear feet or fraction thereof of perimeter. Also, within these planting areas, low-level plantings and ground cover shall be installed in such a manner as to screen the parking area from the public right-of-way or adjacent property.
 - (3) In addition to the requirements above, parking lots with 100 or more spaces shall provide for the following:
 - (a) An eight-foot-wide raised planting strip between alternate sets of parking stall rows. This requirement is applicable if the parking stall row has 15 or more continuous parking spaces. The landscaping required in this planting strip shall include a mixture of shade tree, low-level planting and ground cover. Shade trees shall be planted up to 20 feet apart, and low-level planting up to five feet apart.
 - (b) Raised landscaped islands, eight feet wide, at each end of a parking stall row of 15 or more continuous parking spaces. Such island shall be the full length of the parking spaces provided to prevent the encroachment of moving vehicles into parking spaces. In addition, if a parking stall row accommodates 40 or more spaces, an additional island, eight feet wide, is required. Thereafter, an additional landscaped island is required for every additional 20 spaces in the parking stall row. All required landscaped islands that are in addition to those at each end of a parking stall row must be spaced at regular intervals. The required landscaping to be included within these islands includes an appropriate mixture of shade tree, low-level planting and ground cover. A minimum of one shade tree or three low-level plantings shall be required for each island, with the remainder of the island consisting of ground cover.
- C. Street and Access Drive Tree Requirements. The following shall apply to all streets and access drives constructed within developments and shall also apply to the frontage and adjoining rights of way of lots in Infill Model and Major Traditional Neighborhood Developments.
- (1) The Borough may adopt, by resolution and within the parameters set forth in this Section, standards for the location and type of plantings required. Such standards may vary by specific street and may be based upon existing neighborhood character and related street construction standards. In such instances, landscaping shall be installed in accordance with said specifications.
 - (2) Unless authorized or otherwise required within street rights of way, street trees shall be planted within ten feet of an adjoining right of way and at a





uniform distance in each block. The species of tree shall be uniform per block as well.

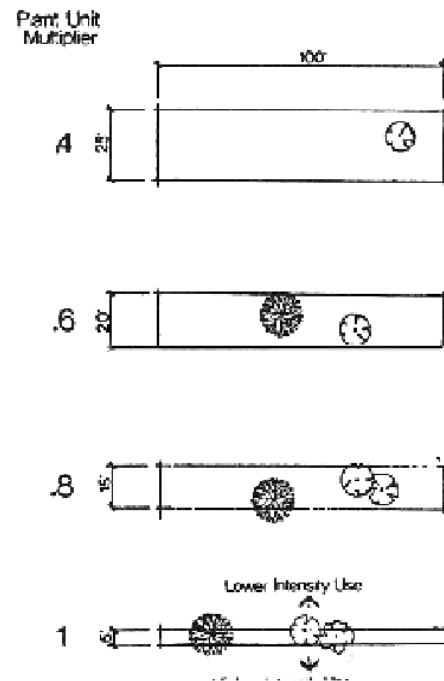
(3) Trees shall be planted on the following centers:

- (a) Shade Trees: 50 Feet
- (b) Understory Trees: 30 Feet





D. Buffering Yard Types. Buffers shall be installed in accordance with the following standards. Bufferyards shall be required in addition to street tree and parking lot landscaping otherwise required by this section. Bufferyards are set forth and defined as follows:

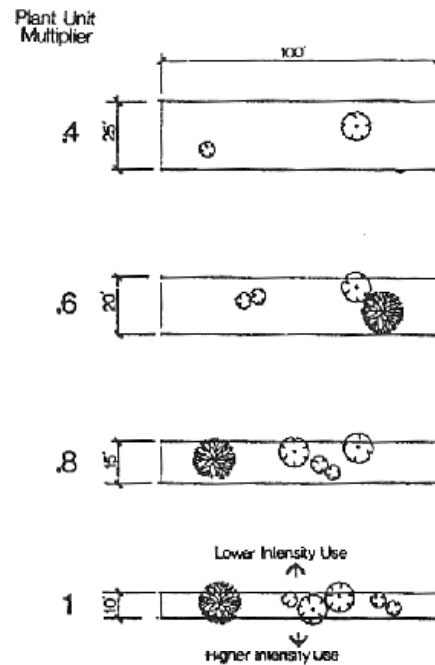
(1) Bufferyard A-Minor:
Required Plant Units/100'
(@ 5 ft. Minimum Width)

- | | |
|-----------------------|--|
| 1 Canopy Trees |  |
| 2 Understory Trees |  |
| 0 Shrubs |  |
| 0 Evergreens/Conifers |  |







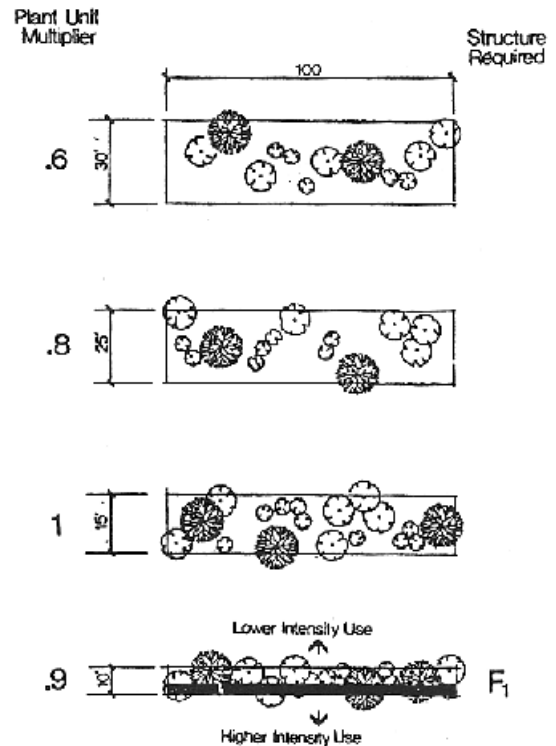
(2) Bufferyard B - Moderate:
Required Plant Units/100'
@ 10 ft. Minimum Width)

- 1 Canopy Trees 
- 2 Understory Trees 
- 3 Shrubs 
- 0 Evergreens/Conifers 







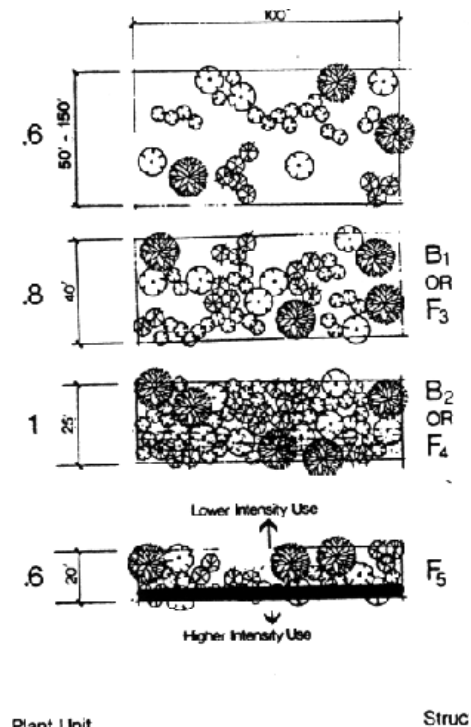
(3) Bufferyard C - Average:
Required Plant Units/100'
@ 15 ft. Width)

- 3 Canopy Trees 
- 6 Understory Trees 
- 9 Shrubs 
- 0 Evergreens/Conifers 



(4) Bufferyard D - Substantial:
Required Plant Units/100'
@ 25' Width)

5	Canopy Trees	
7.5	Understory Trees	
30	Shrubs	
15	Evergreens/Conifers	



- E. Determination of Applicable Buffer Yard. Buffer yards shall be installed and maintained along property lines adjoining the property line(s) of lots within a category that require installation of a certain bufferyard type. Category types are defined below. The applicable bufferyard for the side and rear yards required, if any, is first determined by identifying the category in which the subject lot is classified and the category of adjoining lots. Once identified, the category of the subject lot is selected from the column and the applicable bufferyard specified under the column descending from the category type of the adjoining lot. For example, improvement of a lot that is classified as Category Three that bears a side yard adjoining a lot classified as Category Two would require installation of Bufferyard B according to the table.

Category I

1. Vacant lots in the R-1 and R-2 Districts
2. Any lot bearing a single family or duplex dwelling unit.

Category II

1. Conditional uses in the R-1 and R-2 Districts and overlay districts thereof, excepting local public uses.
2. Multi-Family Dwellings
3. Adult day services center,

4. Day care center
5. Group residential facility,
6. Personal Care Home

Category III

1. Local Public Uses
2. Essential Service Buildings
3. Lots bearing nonresidential principal uses in the **CC** District, except those set forth under Category II.

Category IV

1. Major Traditional Neighborhood Development
2. Mobile Home Park
3. Hospital

	I	II	III	IV
I	N/A	N/A	N/A	N/A
II	B	A	N/A	N/A
III	C	B	A	N/A
IV	D	D	C	B
<i>N/A = Not Applicable</i>				

F. Plan and bonding requirements.

- (1) All applications requiring land development approval through the effective subdivision and land development ordinance, conditional use applications, and Traditional Neighborhood Development applications shall include a landscaping plan, prepared and sealed by a landscape architect duly registered to prepare said plans in and by the Commonwealth of Pennsylvania.
- (2) Completion of landscaping. Prior to the issuance of any building permit by the Borough, a bond or other cash security in the amount of 110% of an approved estimate of the required landscaping improvements shall be submitted to the Borough. An occupancy permit shall not be issued until all required landscaping improvements are installed and verified by a registered landscape architect. In the event that all of the required landscaping improvements cannot be installed at the time of request for an occupancy permit due to the loss of the planting season, a temporary occupancy permit may be granted for a period not longer than nine months to allow for landscaping improvements to be installed during the next planting season.

- (3) Where a decision is required by Council for conditional use or traditional neighborhood development approval and financial security for associated landscaping or plantings is required by this section, Council may require posting of a maintenance surety or bond in the amount of 15% of the financial security required which shall be posted for a period of eighteen months to guarantee replacement of unviable plantings.

ARTICLE X

Lighting

The following standards shall apply to the design and operation of outdoor lighting for residential, commercial and institutional areas for loading, ingress and egress, parking, security, private recreational uses and institutional uses:

§ 265-1001 PURPOSE

To establish minimum standards for outdoor lighting to:

- A. Provide lighting in outdoor places where public health, safety and welfare are potential concerns.
- B. Protect drivers and pedestrians from the glare of non-vehicular light sources that affect driver vision.
- C. Protect neighbors and the night sky from nuisance glare and stray light from incorrectly aimed, placed, applied, maintained or shielded light sources.

§ 265-1002 APPLICABILITY.

Outdoor lighting shall be provided in accordance with the following standards for the following uses:

- D. Multifamily. Multi-Family shall include multi-family and groups of townhouse dwelling units.
- E. Residential. Residential shall include all types of units other than multi-family, namely single family and duplex dwellings.
- F. Commercial. Commercial uses shall include all retail, office, and personal service activities.
- G. Industrial. Industrial uses shall also include warehouse, wholesale, and distribution.
- H. Educational. Educational uses shall include public, private, commercial, and nursery schools and day care centers.
- I. Private Recreational uses as provided for in this Chapter.
- J. Institutional uses including hospitals, clinics, churches, and public and semi-public uses.

(1) In addition, the glare-control requirements herein apply to lighting in all of the above-mentioned uses as well as, but not limited to, signs and architectural, landscaping and residential lighting.

§ 265-1003 CRITERIA.

- A. Illumination levels.

- (1) Lighting, where required or permitted by this section, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, 9th Edition.
- (2) Examples of intensities for typical outdoor applications, as extracted from the 9th Edition of the Lighting Handbook, are presented below:

Use/Task	Maintained Footcandles	Uniformity Ratio – Average : Minimum
Streets, local residential	0.4 Avg.	6:1
Streets, local commercial	0.9 Avg.	6:1
Parking, residential, multi-family Low vehicular/pedestrian activity	0.2 Min.	4:1
Medium vehicular/pedestrian activity	0.6 Min.	4:1
Parking, industrial/commercial/institutional/municipal:		
High activity, e.g., regional shopping centers/fast food facilities, major civic/cultural events and private recreational activities	0.9 Min.	4:1
Medium activity, e.g. community shopping centers, office parks, hospitals, commuter lots	0.6 Min.	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking.	0.2 Min.	4:1
Walkways and Bikeways	0.5 Avg.	5:1
Building entrances	5.0 Avg.	-

Notes: Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6, i.e. (0.9 x 4).

B. Lighting fixture design.

- (1) For lighting of horizontal surfaces such as roadways, pathways and parking areas, fixtures shall meet IESNA full-cutoff criteria.

- (2) For lighting of nonhorizontal surfaces such as the use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and other fixtures not meeting IESNA full-cutoff criteria shall be remitted only with glare control and notwithstanding the required uniformity ratio.
 - (3) Fixtures shall be equipped with or be capable of being back-fitted with tight-directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.
- C. Control of glare, light pollution and light trespass.
- (1) All outdoor lighting whether or not required by this chapter, on private, residential, commercial, industrial municipal, educational or institutional property, shall be aimed, located, designed, fitted and maintained, so as not to create glare, light pollution and light trespass.
 - (2) Lighted signs advertising individual business and combinations of businesses (as in a shopping center) may remain on until 15 minutes after closing of the business or combination of businesses and then shall be extinguished.
 - (3) Entrance signs to residential developments and to business parks or shopping centers may remain on throughout the night for identification purposes for emergency vehicles.
 - (4) 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.
 - (5) 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.
 - (6) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured at 30 inches above the ground at the property line.
 - (7) Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward.
 - (8) Except as otherwise permitted in this section, fixtures meeting 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 16 feet above grade except as specifically approved by the Borough Council.

- (9) 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.
- (10) Lighting. The approval of security or flood lighting which exceeds the uniformity ratios otherwise authorized in a particular use may be granted by Council as a conditional use with the following criteria:
 - (a) Floodlights and spotlights, when permitted, 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.
 - (b) 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.
 - (c) The nature 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.
- (11) The departure from the uniformity ratio typically required for a certain class and intensity of establishment shall be the minimum required for security related purposes.

D. Installation.

- (1) Electrical feeds for lighting standards shall be run underground, not overhead.
 - (2) Lighting standards to the rear of the parking spaces shall be placed a minimum of five feet outside paved areas, curbs or tire stops, or be suitably protected by other means approved by the Borough Council.
- E. Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this section.

§ 265-1004 RESIDENTIAL DEVELOPMENT FIXTURE PLACEMENT.

- A. Street lighting fixtures in multifamily residential developments and mobile home parks shall be placed at the following locations:
- (1) At the intersection of public roads with entrance roads to the proposed development.
 - (2) Intersections involving proposed public or non-public major roads within the proposed development.

B. Recreational lighting. When facilities for outdoor recreational activities such as, but not limited to, baseball, tennis, football and 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:

Basketball20'

Football and other field sports.....50'

Organized Baseball and Softball

200 Radius..... 60'

300 Radius..... 70'

Miniature Golf.... 20'

Tennis..... 30'

C. Plan submission.

- (1) Lighting plans shall be submitted to the Borough for review and approval for all proposed outdoor lighting, including but not limited to proposals which are part of a subdivision or land development plan, and shall include:

- (a) Layout of the proposed fixture locations.
- (b) For installations of up to four fixtures, an isofootcandle plot of the individual fixtures.
- (c) 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.
- (d) Description of the equipment, including fixture catalog cuts, photometrics, glare-reduction devices, lamps, control devices, mounting heights and mounting methods proposed.

- (2) When requested by the Council, applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare.

- (3) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.

D. District-Specific Standards

- (1) CC Commercial Center District, Traditional Neighborhood Developments, R-2, and R-1 Zoning Districts. No freestanding light fixture shall be taller than 15 feet. Wall mounted lighting, unless authorized as indirect lighting for signage, shall not be mounted higher than 15 feet from the adjoining grade of ground.
- (2) RFO Riverfront Overlay and RRO Rural Resource Overlay Districts. Where development is approved in accordance with and authorized by the overlay district, no freestanding light fixture shall be taller than 20 feet. Wall mounted lighting, unless authorized as indirect lighting for signage, shall not be mounted higher than 20 feet from the adjoining grade of ground.

ARTICLE XI

Supplemental Standards

§ 265-1101 OUTDOOR STORAGE.

Where outdoor storage of supplies and merchandise is authorized under the Bulk Regulations of this Chapter, such shall be screened by an opaque fence, landscaping mounding and landscaping, evergreens providing proper screening at maturity, or a combination of the preceding sufficient to screen said storage from the view of the public or from the view of adjoining lots provided that the height of said fences remains subject to those standards set forth within the Bulk Regulations of this Chapter.

§ 265-1102 TEMPORARY USES.

- A. No person shall conduct or allow to be conducted any temporary outdoor activity as defined in Article II (including those specifically listed herein) without first obtaining a temporary use permit therefore, where required, in compliance with the terms of this Article.
- B. A signed application on a form furnished by the municipality shall be filed with the Zoning Officer ten (10) working days prior to the commencement of the temporary outdoor activity.
- C. All temporary outdoor activities shall require review and approval by the Zoning Officer or Borough Manager and issuance of a Temporary Use Permit including the following:
 - (1) Seasonal sale of produce whether from a portable stand or sectional display unit wherein items are displayed;
 - (2) The sale of trees or shrubbery for seasonal events;
 - (3) The periodic sale of crafts such as leather goods, furniture or art from a vehicle;
 - (4) The sale of special event T-shirts, clothing items, or sports related items from a vehicle;
 - (5) Multi-day, multi-family yard sales, estate sales and auctions;
 - (6) Sidewalk sales and other similar activities, which shall be permitted only in commercially zoned areas and only for a maximum of seven consecutive days, limited to three (3) per year;
 - (7) Temporary structures and construction
 - (8) Carnivals;
 - (9) Circuses;

- (10) Assemblies;
- (11) Marathons, bicycle races or road rallies;
- (12) Antique car shows or
- (13) Still or Motion pictures made by any analog or digital recording device.

D. Conditions for All Temporary Use Permits:

- (14) All temporary uses shall be compatible with other uses permitted in the zoning district in which the use is proposed. Yard sales in residential zoning district shall be considered compatible only when the activity is conducted so as to minimize its impact on surrounding properties.
- (15) Temporary uses operating within parking lots shall not result in a deficient number of spaces as required by this Chapter for those establishments to which the parking lot is an accessory use.
- (16) The temporary use shall not involve the construction or alteration of any permanent structure.
- (17) If the use involves the construction or placement of a temporary structure, the structure shall be removed within forty-eight (48) hours of the expiration of the designated time period for the approved temporary use or upon the completion of the construction project for which it is erected.
- (18) The temporary use shall not involve the creation of any nuisance to adjoining properties or public or private road, including excessive noise, odors, glare or vibrations. Items which will be considered in making this determination will be: projected hours of operations; volume of traffic; available parking, projected traffic patterns; and type of activity.
- (19) No person shall, in order to promote the sale or promotion of any goods, wares, merchandise or services, or in connection with any trade or business operate from any premises, building, vehicle or on any street any horn, bell, chimes, loudspeaker or any other sound device. The display of obscene signs or operation of adult uses is expressly prohibited.

- E. Except for sidewalk sales and temporary structures and construction trailers, the temporary use permit shall be issued for a period of twenty-one (21) days. Any temporary use permit may contain conditions which the Zoning Officer or Borough Manager may deem necessary to minimize inconvenience to the public. Such conditions may include, but are not limited to, the hours during which the temporary outdoor activity may operate and the duration of said activity and

- traffic safety measures. Further, the Zoning Officer or Borough Manager may require the applicant to make arrangements with the Police Department of the municipality for traffic and crowd control. All costs for said control measures shall be borne entirely by the applicant. Violation of the conditions of the permit shall render the permit null and void, constitute a violation of this Article and subject the applicant to the penalties provided for in this Ordinance.
- F. Upon application, the Zoning Officer may renew and extend the permit for a period of not more than seven (7) days. One (1) temporary use permit and one (1) renewal may be issued in any one (1) twelve (12) month period, except as otherwise specified. No extension is permitted for a sidewalk sale. The permit shall be maintained on the property where the subject temporary outdoor activity is conducted at all times and shall be available on demand for inspection and review by any municipal official, representative or employee.
- G. Temporary Structures and Construction Trailers: The Zoning Officer shall issue a temporary use permit for occupancy of temporary structures only when they are incidental to permitted nonresidential uses, such as outdoor display or sales areas, or construction trailers, sales offices or other temporary business offices to be maintained during construction of any permanent structure or structures for which a zoning/building permit has been issued, provided that all of the following requirements have been met:
- (1) Temporary use permits for temporary structures as herein defined shall be granted for a period of not to exceed twelve (12) months.
 - (2) The temporary use permit for temporary structures shall be canceled upon written notice by the Zoning Officer or a designated agent of Tarentum Borough, if construction of the permanent structure is not diligently pursued or if the existing use is discontinued.
 - (3) All temporary structures shall be located at least twenty feet (20') from any property lines.
 - (4) All temporary structures which are proposed to be accessible to the public shall be located at least one hundred feet (100') from any construction entrance or from the foundation of any structures which is under construction.
 - (5) Vehicular access to all temporary structures which are proposed to be accessible to the public shall be designed to ensure pedestrian safety.
- H. The construction of said temporary structure shall comply with the Pennsylvania Uniform Construction Code and all other local, state, and federal laws and regulations.

§ 265-1103 HOME BASED BUSINESS.

- A. A home based business 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:
- (1) Changes the external appearance of the dwelling;
 - (2) Is visible from surrounding properties or the adjacent street;
 - (3) Generates traffic, parking or utility use in excess of normal levels in the neighborhood;
 - (4) Creates hazards to persons or property;
 - (5) Creates interference or a nuisance;
 - (6) Involves outside storage, display or operations; or,
 - (7) 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.
- B. Only members of the family residing on the premises shall be permitted to work at the establishment.
- C. Activities shall be limited to the following:
- (1) Professional, technical or business pursuits that involve only office related functions and practices.
 - (2) Light handicrafts, sewing, photography and objects of art.
 - (3) Teaching instruction limited to no more than three (3) students at any one time.
 - (4) Small appliance and lawn mower repair provided that equipment is ~~not~~ stored within a completely enclosed building.
 - (5) Beautician, barber and similar services, limited to no more than two (2) clients at any one time.
 - (6) Personal services that meet the definition of adult uses as defined in this Chapter are expressly prohibited.

§ 265-1104 PERFORMANCE STANDARDS

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

operation. Environmental performance standards. The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, erosion and sedimentation control, regrading, filling, the clearing of vegetation or timbering and forestry activities without an appropriate and current permit prior to approval of the plans for development shall be a violation of this Section.

- (1) Floodway delineation. One-hundred-year floodways shall be delineated as per the provisions of the current Borough ordinances. Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and do not require structures, fill or storage of materials and equipment:
 - a. Agricultural uses;
 - b. Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing;
 - c. Accessory residential uses such as yard areas, gardens and play areas.
- (2) Floodplains. For the purpose of this section, normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. Development activities shall be regulated as per the provisions of the current Borough ordinances.
- (3) Steep slopes. In areas of steep slopes, i.e., those above 15%, the following standards shall apply, except as approved by the Borough Engineer:
 - a. Sixteen percent to 24%. No more than 60% of such areas shall be developed and/or regraded or stripped of vegetation.
 - b. Twenty-five percent or more. Earth disturbance activities in these areas in preparation for development are restricted except as approved by the Borough Engineer.
- (4) Forest. No more than 50% of any forest as defined may be cleared or developed, unless trees are the primary crop being harvested.
- (5) Ponds, watercourses or wetlands. No development, filling, piping or diverting shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate state, county or regulatory agency.

- (6) Stormwater drainage and management. All plans shall comply with the provisions of the Borough of Tarentum Subdivision and Land Development, and all amendments thereto.
 - (7) Soil erosion and sedimentation. With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the Clean Streams Law, P.L. 1987, EN Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a Soil Erosion and Sediment Control Plan (SE & SC Plan) shall be required as part of the application for any Borough permit where earth disturbance or excavation will occur. As a minimum, where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established as determined by the Pennsylvania Department of Environmental Protection, or erosion-resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single-family construction.
- B. Odor. Those standards for the control of odorous emissions established by the Pennsylvania Department of Environmental Protection (PADEP) shall be applied in all zoning districts. Where an odor is deemed offensive, a duly authorized Borough representative shall refer the matter to the Pennsylvania Department of Environmental Protection (PADEP) where it has jurisdiction relative to an established airshed.
- C. Storage and waste disposal.
- (1) No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over 500 gallons), above ground, except in an enclosed building and except new tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
 - (2) All new permanent bulk outdoor storage facilities for fuel over 500 gallons, raw materials and products and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
 - (3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies, where applicable. A Pennsylvania Department of Environmental

Protection approved plan for spill containment shall be submitted to the Borough for review by the Borough Engineer prior to the issuance of any required permit.

- (4) Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.
- D. Air pollution. No emission at any point from any chimney or otherwise of visible smoke in excess of that permitted by the air pollution control regulations of the commonwealth agency with jurisdiction shall be permitted.
- E. Dust, fumes, vapors, and gases. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.
- F. Glare. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or employ unshielded illumination sources beyond its lot lines or onto any public road. Spillover lighting from parking areas shall not exceed two footcandles per square foot beyond the property line.
- G. Vibrations. No use shall cause earth vibrations, or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction activity.
- H. Discharge. No discharge at any point into any private sewage disposal system or stream or into the ground of any materials in such a way or in such manner or temperature as can contaminate any public or private water supply or otherwise cause the emission of dangerous, noxious or objectionable elements, or the accumulation of solid wastes conducive to the breeding of rodents or insects, is permitted.
- I. Heat, cold, dampness or movement of air. No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.
- J. Noise. No new use proposed in any district which, by the nature of its use, operation or activity, produces noise of objectionable character or volume as noted by a person at the property line of the parcel upon which the offending use is located will be permitted.
- (1) Residential uses.
- a. In excess of 60 dba for any period of time between the hours of 10:00 p.m. and 7:00 a.m.

- b. In excess of 80 dba for any period of time between the hours of 7:01 a.m. and 9:59 p.m.
 - c. The use of maintenance equipment, including, but not limited to, power mowers, on a temporary basis, in residentially zoned districts shall be exempt from the standards in this section.
- (2) Commercial uses. In excess of 90 dba for more than two hours during a twenty-four-hour period.
- (3) Industrial uses. In excess of 90 dba for two hours during a twenty-four-hour period.
- K. Electrical disturbance or radioactivity. No activities which emit dangerous radioactivity or continuous cumulative low-level radiation at any point are permitted, and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.
- L. Maintenance of yards, adjacent undeveloped property. The owner or lessee of the property, whether occupied or vacant, located within or adjacent to any developed area shall maintain such premises so that all portions of the property shall be kept free of junk, debris, disabled motor vehicles and dangerous or noxious material.
- M. Vehicle and equipment maintenance.
 - (1) In industrial and commercially zoned areas, all vehicles and movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.
 - (2) In residentially zoned areas, minor vehicle maintenance activities on vehicles owned by the occupant may be conducted in driveways, but in no case shall repairs be made on vehicles and movable equipment which would result in the storage of said vehicles or movable equipment on the exterior of the lot for more than 48 hours, unless said vehicles are stored in an enclosed building.

§ 265-1105 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a conditional use. The Borough Council shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under

the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of that section. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

§ 265-1106 DETERMINATION OF A BUILDING OF HISTORIC SIGNIFICANCE

- A. As part of a decision otherwise required by process mandated by this ordinance including conditional uses and traditional neighborhood developments, Council shall evaluate whether or not buildings impacted by the proposed application should be designated or defined as buildings of historic significance.
- B. In order to be designated as a building of historic significance, thereby subject to standards and protections accorded to such structures, the building must be fifty (50) years old or older and must meet one or more of the following criteria:
 - (1) Possess significant character, interest, or value associated with the development, heritage, or cultural characteristics of the Borough and is associated with a significant period of time in its history;
 - (2) Is representative of the built environment of an era of history as characterized by distinctive architectural styles;
 - (3) Is the site or location of a notable local event considered to have had a significant effect on the Borough;
 - (4) Is an example of the cultural, political, economic, social, or historical heritage of the community;
 - (5) Has achieved significance within the past fifty years or is of exceptional importance to the Borough;
 - (6) Possesses a unique location or physical characteristics that represent an established and familiar visual feature of a neighborhood within the Borough.
- C. Council may rely upon evaluations and reports prepared by qualified professionals including but not limited to architects, landscape architects, and historians. Costs for such evaluations shall be borne by the applicant but shall be limited solely to the evaluation of the subject structure.
- D. Information concerning the historical significance of a building or buildings impacted by a proposed application may be introduced by the applicant or a member of the general public.

ARTICLE XII

Nonconformities

§ 265-1201 APPLICATION

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

§ 265-1202 UNSAFE STRUCTURES

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building.

§ 265-1203 RESTORATION AND REGULAR MAINTENANCE

Nothing in this Chapter 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 265-1211, subsequent to the date of this Chapter nor shall it prevent the regular maintenance of a nonconforming structure including the replacement of a roof, exterior façade, windows, and other treatments.

§ 265-1204 UNLAWFUL USE

Nothing in this Chapter 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 Chapter.

§ 265-1205 ZONING 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 following provisions shall apply to any nonconforming uses or structures existing therein.

§ 265-1206 ALTERATIONS AND ADDITIONS TO NONCONFORMING STRUCTURES

- A. A nonconforming structure may be increased in height not to exceed the maximum height of the respective district.
- B. A nonconforming structure may be expanded into a required yard as long as such expansion does not encroach further into the yard than at the time adoption of this Chapter.

§ 265-1207 NONCONFORMING USES

A nonconforming use shall not be extended, except as authorized by special exception pursuant to Section 265-1405. The extension of a lawful or conforming use to any portion of a nonconforming building or structure that existed prior to the enactment of this Chapter shall not be deemed an extension of a nonconforming use.

§ 265-1208 CHANGE OF NONCONFORMING USE

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 Section 265-1405.

§ 265-1209 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:

- A. When the intent of the owner to discontinue the use is apparent; or
- B. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the nonconforming use; or
- C. When a nonconforming use has been discontinued for a period of one year; or
- D. When it has been replaced by a conforming use; or
- E. When it has been changed to another use under approval by the Zoning Hearing Board.

§ 265-1210 CONSTRUCTION APPROVED PRIOR TO CHAPTER ADOPTION OR AMENDMENT

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 six (6) months of the date of such permit.

§ 265-1211 RECONSTRUCTION OF DEMOLISHED STRUCTURES

- A. Any nonconforming structure demolished within the Borough may be reconstructed within 18 months after the date on which demolition commenced as per approved demolition permit required by the Pennsylvania Uniform Construction Code or the date on which destruction occurred by Act of God, fire, vandalism, or accident.
- B. The nonconforming structure may be reconstructed in a manner that maintains, but does not increase those legal nonconformities associated with the structure. The structure shall then continue to be classified as a nonconforming structure and all standards and exceptions granted to such structures by this Chapter shall remain in full effect.

§ 265-1212 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 Chapter.

§ 265-1213 PARKING

When an existing single family detached dwelling is converted to a duplex dwelling where authorized by this Chapter, off-street parking required for both units shall be provided and no credit for nonconforming deficiency of off-street parking shall be given for the existing single family detached dwelling unit.

§ 265-1214 NONCONFORMING LOTS

- A. Nonconforming lots shall be considered lawful if shown by a recorded plat or deed in a manner not prohibited by zoning provisions in effect at the time of recording, provided that such have not been subsequently consolidated by recorded subdivision or deed.
- B. Nonconforming structures on nonconforming lots may be repaired or expanded in accordance with this Article provided that no further nonconformities are created beyond those otherwise permitted by this Article such as expansion into required yards.
- C. Construction of principal structures on such lots shall be in compliance with the existing standards of this Chapter with the following exception. Construction of a single family dwelling or a duplex dwelling on a nonconforming lot may encroach into required side yard setbacks if approved by conditional use from Borough Council with the following standards:
 - (1) The required side yard or yards shall not be reduced to less than two feet.
 - (2) The approved side yard shall be within the general character of the block on which the nonconforming lot is located with respect to typical spacing between dwelling units and typical location of structures in relation to the side lot lines.
 - (3) Where a duplex dwelling is constructed with reduced setbacks, the location of the structure shall permit the provision of parking otherwise required by this Chapter.

§ 265-1215 HISTORICALLY DESIGNATED STRUCTURES

Historically designated structures are exempt from applicable provisions for nonconformities.

ARTICLE XIII

ZONING OFFICER AND ENFORCEMENT PROCEEDINGS

§ 265-1301 ZONING OFFICER

- A. A Zoning Officer shall administer and enforce this Ordinance, including the receiving of applications, the issuance and prosecution of enforcement proceedings, the inspection of premises and the issuing of Zoning Certificates. No Zoning Certificates 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 Tarentum Borough Council.
- B. 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.

§ 265-1302 ZONING CERTIFICATE REQUIRED

- A. 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 Certificates shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such Zoning Certificates shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- B. Zoning Certificates shall also be required for principal and temporary uses, whether or not construction or expansion of a structure is associated.
- C. Matter Accompanying Applications. There shall be submitted with all applications for Zoning Certificates, two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.
- D. No permit shall be issued unless all requirements and conditions of associated conditional uses, variances, special exceptions, Traditional Neighborhood Developments, subdivisions or land developments are satisfied.

§ 265-1303 CERTIFICATE OF OCCUPANCY

- A. After completion of a building or structure for which a Zoning Certificate 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.

- B. 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 as per applicable approval from the Zoning Hearing Board.
- C. 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.
- D. 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.
- E. A zoning certificate of occupancy shall be required for all changes in tenants within nonresidential principal uses and for nonresidential occupancy of any building.
- F. A zoning certificate of occupancy shall be required for all home occupations and family home day care facilities.

§ 265-1304 NONCONFORMING USE CERTIFICATE

The Zoning Officer shall issue a zoning certificate, upon request of the property owner, recognizing the status of a nonconforming use as a legal nonconforming use. It shall be the burden of the property owner to provide sufficient proof that the use was legally operated or constructed prior to adoption of current ordinance provisions rendering said use, structure, or lot nonconforming and that, in the case of uses, such have not been abandoned.

§ 265-1305 REMEDIES

- A. **Enforcement Notice:** If a violation of the Ordinance occurs, the Zoning Officer, on behalf of the Borough 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:
 - (1) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. **Causes of Action:** In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of 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.

C. Enforcement:

- (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by Tarentum Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality 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, Tarentum 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 a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.
- (2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Tarentum Borough the right to commence any action for enforcement pursuant to this section.

ARTICLE XIV

The Zoning Hearing Board, Procedures, and Proceedings

§ 265-1401 THE ZONING HEARING BOARD, PROCEDURES, AND PROCEEDINGS.

- A. Membership. Council shall, by resolution, appoint five qualified residents, who do not serve as elected officials and are not employees or appointees thereof, to the Zoning Hearing Board. Initial appointments shall be staggered so that one expires each year for the first five years and all subsequent appointments shall be for five year terms.
- B. Removal of Members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council appointing said member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing within the aforementioned time period.
- C. 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. The Board shall also appoint a hearing officer from its own membership to conduct any hearing on its behalf where the parties agree to waive further action by the Board.

§ 265-1402 JURISDICTION

- A. The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (1) Substantive challenges to the validity of any land use ordinance, except those brought before Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.
 - (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - (3) Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- (4) Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - (5) Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 910.2 of the Pennsylvania Municipalities Planning Code, as amended.
 - (6) Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1. of the Pennsylvania Municipalities Planning Code, as amended.
 - (7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
 - (8) Appeals from the zoning officer's determination under section 916.2. of the Pennsylvania Municipalities Planning Code, as amended.
 - (9) Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications.
- B. Borough Council or, except as to clauses (3), (4) and (5), the Planning Commission, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (1) All applications for approvals of planned residential developments under Article VII pursuant to the provisions of section 702 of the Pennsylvania Municipalities Planning Code, as amended.
 - (2) All applications pursuant to Section 508 for approval of subdivisions or land developments under Article V. of the Pennsylvania Municipalities Planning Code, as amended.
 - (3) Any provision in a subdivision and land development ordinance requiring that final action concerning subdivision and land development applications be taken by a planning agency rather than Borough Council shall vest exclusive jurisdiction in the Planning Commission in lieu of Borough Council for purposes of the provisions of this paragraph.
 - (4) Applications for conditional use under the express provisions of the zoning ordinance pursuant to section 603(c)(2) of the Pennsylvania Municipalities Planning Code, as amended.

- (5) Applications for curative amendment to a zoning ordinance pursuant to sections 609.1 and 916.1(a)(2). of the Pennsylvania Municipalities Planning Code, as amended.
- (6) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in section 609. of the Pennsylvania Municipalities Planning Code, as amended. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
- (7) Appeals from the determination of the zoning officer or the municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for land development under Articles V and VII. of the Pennsylvania Municipalities Planning Code, as amended. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the zoning officer or the municipal engineer shall be to the zoning hearing board pursuant to subsection (a)(9). Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the planning agency, all appeals from determinations under this paragraph shall be to the planning agency and all appeals from the decision of the planning agency shall be to court.
- (8) Applications for a special encroachment permit pursuant to section 405 and applications for a permit pursuant to Section 406 of the Pennsylvania Municipalities Planning Code, as amended.

§ 265-1403 BOARD PROCEEDINGS.

- A. The Zoning Officer shall accept complete applications and shall provide them to the Zoning Hearing Board within 5 working days of receipt.
- B. The Board shall advertise each hearing stating the purpose thereof, the location of the subject property when applicable, the name of the applicant, a brief description of the appeal, and the date, time, and location scheduled. Advertisements shall occur in accordance with public notice. Where the hearing relates to property, said property shall be posted with the aforesaid information no later than 1 week prior to the scheduled hearing. The Zoning Officer shall notify the applicant and Borough Council of the date, time, and purpose of the respective hearing.
- C. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each

- subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least 7 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- D. The Zoning Hearing Board shall conduct the hearings or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough Council, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
 - E. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - F. Parties to every hearing shall be the Borough, the applicant(s), and any effected party that enters a verbal or written appearance or statement at the hearing. The Zoning Hearing Board may require attendees to enter a written appearance as a condition of being a party.
 - G. 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.
 - H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - I. The Zoning Hearing Board shall keep a stenographic record of each hearing.
 - J. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other

materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- K. The Zoning Hearing 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 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the MPC 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 Zoning Hearing Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer. Excepting validity challenges, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence or complete the required hearing as provided herein, 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 Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- L. 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 Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing 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, or may choose to mail a complete copy of the decision.
- M. The Zoning Officer shall keep written files or meeting transcripts, evidence presented, correspondence, applications, names and addresses of parties, evidence of delivery by certified mail of notice and decisions to all applicable parties, and other files which shall remain the property of the Borough Council.

§ 265-1404 VARIANCES.

The Zoning Hearing Board shall have exclusive power to hear appeals for dimensional and use variances from the provisions of this Chapter.

- A. The landowner shall submit an application to the Zoning Officer including a survey showing existing structures and the location and detail of the proposed activity or structure for which the applicant requires a variance; the required fee for a variance as outlined in the fee schedule or schedules of the Borough Council and a completed application with all required contact information as well as additional information, if any, required by the Board.
- B. The Board shall grant a variance, only when findings of fact are supported by all of the following where relevant in a given case and therefore constitute an unnecessary hardship inflicted by this Chapter.
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- C. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter.

§ 265-1405 SPECIAL EXCEPTION

The Board is authorized to consider special exceptions.

- A. Expansions and changes of nonconforming uses shall be evaluated as per the following standards cited in Article X and the general standards cited in this Section.

- B. The landowner shall submit an application to the Zoning Officer including a survey showing existing structures and the location and detail of the proposed activity or structure for which the applicant requires the special exception, including representations of parking and circulation; the required fee for the special exception fee as outlined in the schedule or schedules of the Borough Council, and a completed application with all required contact information as well as additional information, if any, required by the Board.
- C. Special exceptions for nonconforming uses shall be evaluated by the following criteria at a minimum.
 - (1) The impact of any proposed use on the neighborhood of which it is a part compared with the impact of the existing nonconforming use. A proposed use shall not present a greater adverse impact as compared with the existing use.
 - (2) The impact of an expansion of the nonconforming use and the manner in which the expansion changes or redefines the impact of the current nonconforming use.
 - (3) The extent to which a proposed expansion changes the scale of use such that the use itself may be changed such that it does not present an adverse impact on the neighborhood and district in which it is located. The expansion shall be considered a natural outgrowth necessary to the economic vitality and sustainability of the current nonconforming use.
 - (4) The consistency of any proposed expansion with the current character of a neighborhood or district.
 - (5) The change in parking required and traffic circulation associated with any proposed expansion or change in use.
- D. In granting any special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
- E. Proposed additions shall conform dimensionally and otherwise to the standards of the present ordinance, or shall otherwise require a dimensional variance.
- F. Appeals from the Determination of the Zoning Officer. The Board shall hear appeals from the determination of the Zoning Officer in matters concerning the denial of a permit, a cease and desist order, and all other matters outlined in §909.1 of the Municipalities Planning Code as amended. The aggrieved party shall make application to the Zoning Officer for the appeal of the disputed decision. The application shall include the fee as defined in the Borough's adopted fee schedule, name and contract information, copies of the permit application, and any additional details relating to the denial or order issued.

- G. The Zoning Hearing Board recognizes its jurisdiction as defined above and as additionally defined within §909.1 of the MPC, as amended, including the challenge of this Chapter's validity within 30 days after its initial adoption based on procedural defects associated with the adoption process.

§ 265-1406 VALIDITY CHALLENGES.

- A. Where a landowner desires to challenge the validity of the ordinance in regards to the application of the ordinance to a property within the Borough either under his ownership or other than his own, the landowner shall submit an application for a validity challenge to the Zoning Officer. The application shall include the section of ordinance, of which validity is challenged, the property to which the challenge relates, the landowner's basis for challenge, and proposals by the landowner concerning amendments that would cure the alleged defect. Additionally, the required fee shall be submitted in accordance with the Borough's fee schedule.
- B. Upon acceptance, the Zoning Officer shall forward the application to the Zoning Hearing Board for consideration within 5 business days of receipt.
- C. The Board shall conduct a hearing pursuant to public notice within 60 days of the application submission. The Board shall issue a decision within 45 days of the close of the last hearing on the application.
- D. The Zoning Hearing Board 's decision shall be based on the following:
- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (5) The impact of the proposal on land uses which are essential to public health and welfare.
- E. If the Board fails to act on the landowner's request within the time limits referred to herein, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing. The request shall also be deemed denied when the

Board fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Board.

- F. Where the Zoning Hearing Board rules in favor of the landowner, the Board shall draft proposed amendments to the ordinance which the Board, in its decision, believes will cure the validity challenge and associated defects. Said amendments shall be forwarded to the Borough.

§ 265-1407 FLOODPLAIN REGULATIONS

The Zoning Hearing Board shall hear any variance or special exception with regard to Section 265-1407, "Floodplain Districts."

ARTICLE XV

ZONING AMENDMENTS

§ 265-1501 AMENDMENT PETITIONS

- A. A landowner or holder of equitable title to a parcel or parcels within the Borough may request a change of zoning classification for said parcel(s) or portion thereof. The applicant shall submit the fee required by the Borough along with the amount of copies required by local resolution and shall include the deeds to all properties, a metes and bounds description of the area proposed to be reclassified if said area represents a portion of the parcel(s) owned, proof of equitable title where applicable, and a statement detailing the conformance of the request to the Tarentum Comprehensive Plan's goals and objectives.
- B. The landowner shall file an application with required fees as per Borough resolution on forms provided by the Borough.
- C. The Zoning Officer shall forward a copy of the application and request to the Allegheny County Economic Development and the Planning Commission and shall allow 30 days for comment. A copy shall be submitted to the planning commission.
- D. The Zoning Officer shall schedule a public hearing, advertised according to public notice, 30 days or more after the submission to County planning agency.
- E. The Zoning Officer shall mail correspondence stating the date, time, and purpose of the public hearing to all property owners of record within the planning area, as identified in the tax records, within 200 feet of the lot lines of the subject parcel or parcels.
- F. The Zoning Officer shall post the subject property or properties at points noticeable to the general public and/or effected property owners where the parcel does not border a public street.
- G. The Planning Commission shall provide a recommendation to the full Council, which after holding a public hearing or hearings pursuant to public notice may approve or deny the request. The ordinance and map amendments, if approved, shall be forwarded to the Allegheny County Economic Development within 30 days of ordinance enactment.

§ 265-1502 LANDOWNER CURATIVE AMENDMENTS

- A. Where a landowner desires to challenge the validity of the ordinance in regards to the regulations involving the use of his property, the landowner shall submit an application for a curative amendment to the Zoning Officer. The application shall include a description of the activity or structure proposed in lieu of that permitted by thereon by the ordinance. A survey of the subject property showing existing structures thereon shall be submitted. The application shall also include a proposed amendment that the landowner presents as a cure for the perceived

- defect in the ordinance. Additionally, the required fee shall be submitted in accordance with the local municipality's fee schedule.
- B. Upon acceptance, the Zoning Officer shall forward the application to the Planning Commission and local planning commission for consideration at their next regularly scheduled meeting or if accepted later than 21 days prior thereto, at the following regularly scheduled meeting.
 - C. The Borough Council shall conduct a hearing pursuant to public notice within 60 days of the application submission. The Borough Council shall issue a decision within 45 days of the close of the last hearing on the application that may include acceptance, denial, or modified acceptance of the curative amendment. An acceptance or modified approval shall not become effective, however, until it is formally adopted by all three governing bodies within the planning area.
 - D. The decision shall be based on the following:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (5) The impact of the proposal on land uses which are essential to public health and welfare.
 - E. Where the Borough Council decides to amend the ordinance, the procedures of this article and those otherwise outlined in the Municipalities Planning Code shall apply.
 - F. If the Borough Council fails to act on the landowner's request within the time limits referred to for Municipal Curative Amendments, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing. The request shall also be deemed denied when:
 - (1) The Borough Council notifies the landowner that it will not adopt the curative amendment.

- (2) The Borough Council adopts another curative amendment, which is unacceptable to the landowner.
- (3) The Borough Council fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Borough Council.

§ 265-1503 MUNICIPAL CURATIVE AMENDMENTS

- A. Where the Borough determines that the Zoning Ordinance or any portion thereof is substantially invalid, each shall take the following actions:
 - (1) Declare by formal action, that this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal, Borough Council shall by resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - (b) Reference to a class of use or uses which require revision.
 - (c) Reference to the entire ordinance which requires revisions.
 - (d) The Borough shall begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity as per the resolution.
- (2) Within 9 months from the date of the declaration and proposal, the respective governing bodies shall enact the amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the procedures required by this Article and the Municipalities Planning Code for ordinance amendments, in order to cure the declared invalidity of this Chapter.
- (3) The Borough may not again utilize the above procedures and associated protections offered by the Municipalities Planning Code for a period of 36 months following the enactment of the curative amendment.

§ 265-1504 ENACTMENT OF AMENDMENTS, PROCEDURES

- A. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a

brief summary, prepared by the solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - (2) An attested copy of the proposed ordinance shall be filed in the County Law Library or other county office designated by Allegheny County.
 - (3) In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least 10 days prior to enactment, re-advertise, in one newspaper of general circulation in the Borough Council, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- B. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE XVI

Severability, Repealer, and Adoption

§ 265-1601 SEVERABILITY

Should any Section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter 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.

§ 265-1602 REPEALER

Enactment of this Chapter shall act as a repeal of Ordinance 85-2, the Tarentum Borough Zoning Ordinance and Map, and all subsequent amendments thereto.

§ 265-1603 ADOPTION

THE TARENTUM BOROUGH ZONING ORDINANCE AND MAP, ORDINANCE NO. 13-03 OF 2013, DULY ORDAINED AND ENACTED at a regular meeting of the Borough of Tarentum, a full quorum being present, the 18th day of February, 2013.

ATTEST:

TARENTUM BOROUGH COUNCIL

/s/ William Rossey

/s/ Timothy Rapp

William Rossey, Borough Manager

Timothy Rapp, Council President

Approved by me this 18th day of February, 2013:

/s/ Carl Magnetta, Jr.

Mayor Carl Magnetta, Jr.

Amended and approved this 18th day of August, 2014, Section 265-409, part e, (1), RC, Roadway Commercial District

/s/ William Rossey

/s/ Timothy Rapp

William Rossey, Borough Manager

Timothy Rapp, Council President

Approved by me this 18th day of August, 2014:

/s/ Carl Magnetta, Jr.

Mayor Carl Magnetta, Jr.