

# Chapter 225 - Crafton PA Zoning Code

Borough of Crafton, PA



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# Chapter 225 - Zoning

## ARTICLE I: GENERAL PROVISIONS

### § 225-1 Title

The official title of this chapter is the "Crafton Borough Zoning Ordinance," and it is adopted by virtue of the authority granted to the Borough by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (53 P.S. § 10101 et seq., as may be amended from time to time). It shall be referred to herein as the/this "Code."

### § 225-2 Applicability

- (A) In their interpretation and application, the provisions of this Code shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, planned prosperity and general welfare.
- (B) All ordinances or parts of ordinances in conflict with this Code or inconsistent with the provisions of this Code are hereby repealed to the extent necessary to give this Code full force and effect. This Code shall become effective on the date of passage and adoption by Borough Council as provided by law.
- (C) No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Code and after the lawful issuance of all permits and certificates required by this Code.
- (D) All existing buildings or structures at the time of the adoption of this Code shall be deemed to be legal nonconforming buildings or structures and shall comply with all provisions of this Code from that date forward.
- (E) The provisions of this Code are not intended to nullify, abolish, or repeal any easement, covenant or other private agreement or restriction.

### § 225-3 Community development objectives

The Code is in furtherance of the development objectives set forth in the Crafton-Ingram Thrive Comprehensive Plan, as they specifically pertain to the Borough of Crafton, and the following general development objectives:

- (A) The general objective for the development of the Borough of Crafton is to provide a pleasant, attractive, healthy, safe and convenient environment for living, working, education, shopping and recreation. This objective shall be pursued by the creation and implementation of land use plans to:
  - (1) Provide safe, adequate and attractive housing;
  - (2) Increase property values, employment opportunities, and the economic base of the community;

- (3) Provide the necessary infrastructure of utilities and transportation arteries;
  - (4) Preserve and improve the natural environment; and
  - (5) Provide recreational and community facilities.
- (B)** The preservation and improvement of the environment shall be pursued by:
- (1) The elimination of visual and physical blight such as overhead utility lines, concentration of signs of excessive size and proximity, large expanses of uninterrupted pavement, dilapidated structures and trash;
  - (2) The preservation of existing trees and green space, natural topography and wooded slopelands, including the limiting of hillside development beyond a reasonable gradient, the control of floodplains and watersheds;
  - (3) The reclamation of derelict land; and
  - (4) The municipal acquisition and the promotion of the dedication of natural open space and wooded slopeland to link the existing and proposed park sites and neighborhoods and to prevent ecological problems resulting from wooded slopeland development.
- (C)** The provision of safe, adequate and attractive housing for the entire population of the community shall be pursued by:
- (1) The provision of a wide range of housing density alternatives; preservation of a mix of housing types; correlation of residential density and housing type with topography, existing conditions and the capacity of and distance from existing and proposed utilities, streets and community facilities;
  - (2) The rehabilitation and removal of deteriorating housing, the maintenance of sound housing and the development of new housing; and
  - (3) The promotion of an attractive residential environment through the implementation of the other objectives set forth herein.
- (D)** The increase of property values, employment opportunities and the economic base of the community shall be pursued by:
- (1) The promotion of economic growth and employment opportunities;
  - (2) The concentration of commercial and industrial uses in the areas where streets and utilities can provide the necessary services and where harmonious uses can be maximized through site design and provisions that encourage walkability; and
  - (3) The implementation of the other objectives set forth herein.
- (E)** The provision of the necessary infrastructure of utilities and transportation arteries shall be pursued by:

- (1) The extension of the municipal improvements of waterlines, storm and sanitary sewers and roads and their improvement where economically feasible to guide and promote development;
  - (2) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein;
  - (3) Traffic planning and control which will prioritize pedestrians, provide safe, efficient and convenient movement of people and goods within the municipality, with a separation of through and local traffic, and minimal disruption of existing and proposed development patterns and community integrity; and
  - (4) Promote safe and convenient circulation for pedestrians and bicycles.
- (F) The provision of recreational and community facilities shall be pursued by:
- (1) The creation of outdoor and indoor recreational facilities to accommodate the existing and future population;
  - (2) The promotion of schools and parks in close proximity to decrease duplication of services and provide the greatest value for public expenditures;
  - (3) The promotion of acquisition or dedication of natural open space for park and recreational purposes; and
  - (4) The preservation of historical landmarks.
- (G) The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:
- (1) Achieve the purpose for which each zoning district is intended, as stated in the purpose statements for each article of this chapter, which are to be considered a part of these development objectives, and incorporated herein;
  - (2) Protect against the detrimental effect of incompatible land uses through planting, open space and natural breaks in topography;
  - (3) Concentrate development where possible to prevent sprawl, conserve open space and make full use of utilities and services; and
  - (4) Provide site plan control.

### **§ 225-4 Saving provision for pending enforcement actions**

Except as shall be expressly provided for in this Code, the adoption of this Code shall not:

- (A) Nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision ordinance;
- (B) Discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or ordinance;

- (C) Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or ordinance;
- (D) Waive any right of the Borough under any section or provision of any prior zoning code or ordinance; or
- (E) Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Borough under, or by virtue of, any prior zoning code or ordinance.

### **§ 225-5 Invalidity/severability**

If any of the provisions of this chapter or the application of any provision of this chapter to a particular circumstance(s) is held to be invalid by a court of competent jurisdiction, the remainder of the chapter or the application of such provision to other circumstances shall not be affected.

### **§ 225-6 Zoning districts and maps**

The “Official Crafton Borough Zoning District Map,” (the “Zoning Map”), together with all explanatory matter thereon is adopted by reference and declared to be a part of this Code. The boundaries of the various zoning districts are hereby established on the Zoning Map on file in the office(s) of the Zoning Officer and the Borough Manager. The Zoning Map with all explanatory matter thereon is hereby made a part of this chapter. The Zoning Map shall be dated and shall carry the signature of the President of the Borough Council and the Borough Secretary certifying that it is the true Zoning Map adopted by the Council, and the Zoning Map shall be sealed with the official Borough Seal. All amendments shall be identified on the Zoning Map and similarly certified.

### **§ 225-7 Rules for interpreting district boundaries on zoning map**

- (A) The boundaries between districts are, unless otherwise indicated, either the center line of streets or such lines extended, or parallel lines thereto, or property lines, or other physical boundaries and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the Zoning Map.
- (B) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not specifically covered above, the Zoning Hearing Board shall interpret the district boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply:
  - (1) Boundaries indicated as following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
  - (2) Boundaries indicated as following platted lot lines shall be construed as following such lot lines;
  - (3) Boundaries indicated as following municipal limits shall be construed as following municipal limits;

- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as following the center lines of streams, rivers, or other bodies of water shall be construed to follow center lines, and in the event of change in the location of streams, rivers, and other bodies of water, shall be construed as moving with the actual body of water and following the center line;
- (6) Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Zoning Map.

### § 225-8 Rules for measurement and calculation

- (A) Height measurement. Building height is measured as the distance between a horizontal line at the average grade directly beside the structure and the highest point of any of the following, as applicable:
- (1) The coping of a flat roof;
  - (2) The top of a mansard roof;
  - (3) The midpoint of any pitched gable, hip or the upper portion of a gambrel roof; or
  - (4) As measured between the top floor ceiling and the peak of the roof on an A-framed structure.

- (B) Chimneys, elevators and stair penthouses, poles, spires, tanks, towers, and other projections not used for human occupancy are not included in calculating height and may extend above the height limit by not more than 20 feet above the applicable maximum height limitation; provided, however, that spires, steeples, and minarets on buildings used for religious assembly shall not be subject to such limitation.

- (C) Yards, open space, and parking.

Unless otherwise permitted herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless approved in writing by the Zoning Officer or as part of a Conditional Use by Borough Council.

- (D) Lot or yard dimensions.

No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum and shall not exceed the maximum requirements established by this Code.

### § 225-9 Rules of interpretation

- (A) Whenever a defined word appears in the Code, its meaning is as defined in this Code. Words not defined in this Code are interpreted in accord with their usual dictionary meaning and customary usage.



- (B)** All references to other regulations or manuals in this Code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, code requirements for compliance are no longer in effect.
- (C)** Illustrations, diagrams, and flowcharts are included in this Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.
- (D)** Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
- (E)** The language of this Code shall be defined as follows:
  - (1)** Unless the context clearly indicates otherwise, words used in one tense (past, present, or future) include all other tenses.
  - (2)** The singular number shall include the plural, and vice versa.
  - (3)** The masculine shall include the feminine, and vice versa.
  - (4)** The word “person” includes an individual, corporation, company, partnership, or association.
  - (5)** The word “lot” includes the words “plot” or “parcel.”
  - (6)** The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designated to be used or occupied.”
  - (7)** The word “building” includes the word “structure.”
  - (8)** The words “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or outcome.
- (F)** The word “shall” is always mandatory, and the words “may” or “should” are always permissive.
- (G)** Where a regulation involves two or more items, conditions, provisions, or events that are connected by a conjunction, it shall be interpreted as follows:
  - (1)** “And” indicates that all connected items, conditions, provisions, or events shall apply; and
  - (2)** “Or” indicates that at least one of the items, conditions, provisions, or events shall apply.
  - (3)** “Either . . . or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.
  - (4)** “/” in this document shall mean and/or.

- (H)** Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
- (I)** In the case of any conflict or inconsistency between two or more provisions of this Code or any other Borough ordinance, law, rule, or regulation, the provision that imposes the greater, higher, or more restrictive requirement or standard of performance shall control.

### **§ 225-10 How to navigate this Code**

- (A)** Locate your property and identify the zoning district in which it is located on the Zoning Map in Article II.
- (B)** Determine whether any generally applicable regulations apply in Articles II, III, or IV.
- (C)** Determine whether any nonconformities exist and how to address them in Article VI.
- (D)** Determine whether any approvals are necessary and how to apply for them in Article VII.

### **§ 225-11 Buildings Exempt from Regulations**

This chapter shall not apply to any building of the Borough or extension thereof, or to the use of any premises by the Borough, if the Borough Council shall decide, during a public meeting, that such building or extension thereof, or such use of any premises, is reasonably necessary for the convenience or welfare of the public.

## ARTICLE II: ZONING DISTRICTS

### § 225-12 Establishment of districts; zoning map

The following zoning districts are hereby established to regulate the orderly use and development of all lands within the Borough. The specific purpose of each district shall serve as guidance for regulating existing and future development. All land within the Borough is classified as one of the following zoning districts hereby established and designated on the Zoning Map as follows:

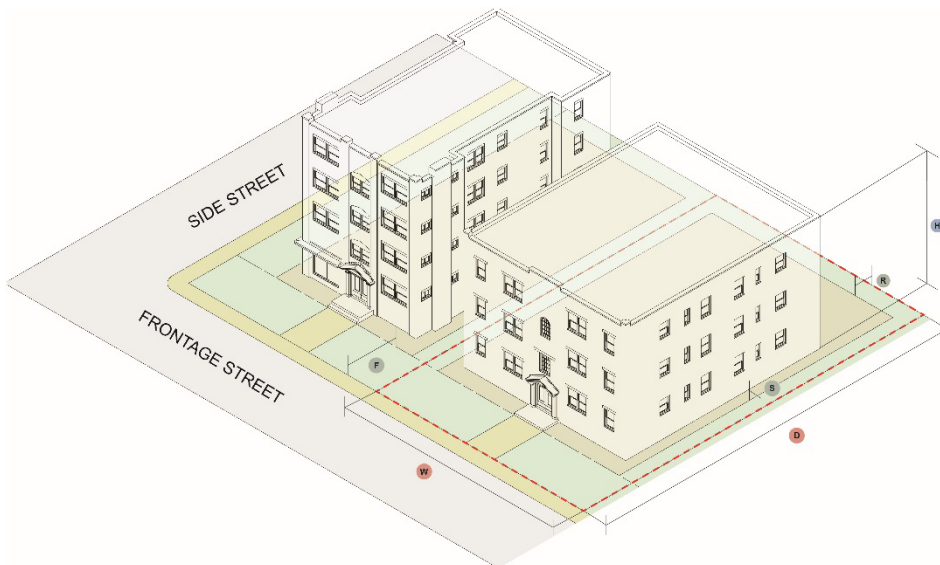
| Zoning District                   | Abbreviation |
|-----------------------------------|--------------|
| Neighborhood Residential District | NR           |
| Community Residential District    | CR           |
| Mixed-Use District                | MU           |
| Crafton Transit-Oriented District | CTOD         |
| Industrial District               | I            |
| Public Park                       | P            |
| Conservancy District              | S            |

### § 225-13 Zoning Map

[INSERT UPDATED MAP HERE]

### § 225-14 Diagram of standards

The following diagram illustrates the lot, building placement and height standards set forth in each zoning district.



| Dimensions |                           |
|------------|---------------------------|
| D          | Lot depth (feet)          |
| W          | Lot Width (feet)          |
| F          | Front yard setback (feet) |
| S          | Side yard setback (feet)  |
| R          | Rear yard setback (feet)  |
| H          | Number of stories         |

### § 225-15 Classification of uses

Principally permitted, conditional, and special exception uses are listed in the use table below. The following symbols are used in the table and are defined as follows:

| Symbol  | Definition  |
|---------|---|
| P       | Permitted principal or accessory use: A use is permitted in the zoning district as a principal use. The use is also subject to all other applicable requirements of this Code. P* is permitted but with additional requirements.                              |
| P*      | Permitted principal or accessory use with Supplementary Regulations: A use is permitted in the zoning district as a principal use. This use is subject to all other applicable requirements of this Code in addition to applicable supplementary regulations. |
| C       | Conditional principal or accessory use: Certain uses are permitted subject to applicable specific requirements.   |
| SE      | Special exception use: A principal use is permitted by special exception only where approved by the Zoning Hearing Board in accordance with a hearing to determine whether it meets the special exception standards for approval set forth herein             |
| (Blank) | Use not permitted: A use is not permitted in the district. Uses not listed as a permitted principal use (P), conditional use (C), or special exception (SE) are prohibited in the applicable zoning district.   |

### § 225-16 Similar use determinations

- (A) The Borough will occasionally receive an application for approval of a use that is not expressly listed in the use table. In such instances, the Borough Council shall approve applications upon a recommendation from the Borough Manager or their designee based on the following factors:
- (1) Whether the proposed use is consistent with the Comprehensive Plan or area plan and the purpose and intent of the zoning district;
  - (2) The proposed use must be fully consistent and in harmony with the purpose of the district in which it will be located.
  - (3) The impact of the use on the environment and adjacent streets is equal to or less than any use specifically permitted as a permitted or conditional use in the subject district.
  - (4) Whether the use has similar impacts on the surrounding neighborhood, such as traffic, noise, lighting, or similar considerations; and
  - (5) Whether the use has the same characteristics as a listed use in terms of building and site arrangement, site area or floor space, equipment devoted to the activity, customer type, number of employees in each activity, hours of operation, vehicles used and parking requirements, number of vehicle trips generated, signs, and how the use is advertised.
- (B) If it is determined that a proposed use is similar to a listed use, the regulations governing the similar listed use apply to the unlisted use.
- (C) If it is determined that a proposed use is not similar to a listed use, then the proposed use shall be prohibited. The decision of the Borough Manager or their designee is appealable to the Zoning Hearing Board as set forth herein below.

## § 225-17 Summary use table

Key:

P = Permitted Principal or Accessory Use, approved by Borough administration

P\* = Permitted Principal or Accessory Use with Supplementary Regulations, approved by Borough administration

C = Conditional Use, approved by Borough Council upon recommendation from Planning Commission

SE = Special Exception, approved by Zoning Hearing Board

Blank = Not Permitted, variance from code approved by Zoning Hearing Board

| Uses by Zoning District                        | Neighborhood Residential (NR) | Community Residential (CR) | Mixed-Use (MU) | Crafton Transit-Oriented (CTOD) | Industrial (I) | Park (P) | Conservancy (S) |
|--|-------------------------------|----------------------------|----------------|---------------------------------|----------------|----------|-----------------|
| <b>Residential Uses</b>                        |                               |                            |                |                                 |                |          |                 |
| Dwelling, Single-Unit                          | P                             | P                          |                |                                 |                |          | C               |
| Dwelling, Two-Unit                             | P                             | P                          |                |                                 |                |          | C               |
| Dwelling, Conversion Apartment (House)         |                               |                            | C              | P                               |                |          |                 |
| Dwelling, Conversion Apartment (Institutional) | C                             | C                          |                |                                 |                |          |                 |
| Dwelling, Attached (townhouse, rowhouse)       |                               | P                          |                |                                 |                |          |                 |
| Dwelling, Multi-Family                         |                               | P                          | P              | P                               |                |          |                 |
| Dwelling, Apartment in Commercial Bldg.        |                               |                            | P*             | P*                              |                |          |                 |
| Group Care Facility                            |                               |                            | C              | C                               |                |          |                 |
| Manufactured Homes, Tiny Homes, Mobile Homes   |                               |                            |                |                                 | C              |          |                 |
| Nursing Home                                   |                               | C                          | C              |                                 |                |          |                 |
| Assisted Living Facility                       |                               | C                          | C              | C                               |                |          |                 |
| Personal Care Boarding Home                    |                               | C                          |                |                                 |                |          |                 |
| <b>Commercial Uses</b>                         |                               |                            |                |                                 |                |          |                 |

**Chapter 225 - Zoning | Article II : Zoning Districts**  
 § 225-17 Summary use table

| Uses by Zoning District                        | Neighborhood Residential (NR) | Community Residential (CR) | Mixed-Use (MU) | Crafton Transit-Oriented (CTOD) | Industrial (I) | Park (P) | Conservancy (S) |
|--|-------------------------------|----------------------------|----------------|---------------------------------|----------------|----------|-----------------|
| Adult-Oriented Business                        |                               |                            |                |                                 | P              |          |                 |
| Art, Museum, or Cultural Facility              |                               |                            | P              | P                               | P              |          |                 |
| Beverage sales, liquor, beer or wine sales     |                               |                            | P              | P                               |                |          |                 |
| Bed-and-Breakfast                              | P*                            | P*                         |                | P                               |                |          |                 |
| Beverage, macrobrewing and distilling          |                               |                            |                |                                 | P              |          |                 |
| Beverage, microbrewing/distilling with Taproom |                               |                            | P              | P                               |                |          |                 |
| Catering Business                              |                               |                            | P              | P                               | P              |          |                 |
| Veterinarian, Animal Boarding, and Grooming    |                               |                            | P*             | P*                              |                |          |                 |
| Retail Sales, Non-Perishable Goods             | C                             | C                          | P              | P                               |                |          |                 |
| Retail Sales, Perishable Goods                 | C                             | C                          | P              | P                               |                |          |                 |
| Recreational Use, Commercial                   |                               |                            | P              | P                               | P              | P        |                 |
| Office, Medical                                |                               |                            | P              | P                               |                |          |                 |
| Office, non-medical                            |                               |                            | P              | P                               | P              |          |                 |
| Business Services                              |                               |                            | P              | P                               | P              |          |                 |
| Hotel/Motel                                    |                               |                            | P              | P                               |                |          |                 |
| Swimming Pool, Public (commercial use)         |                               |                            | C              | C                               |                |          |                 |
| Transient Housing (Short-term rentals)         |                               |                            | P*             | P*                              |                |          |                 |
| Personal Services                              |                               |                            | P              | P                               |                |          |                 |
| Event and Banquet Centers                      |                               |                            | P              | P                               |                |          |                 |
| Eating and Drinking Establishments             |                               |                            | P              | P                               |                |          |                 |
| Farmer's market, flea market                   |                               |                            | P*             | P*                              |                | P*       |                 |
| Shopping Center                                |                               |                            | P              | P                               |                |          |                 |
| <b>Automotive</b>                              |                               |                            |                |                                 |                |          |                 |
| Automotive Service Station                     |                               |                            |                |                                 | P              |          |                 |
| Car Wash                                       |                               |                            | C              |                                 | C              |          |                 |
| Parking Garage,                                |                               |                            | P*             | P*                              |                |          |                 |

**Chapter 225 - Zoning | Article II : Zoning Districts**  
 § 225-17 Summary use table

| Uses by Zoning District                        | Neighborhood Residential (NR) | Community Residential (CR) | Mixed-Use (MU) | Crafton Transit-Oriented (CTOD) | Industrial (I) | Park (P) | Conservancy (S) |
|--|-------------------------------|----------------------------|----------------|---------------------------------|----------------|----------|-----------------|
| Public/Private                                 |                               |                            |                |                                 |                |          |                 |
| Parking Area, Public/Private                   |                               |                            | P              |                                 | P              |          |                 |
| Retail Gasoline and Convenience                |                               |                            | C              |                                 | C              |          |                 |
| Vehicle Rental                                 |                               |                            | P              |                                 | P              |          |                 |
| Vehicle Sale and Service                       |                               |                            | P              |                                 | P              |          |                 |
| Automotive Service, Minor                      |                               |                            | C              |                                 | C              |          |                 |
| <b>Institutional, Public, and Recreational</b> |                               |                            |                |                                 |                |          |                 |
| Church   | C                             | C                          | C              | C                               | C              |          |                 |
| Clinic, Medical                                |                               |                            | P              | P                               | P              |          |                 |
| Recreation, Noncommercial                      | C                             | C                          | P              |                                 | P              | P        |                 |
| Day-care center                                |                               |                            | C              | C                               |                |          |                 |
| Day-care home (1-6 children)                   | P*                            | P*                         |                |                                 |                |          |                 |
| Day-care home (7-12 children)                  |                               |                            | P*             | P*                              |                |          |                 |
| Community Center / Club                        |                               | P*                         | P*             | P*                              | P*             |          |                 |
| Essential services                             | P                             | P                          | P              | P                               | P              | P        | P               |
| Public buildings                               | P                             | P                          | P              | P                               | P              |          |                 |
| Funeral home                                   |                               |                            | P*             | P*                              |                |          |                 |
| Hospital, Full Service and Emergency           |                               |                            | C              | C                               | C              |          |                 |
| Nursery School                                 |                               | P                          | P              | P                               |                |          |                 |
| Private club                                   |                               |                            | P              | P                               |                |          |                 |
| Public park                                    | P                             | P                          | P              | P                               | P              | P        |                 |
| Public safety facility                         | P                             | P                          | P              | P                               | P              | P        |                 |
| Public utility building                        | SE                            | SE                         | P              | P                               | P              | P        | SE              |
| School, public or private                      |                               |                            | P              | P                               |                |          |                 |
| School, college/ university, or trade school   |                               |                            | P              | P                               |                |          |                 |
| Theater  |                               |                            | P              | P                               |                |          |                 |
| Wireless communication facilities              |                               |                            | C              | C                               | C              | C        |                 |
| <b>Industrial</b>                              |                               |                            |                |                                 |                |          |                 |
| Artisan Manufacturing                          |                               |                            | P              | P                               | P              |          |                 |

**Chapter 225 - Zoning | Article II : Zoning Districts**  
 § 225-17 Summary use table

| Uses by Zoning District                          | Neighborhood Residential (NR) | Community Residential (CR) | Mixed-Use (MU) | Crafton Transit-Oriented (CTOD) | Industrial (I) | Park (P) | Conservancy (S) |
|--|-------------------------------|----------------------------|----------------|---------------------------------|----------------|----------|-----------------|
| Building Materials Sales                         |                               |                            | P              |                                 | P              |          |                 |
| Recycling Facility                               |                               |                            |                |                                 | P              |          |                 |
| Light Industrial                                 |                               |                            |                |                                 | P              |          |                 |
| Heavy Industrial                                 |                               |                            |                |                                 | P              |          |                 |
| Industrial, Commercial, or Construction Services |                               |                            |                |                                 | P              |          |                 |
| Solar Facility                                   |                               |                            |                |                                 | P              |          |                 |
| Self-Storage Facility                            |                               |                            |                |                                 | P              |          |                 |
| Wholesale Sales                                  |                               |                            | P              |                                 | P              |          |                 |
| <b>Accessories</b>                               |                               |                            |                |                                 |                |          |                 |
| Accessory Sport Facilities                       | C                             | C                          | C              | C                               | C              | P        | C               |
| Borough Owned Maintenance Facilities             | C                             | C                          | P              | P                               | P              | P        | C               |
| Borough Owned Parking Facilities                 | C                             | C                          | P              | P                               | P              | P        | C               |
| Bleachers  |                               |                            |                |                                 |                | P        |                 |
| Chicken Coop                                     | P*                            | P*                         |                |                                 |                |          | P*              |
| Concession Stand                                 |                               |                            |                |                                 |                | P        |                 |
| Drive-in facilities                              |                               |                            | P*             |                                 |                |          |                 |
| Residential Yard Fencing                         | P                             | P                          |                |                                 |                | P        | P               |
| Home Business                                    | P                             | P                          | P              | P                               |                |          |                 |
| Off Street Parking                               | P                             | P                          | P              | P                               | P              | P        | P               |
| Personal Parking Garage -- Detached              | P*                            | P*                         |                |                                 |                |          | P*              |
| Pop-Up Shop                                      |                               |                            | P              | P                               |                |          |                 |
| Restrooms  |                               |                            |                |                                 |                | P        |                 |
| Shed   | P                             | P                          |                |                                 |                |          |                 |
| Solar Panels – Ground Mounted                    | P*                            | P*                         | P*             | P*                              | P*             | P*       | P*              |
| Solar Panels -- Rooftop                          | P                             | P                          | P              | P                               | P              | P        | P               |
| Swimming Pool (private as an accessory use)      | P*                            | P*                         | C              | C                               | P*             | P        | P*              |
| Temporary Construction Trailers                  | P                             | P                          | P              | P                               | P              | P        | P               |
| Temporary Portable Storage Containers            | P*                            | P*                         | P*             | P*                              | P*             | P*       | P*              |



## § 225-18 Neighborhood Residential District (NR)

**(A) Purpose.** The purpose of the NR Neighborhood Residential Zoning District is to preserve predominantly residential neighborhoods in the Borough of Crafton which have developed at an urban density; to allow nonconforming uses legally existing at the date of adoption of these regulations to continue to exist and to prohibit further conversion of existing single-family dwellings to multifamily units; to preserve the general character of the area to provide for accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

[INSERT UPDATED MAP HERE]

**(B) Development pattern.** The intended development pattern and building form within the NR District is characterized by maintaining residential structures that are proportional in scale to adjacent buildings, supporting lower-density residential uses by right and permitting conditional institutional and government uses.

**(C) Site development standards.**

| Site Characteristic   | Dimensions  |
|---|---|
| Min. Lot Area   | 4000 sf   |
| Min. Lot Width  | 40 feet   |
| Max. Lot Coverage   | 65%   |
| Permitted Projections into Required Setbacks - Commercial         | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| Permitted Projections into required setbacks – Commercial Decks   | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| Permitted Projections into Required Setbacks - Residential        | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| Permitted Projections into Required Setbacks – Residential Decks. | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| Min. Front Yard setback   | 20 feet (or contextual front yard setback option)   |
| Min. Front Yard: Contextual Setback                               | Anywhere between 20 feet and the build-to line of the adjacent properties.                      |
| Min. Rear Yard setback, Principal Structures                      | 15 feet   |
| Min. Rear Yard setback, Accessory Structures                      | 3 feet  |
| Min. Side Yard setback, Principal Structures                      | 5 feet  |
| Min. Side Yard setback, Accessory Structures                      | 3 feet  |
| Min. Dwelling Floor Area – Single Dwelling Unit                   | 600 sf  |
| Max. Height, Principal Structures                                 | 2.5 stories or 35 feet  |
| Max Height, Accessory Structure                                   | 1 story / max. 15 feet  |

## § 225-19 Community Residential District (CR)

**(A) Purpose.** The purpose of the Community Residential Zoning District (CR) is to maintain medium-scale residential development and medium-density residential uses, to preserve areas of higher density housing in the Borough of Crafton and allow for multifamily housing in appropriate locations which are located on arterial or collector roads close to shopping and community services and to provide for compatible public, semipublic and accessory uses as conditional uses or uses by special exception.

[INSERT UPDATED MAP HERE]

**(B) Development pattern.** The intended development pattern and building form within the CR District is designed to accommodate medium-scale residential structures that are in scale with adjacent buildings, promote a variety of housing types and allow for medium-density residential uses with conditional institutional and government uses.

**(C) Site development standards.**

| Site Characteristic   | Dimensions  |
|---|---|
| Min. Lot Area   | 4000 sf   |
| Min. Lot Width, multi-family housing                                      | 60 feet   |
| Min. Lot Width, all other uses  | 40 feet   |
| Min. Distance between bldgs.  | 10 feet   |
| Max. Lot Coverage   | 80 %  |
| Min. Front Yard setback   | 20 feet   |
| Min. Front Yard: Contextual Setback                                       | Anywhere between 20 feet and the build-to line of the adjacent properties.                      |
| Min. Rear Yard setback – Principal Uses                                   | 5 feet  |
| Min. Rear Yard setback – Accessory Uses                                   | 3 feet  |
| Min. Side Yard setback – Single and two Unit Dwellings                    | 5 feet  |
| Min. Side Yard setback – Multi Unit Dwelling and all other Principal Uses | 10 feet each side   |
| Min. Side Yard setback, Accessory Structures                              | 3 feet  |
| Permitted Projections into Required Setbacks – Commercial                 | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| Permitted Projections into Required Setbacks - Commercial - Decks         | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| Permitted Projections into Required Setbacks - Residential                | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| Permitted Projections into Required Setbacks – Residential - Decks        | Up to 8 feet - front or rear yard, and minimum of 5 feet from front or rear yard property line. |
| <b>Special Requirements</b>   |   |
| Min. Dwelling Floor Area – single and two unit dwellings (per unit)       | 600 sf  |

| Site Characteristic                              | Dimensions                  |
|--|-----------------------------|
| Min. Dwelling Floor Area – Multifamily           | 450 sf / 1-BR or efficiency |
|  | 600 sf / 2-BR               |
|  | 750 sf / 3-BR               |
| Max. Height – Single-Unit and two unit dwellings | 3 stories / max. 45 feet    |
| Max. Height – All other Principal Uses.          | 3 story / max. 45 feet      |
| Max. Height, Accessory Structures                | 1 story / max. 15 feet      |

### § 225-20 Mixed-Use District (MU)

(A) **Purpose.** The purpose of the Mixed-Use (MU) Zoning District is to create a vibrant, walkable environment that integrates regional shopping centers with local businesses, neighborhood amenities, and residential uses, while ensuring new developments provide landscaping and pedestrian oriented features.

### Mixed-Use District (MU)



(B) **Development pattern.** The intended development pattern and building form within the MU District is to support internal multi-modal connectivity and pedestrian-oriented design, featuring buildings with pedestrian-facing transparency, orientation towards pedestrians,

and signage that caters to foot traffic. Development is encouraged to include amenities like canopies, awnings, and outdoor patios, and to focus on infill and parking lot redevelopment to promote mixed-use opportunities and enhance the walkability of the area.

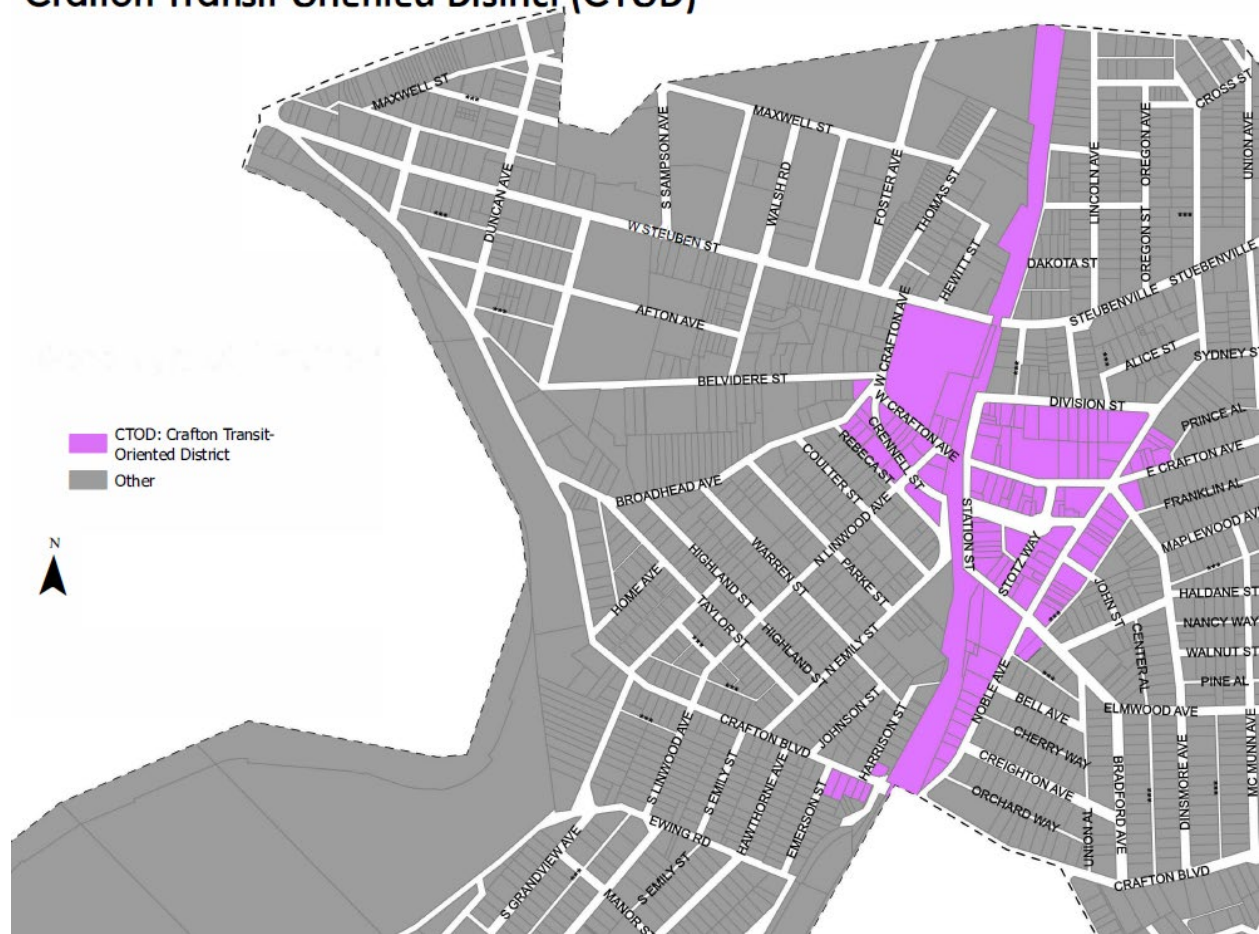
**(C) Site development standards.**

| Site Characteristic                          | Dimensions   |
|--|--|
| Min. Lot Area                                | No Minimums  |
| Min. Lot Width                               | No Minimums  |
| Max. Density, Principal Structures           | No Minimums  |
| Max. Lot Coverage, Principal Structures      | 90%  |
| Min. Front Yard setback                      | 5-15 feet for all uses unless an outdoor terrace is provided which may be up to 20 feet. Minimum of 7 feet wide sidewalks. A minimum of 4 feet of sidewalk to always remain clear of obstacles for pedestrian circulation. |
| Min. Rear Yard setback                       | 15 feet  |
| Min. Side Yard setback, Principal Structures | 0 feet   |
| Min. Side Yard setback, Accessory Structures | 3 feet   |
| Max. Height                                  | 6 stories or a max. 75 feet.   |

**§ 225-21 Crafton Transit-Oriented District (CTOD)**

**(A) Purpose.** The purpose of the CTOD Crafton Transit-Oriented Zoning District is to acknowledge Crafton's transit stations as significant assets and benefits for the Borough, aiming to capitalize on them by fostering a dynamic mixed-use area surrounding each station. Development in proximity to transit encourages the use of public transportation, enhances walkability, and diminishes reliance on cars as well as traffic congestion.

## Crafton Transit-Oriented District (CTOD)



**(B) Development pattern.** The intended development pattern and building form within the TO District is for vertical buildings of two (2) to five (5) stories, with small or no setbacks and with off-street parking subordinated in structures or in the rear or interior courts of buildings. Buildings are to be oriented to promote pedestrian access to transit stations and surrounding walkable commerce and amenities. Corner buildings shall include commercial uses at the ground level with residential uses above.

**(C) Site development standards.**

| Site Characteristic | Building Type | Dimensions  |
|---------------------|---------------|-------------|
| Min. Lot Area       |               | No Minimums |
| Min. Lot Width      |               | No Minimums |
| Max. Density        |               | No Minimums |
| Max. Lot coverage   |               | 90%         |

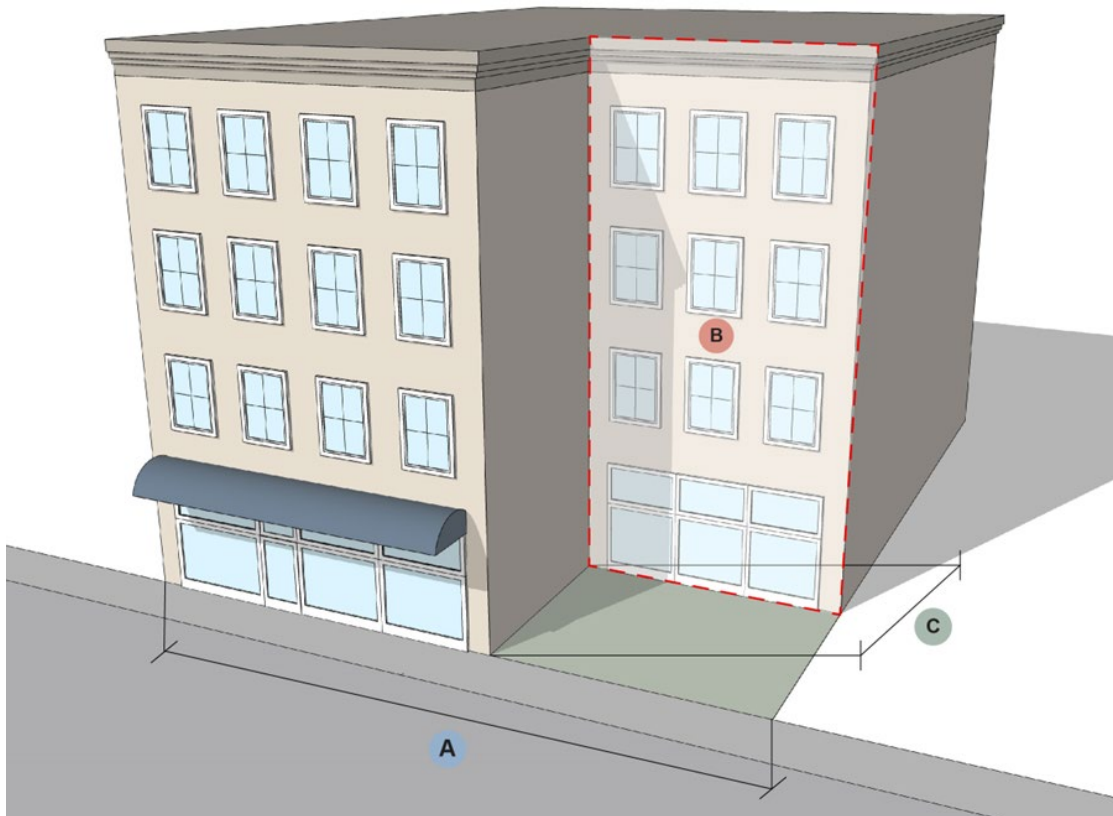
| Site Characteristic                       | Building Type                               | Dimensions   |
|---|---|--|
| Min. Front Yard setback                   | All uses                                    | 5-15 feet for all uses except outdoor cafes, which may be 20 feet. Minimum of 6 feet wide sidewalks. A minimum of 4 feet of sidewalk to remain clear of obstacles at all times for pedestrian circulation.   |
| Min. Rear Yard setback                    | Abutting any S district                     | 8 Feet   |
| Min. Rear Yard setback                    | All other principal or accessory structures | 15 feet  |
| Min. Side Yard setback                    | Abutting any R or S district                | No Minimums  |
| Permitted Projections into required lawns |   | All facades on public streets must have an awning or canopy that extends over the sidewalk from 3 to 5 feet (A). The awning shall overhang the primary entrance and extend a minimum of three (3) feet in both directions from the entrance (B).<br><br>*See Figure 225-20-A   |
| Maximum Height                            |   | Minimum 2 stories; maximum of 60' or 5 stories for all structures  |
| Front Façade                              |   | The primary entrance of the front facade must face the public right-of-way. The front elevation must have 75% transparency for commercial uses, and 45% for residential uses. On upper floors, openings are required<br><br>For buildings wider than 40 feet (A), a minimum 40% of the building façade adjacent to any street (B) must be articulated with recessing varied between a minimum of 18' and no greater than 36 (C).<br><br>*See Figure 225-20-B |

**Figure 225-20-A: Permitted projections into required yards (awnings)**





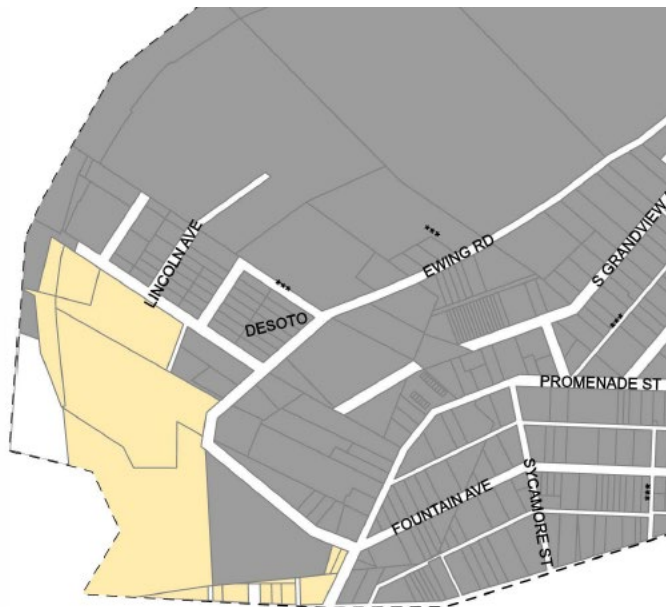
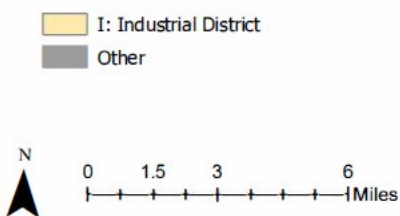
Figure 225-20-B: Front façade recessing



## § 225-22 Industrial District (I)

- (A) **Purpose.** The purpose of the I Industrial District is to encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Borough, contribute to the soundness of the economic base of the Borough, provide opportunities for local employment close to residential areas and to provide for modern light industrial development in a landscaped setting.

### Industrial District (I)



- (B) **Development pattern.** The intended development pattern and building form within the Industrial District (I) is designed to support higher intensity industrial and employment uses, with a flexible scale to accommodate a range of industrial activities while ensuring adequate buffering when adjacent to other zoning districts to mitigate impacts on surrounding areas.
- (C) **Site development standards.**

| Site Characteristic  | Dimensions |
|--|------------|
| Min. Lot Area  | 20,000 sf  |
| Min. Lot Width   | 100 feet   |
| Max. Lot Coverage  | 80%        |
| Min. Front Yard setback  | 35 feet    |
| Min. Rear Yard setback – abutting Chartiers Creek              | 100 feet   |
| Min. Rear Yard setback – abutting any district except P        | 50 feet    |
| Min. Rear Yard setback – all other principal or accessory uses | 25 feet    |
| Min. Side Yard setback – abutting Chartier’s Creek             | 100 feet   |



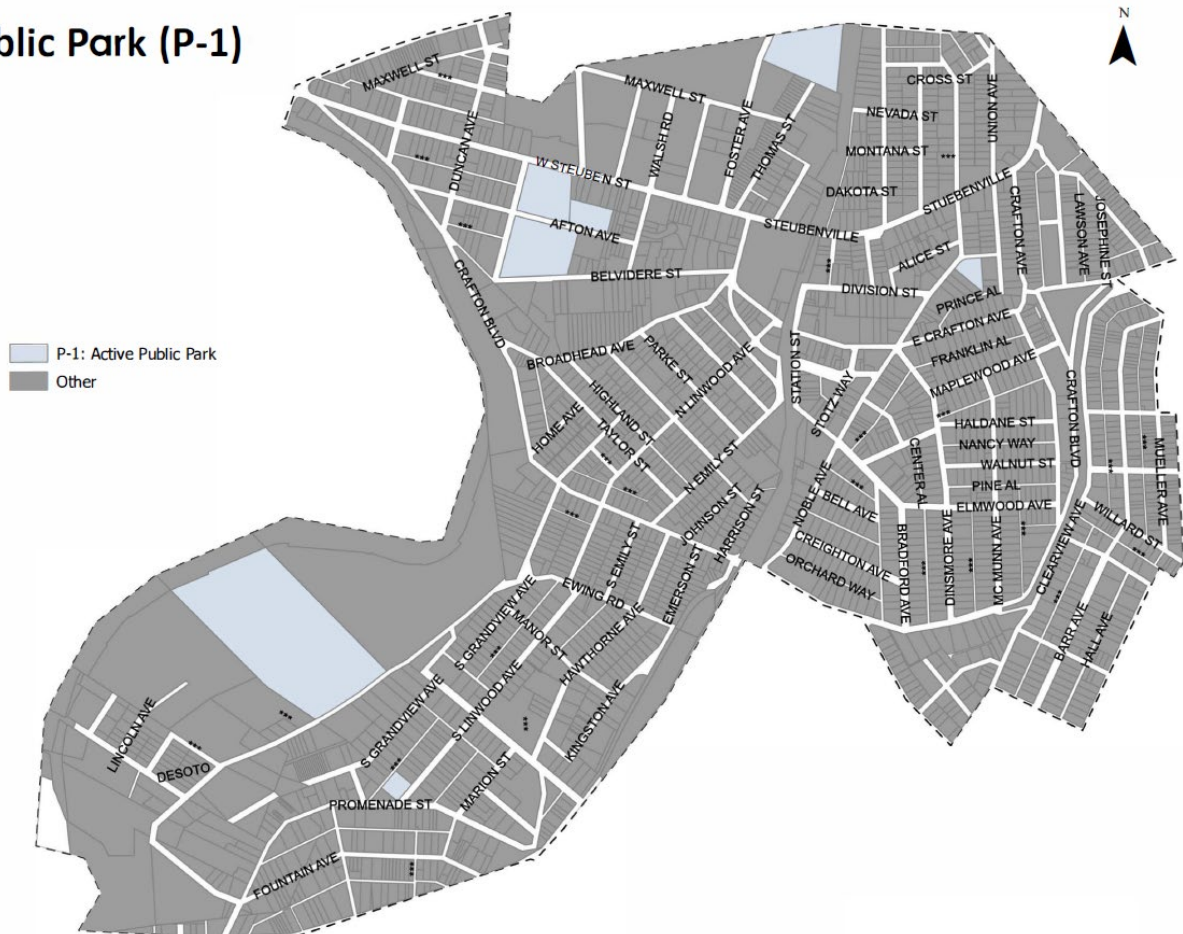
| Site Characteristic  | Dimensions                |
|--|---------------------------|
| Min. Side Yard setback – abutting any district except P              | 50 feet                   |
| Min. Side Yard setback – all other principal or accessory structures | 25 feet                   |
| Max. Height, Principal Structure                                     | 4 stories or 60 feet max. |
| Max. Height, Accessory Structure                                     | 1 story or max 15 feet    |

## § 225-23 Public Park (P)

**(A) Purpose.** The purpose of the P Public Park District is to designate publicly owned lands which are reserved for recreation in public parks and to establish regulations for the use of land for public park purposes.

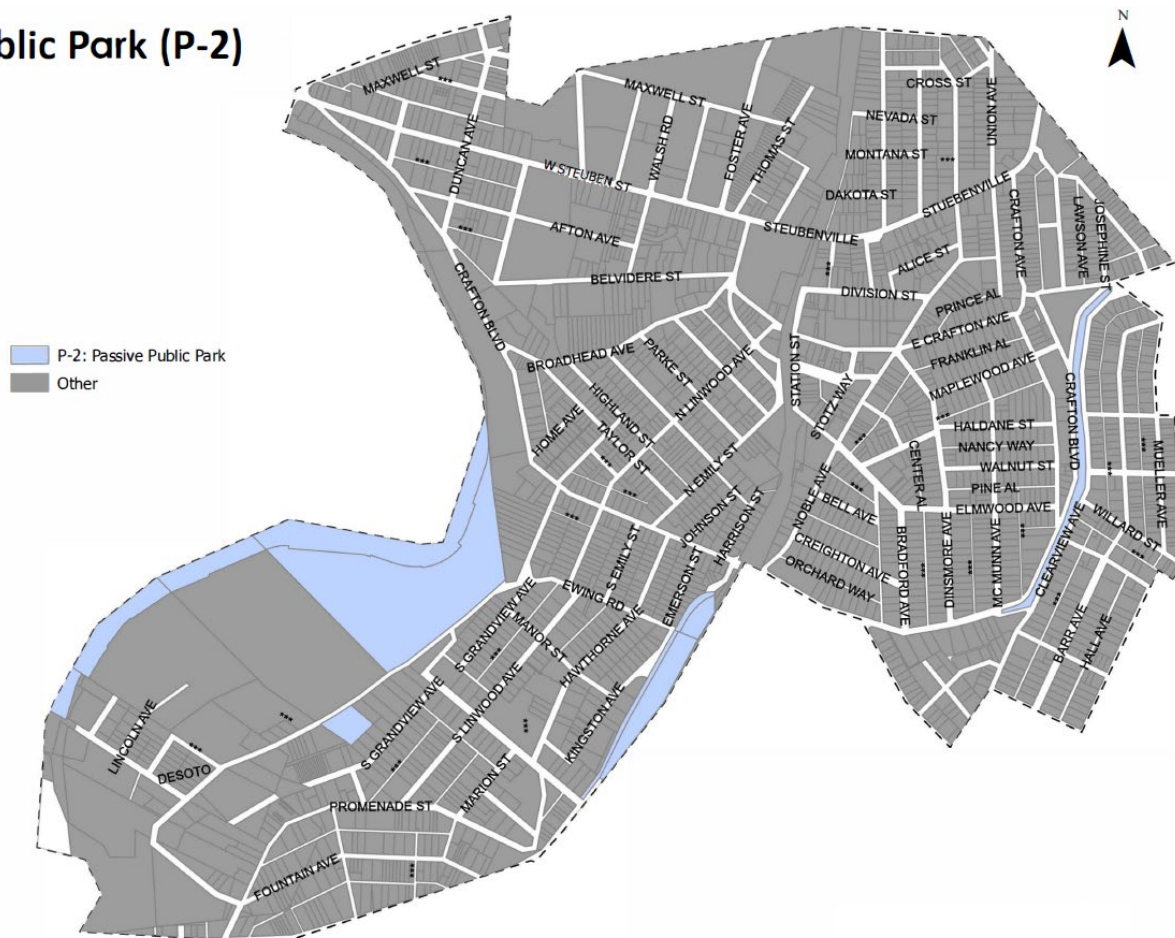
### Active Public Park (P-1) Zoning Map

## Public Park (P-1)



**Passive Public Park (P-2) Zoning Map**

**Public Park (P-2)**



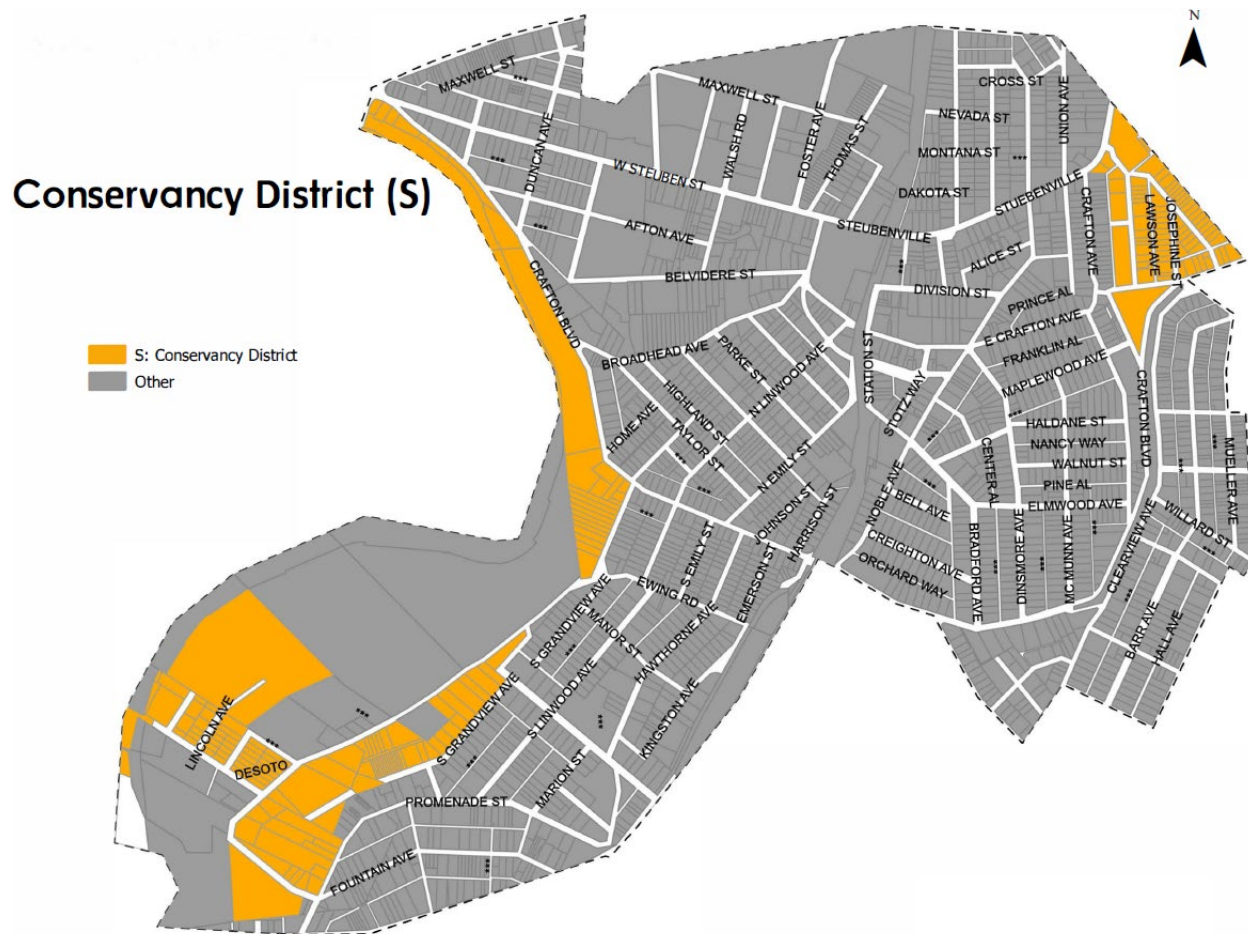
**(B) Development pattern.** The intended development pattern for the Public Park District is centered around maintaining largely open spaces, with any built structures thoughtfully oriented to maximize pedestrian connectivity and enhance community interaction within the park environment.

**(C) Site development standards.**

| Site Characteristic   | Dimensions                |
|---|---------------------------|
| Min. Lot Area   | None                      |
| Min. Lot Width  | 25 feet                   |
| Max. Lot Coverage   | Min. 80% pervious surface |
| Min. Front Yard setback   | 20 feet                   |
| Min. Rear Yard setback – Principal Structure abutting S or R District     | 50 feet                   |
| Min. Rear Yard setback – Principal Structure abutting all other districts | 25 feet                   |
| Min. Rear Yard setback – accessory structures                             | 25 feet                   |
| Min. Side Yard setback  | 25 feet                   |

## § 225-24 Conservancy District (S)

**(A) Purpose.** The purpose of the S Conservancy Zoning District is to encourage the conservation of open space and the preservation of steep slopes and other fragile environmental features such as landslide-prone soils, undermined areas, wetlands, watercourses, natural habitats, trees, woodlands and flood-prone areas.



**(B) Development pattern.** The intended development pattern and building form for the Conservancy District prioritizes the conservation of open spaces and the preservation of environmentally sensitive areas, such as steep slopes, wetlands, and flood-prone regions. Development within this district, where feasible, is to be smaller in scale, minimizing land alteration and preserving natural greenspaces, vegetation, and hillsides. Permitted uses are mainly focused on parks, recreation, and conservation activities, with conditional allowances for small-scale residential, institutional, and government developments that align with the district's conservation goals.

**(C) Site development standards.**

| Site Characteristic | Dimensions         |
|---------------------|--------------------|
| Min. Lot Area       | 20,000 square feet |
| Min. Lot Width      | 100 feet           |

**Chapter 225 - Zoning | Article II : Zoning Districts**  
 § 225-24 Conservancy District (S)

| Site Characteristic                         | Dimensions               |
|---|--------------------------|
| Max. Lot Coverage                           | 30%                      |
| Min. Front Yard setback                     | 10 feet                  |
| Min. Rear Yard setback, Principal Use       | 40 feet                  |
| Min. Rear Yard setback, Accessory Structure | 10 feet                  |
| Min. Side Yard setback, Principal Use       | 40 feet                  |
| Min. Side Yard setback, Accessory Structure | 10 feet                  |
| Min. Dwelling Floor Area                    | 1200 sf                  |
| Max. Height, Principal Use                  | 3 stories / max. 45 feet |
| Max. Height, Accessory Use                  | 1 story / max. 15 feet   |

## ARTICLE III: CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

### § 225-25 Applicability

This article shall apply to all conditional uses and uses by special exception listed as authorized uses in each zoning district in Articles II and III.

### § 225-26 Procedures for approval

- (A) Approval of conditional uses. The review process for approval of a conditional use is the following:
- (1) An application for conditional use approval shall be filed with the Zoning Officer, on forms as prescribed by the Borough, at least 14 days prior to the regular meeting of the Planning Commission. A conditional use application shall not be considered to be administratively complete until all items required by this chapter, including the application fee and/or deposit, have been received by the Borough.
  - (2) The Zoning Officer shall review the application to determine whether all materials required by this chapter have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this chapter that have not been met.
  - (3) Within five days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the Borough Solicitor; the Borough Engineer; each member of the Planning Commission; and each member of the Borough Council.
  - (4) The Planning Commission shall review the application and forward its recommendation to the Borough Council within 45 days of the date of the Borough's receipt of an administratively complete application.
  - (5) Borough Council shall hold a public hearing, pursuant to public notice, within the time periods and procedures required by the Municipalities Planning Code. The public hearing shall commence within 60 days of the date of the filing of an administratively complete application. Public hearings shall be conducted and held in accordance with the applicable provisions of the Municipalities Planning Code.
  - (6) Borough Council shall render a written decision on the conditional use application within 45 days of the last hearing. Where the application is contested or denied, the Borough Council decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter,



as it may deem necessary to implement the purposes of this chapter and the Municipalities Planning Code.

- (7) A copy of the final decision, or if no decision is required, the findings, will be given directly to the applicant or sent by mail within five (5) business days of the decision.
- (8) All development, construction and use shall be in accordance with the approved conditional use plan unless a revised conditional use application is submitted, approved and filed. The approved conditional use plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Borough Council, and conditions attached by the Borough Council. Any development contrary to the approved conditional use plan shall constitute a violation of this chapter.

**(B) Application content.**

- (1) All applications for conditional use approval shall demonstrate compliance with the applicable express standards and criteria of this part and the applicable lot and yard requirements of the zoning district in which the use is proposed.
- (2) All applications for conditional use approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the Borough, with not fewer than six full-scale copies and 15 half-scale copies of all required maps, and 15 copies of all other application material. An application for conditional use approval shall not be considered administratively complete until all items required by this chapter, including the application fee and/or deposit, have been received by the Zoning Officer.

**(C) All applications for conditional use approval shall contain the following:**

- (1) A land development plan, as defined by this chapter.
- (2) Construction plans where renovations or modification of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.
- (3) A traffic analysis, as defined by this chapter, for the following proposed uses by special exception:
  - (a) Any proposed use which involves the construction of any new commercial building which has a gross floor area of 25,000 square feet or more or a new industrial building of 50,000 square feet or more.
  - (b) Any proposed use which involves the change of use of an existing commercial building which has a gross floor area 25,000 square feet or more or the change of use of an existing industrial building which has a gross floor area of 50,000 square feet or more.
  - (c) Any addition to an existing commercial building which results in a total floor area of 25,000 square feet or more or any addition to an existing industrial building which results in a total floor area of 50,000 square feet or more.

**(D) Expiration of approval.** The grant of a conditional use shall expire one year after the date of the Borough Council's written decision unless: the applicant has applied for and obtained a

building permit and commenced construction, or in a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use. Expiration of conditional use approval under this section shall require the applicant to reapply for conditional use approval. Conditional use approval shall expire automatically without written notice to the applicant, unless Borough Council, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension. When a grading permit or building permit, issued in accordance with an approved conditional use, expires without the work described in the permit being initiated and/or diligently pursued, the conditional use shall expire automatically without written notice to the applicant. The grant of a conditional use may also be extended pursuant to those provisions of the Pennsylvania Municipalities Planning Code regulating the stay of proceedings on appeal.

- (E) Approval of uses by special exception. The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:
- (1) A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the section of this chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. A complete and properly filed application shall include the following:
    - (a) For any proposed use by special exception that will require a building permit, a plan drawn on a current property survey sealed by a Pennsylvania-registered surveyor. The plan shall indicate all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this chapter.
    - (b) A written statement showing compliance with the applicable express standards and criteria of this article for the proposed use.
    - (c) A traffic analysis, as defined by this chapter, for the following proposed uses by special exception:
      - i. Any proposed use which involves the construction of any new commercial building which has a gross floor area of 25,000 square feet or more or a new industrial building of 50,000 square feet or more.
      - ii. Any proposed use which involves the change of use of an existing commercial building which has a gross floor area 25,000 square feet or more or the change of use of an existing industrial building which has a gross floor area of 50,000 square feet or more.
      - iii. Any addition to an existing commercial building which results in a total floor area of 25,000 square feet or more or any addition to an existing industrial building which results in a total floor area of 50,000 square feet or more.
  - (2) The application fee as required by this chapter.

- (3) A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by § 225-57 of this chapter.
  - (4) The property is posted at least seven days prior to the Zoning Hearing Board's public hearing.
  - (5) In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this chapter and shall be subject to the enforcement provisions of § 225-67 of this chapter.
  - (6) If land development approval is required for the use by special exception, the application for approval of the use by special exception and the application for approval of a land development required by the Borough Subdivision and Land Development Chapter may be processed concurrently provided all application requirements of both chapters for a use by special exception and a land development plan are met.
- (F) Expiration of approval of a use by special exception.
- (1) Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.
  - (2) When a grading permit or building permit issued in accordance with an approved use by special exception expires without the work described in the permit being initiated and/or diligently pursued, the use by special exception shall expire automatically without written notice to the applicant.
  - (3) Approval of a use by special exception may also be extended pursuant to those provisions of the Pennsylvania Municipalities Planning Code regulating the stay of proceedings on appeal.

## § 225-27 General standards

Before approving a conditional use application, Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located and that it will not substantially impair the use or development of adjacent properties. Council shall use the following general standards, among other things, in its



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evaluation. These standards shall be in addition to any other requirements in this chapter for a specific type of use or development.

- (A) The proposed use complies with all applicable provisions and requirements for that type of use contained in this chapter, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Borough, county and commonwealth and federal chapters, laws and regulations. The proposed use shall obtain applicable permits, licenses and approvals from the Borough, Allegheny County, Pennsylvania and federal agencies before final approval of the conditional use application shall be granted.
- (B) The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
- (C) The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.
- (D) The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.
- (E) The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
- (F) The proposed use provides screening or buffer areas as required by this chapter.
- (G) The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

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In addition to the general standards and criteria for all conditional uses, uses by special exception, and supplementary regulations listed in Article IV, an application for any of the following uses which are listed in any zoning district as a conditional use, use by special exception, and permitted with supplementary regulations shall comply with the applicable standards and criteria specified below for that use.

- (A) Apartment in a commercial building, subject to:
  - (1) Dwelling units shall not be located on the street floor of any commercial building.
  - (2) Dwelling units in basements or accessory garages shall not be permitted.

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- (3) The dwelling unit or dwelling units shall have a separate entrance which does not require passing through any area devoted to office or retail use.
- (4) Each apartment shall contain a separate and private bathroom and food cooking and food storage facilities.
- (5) Parking shall be provided in accordance with the requirements of § 225-33, § 225-36, and § 225-37.
- (6) There shall be two means of egress provided from the second-floor hallway common to the apartments directly to the outside at grade.
- (7) Each apartment shall be served by a heating and cooling system capable of providing 68° F. throughout the apartment when the outside temperature is 0° F and 100° F.

**(B) Assisted living facility, subject to:**

- (1) The site proposed for an assisted living facility shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.
- (2) The maximum dwelling unit density shall be 24 units per acre.
- (3) The assisted living facility shall include the following supporting uses:
  - (a) Common leisure and/or recreational areas.
  - (b) Common dining area.
- (4) In addition, an assisted living facility may include one or more of the following supporting uses, subject to approval by the Borough:
  - (a) Postal station for use of the residents and staff only;
  - (b) Banking facility for use of the residents and staff only;
  - (c) Pharmacy and/or medical offices for use of the residents only;
  - (d) Personal services for the use of the residents only, including beauty shop, barbershop, common laundry facilities, dry cleaning valet;
  - (e) Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
  - (f) Personal care boarding home, provided the use meets all the conditional use criteria contained in Subsection BB of this chapter;
  - (g) Elderly day-care center licensed by the commonwealth; and
  - (h) Taxi, van or similar transportation services for the residents.
- (5) Buffer Area "B", as defined by § 225-31 of this chapter, shall be provided along all property lines adjacent to property in an S or NR District.
- (6) Parking shall be provided in accordance with the requirements of § 225-33, § 225-36, and § 225-37 except that additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

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**(C) Bed-and-Breakfast, subject to:**

- (1)** The Bed-and-Breakfast shall be an owner-occupied dwelling unit in which no more than six rooms are provided for nightly rental.
- (2)** The maximum length of stay for any guest shall be 14 days in any three-month period.
- (3)** One identification sign shall be permitted, and such sign may either be attached to the wall of the building or may be freestanding in the front yard, provided the surface area of the sign shall not exceed six square feet, the height of the freestanding sign shall not exceed four square feet and the freestanding sign is located at least five feet from any property line.
- (4)** No meals other than breakfast shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- (5)** In addition to the parking required for the dwelling, one parking space shall be provided for each sleeping room offered to overnight guests.
- (6)** Off-street parking shall not be located in any required front or side yard. Parking located in the rear yard shall be screened from adjacent residential properties.
- (7)** The identification sign shall contain no information other than one or more of the following items:
  - (a) The street address.
  - (b) The name of the establishment.
  - (c) The name of the proprietor.
  - (d) A small logo or other decorative symbol.

**(D) Billboards, subject to:**

- (1)** Location. Billboards shall be authorized as a conditional use only in the I Industrial District, provided all of the following requirements are met:
  - (a) Billboards shall not be erected within 100 feet of the boundary line of any R District or within 100 feet of any public or private school, church or cemetery, said 100 feet being measured along the radius of a circle from the centermost point of the billboard structure extending in all directions.
  - (b) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 500 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the centermost point of the billboard which is parallel to the center line of the roadway to which the billboard is oriented.

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- (c) No part of any billboard shall be located closer than 10 feet to any public street right-of-way.
  - (d) No billboard shall be erected over any sidewalk or public right-of-way.
  - (e) The minimum side and rear yard requirements applying to a principal structure as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
  - (f) No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements.
  - (g) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
  - (h) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.
- (2)** Size and height. A billboard shall have a maximum allowable gross surface area of 450 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
- (a) A billboard shall have no more than two sign faces per billboard structure, which may be placed back to back or in a V-shaped configuration having an interior angle of 90° or less.
  - (b) The dimensions of the gross surface area of the billboard's sign face shall not exceed 20 feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
  - (c) A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 40 feet.
- (3)** Construction methods. Billboards shall be constructed in accordance with applicable provisions of the Borough Building Code and shall meet all of the following additional requirements:
- (a) A billboard structure shall have a maximum of one vertical support being a maximum of three feet in diameter or width and without additional bracing or vertical supports.
  - (b) A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.
  - (c) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one-hundred-mile per hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Borough with the application for the conditional use.

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- (d) The base shall be installed using a foundation and footings approved by the Borough Engineer for the type of construction proposed.
  - (e) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three feet, placed in such manner as to screen the foundation of the structure.
  - (f) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
  - (g) No bare cuts shall be permitted on a hillside.
  - (h) All cuts or fills shall be permanently seeded or planted.
- (4) Maintenance.**
- (a) A billboard structure shall be entirely painted every three years, unless constructed of an approved corrosive-resistant material.
  - (b) Every 10 years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania-registered engineer and shall provide to the Borough a certificate from the engineer certifying that the billboard is structurally sound.
  - (c) Annual inspections of the billboard shall be conducted by the Borough to determine compliance with this chapter.
  - (d) Billboards found to be in violation of this chapter shall be brought into compliance or removed within 30 days upon proper notification by the Borough.
  - (e) Billboards using removable vinyl, paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.
- (5) Liability insurance.** The applicant for a sign permit to erect a billboard shall provide a certificate of insurance for public liability and property damage which holds the Borough harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving 10 days' notice to the Borough.
- (6) Permits.**
- (a) Prior to submission of an application for sign permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Allegheny County Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.
  - (b) Approval of the conditional use shall be valid for six months from the date of action by Borough Council granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six-month period,

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approval of the conditional use shall expire automatically, without written notice to the applicant.

- (c) The issuance of a sign permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (PennDOT) for billboards along state highways. If the applicant fails to submit evidence of the required approval by PennDOT within 90 days of the issuance of the conditional sign permit, the sign permit shall be revoked by the zoning officer, who shall provide written notice to the applicant.
- (d) The applicant may reapply for the required sign permit, upon submission of evidence of PennDOT approval, without payment of any additional sign permit fee, provided the application is filed within the six-month period during which the conditional use approval is valid.

(7) Application fees. Said application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of Borough Council.

(8) Nonconforming billboards.

(a) Any billboard which does not conform to the requirements of this section shall not be enlarged or moved unless the billboard complies with all provisions of this section.

(b) Any billboard which is damaged or destroyed by more than 51% of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.

(E) Car Wash, subject to:

- (1) All automated washing facilities shall be in a completely enclosed building. All other car washing facilities shall be under a roofed structure which has at least two walls.
- (2) Drainage water from the washing operation shall be recycled and/or controlled so that it does not flow or drain onto berms, streets, alleys or other property.
- (3) Standing spaces shall be provided in accordance with the requirements specified in § 225-28(E) for drive-in facilities.
- (4) The facility shall be connected to public sanitary and storm sewers.
- (5) Driveway entrances shall be located at least 30 feet from the right-of-way line of the intersection of any public streets.
- (6) Any car wash which also dispenses gasoline shall meet all applicable requirements governing automobile service stations.

(F) Commercial, Recreation subject to:

- (1) Hours that the business is open to the public shall be limited to 6:00 AM to 9:00 PM.
- (2) Customer and delivery parking shall not disrupt neighboring properties.

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- (3) Floor space for this use is limited to 1,000 square feet.
- (4) Commercial signage shall comply with the sign ordinance applicable to the NR zoning district.
- (5) Limited to arterial or collector streets in the Borough.

**(G) Community Center/Club, subject to:**

- (1) Any community club that includes a swimming pool shall be subject to Section 225-38 Subsection (C).
- (2) Any community club which includes a kitchen and social hall shall meet the parking requirements specified in Article IV.
- (3) All off-street parking which adjoins single-family use or a residential zoning district shall be screened by a minimum six-foot-high compact evergreen hedge.

**(H) Day-Care Center and Day Care Home, subject to:**

- (1) The facility shall be registered with or licensed by the commonwealth, if applicable.
- (2) Outdoor play areas for day-care centers shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.
- (3) Outdoor play areas which adjoin residential lots shall be screened by Buffer Area C, as defined by § 225-31 of this chapter.
- (4) The general safety of the property proposed for a day-care center shall meet the needs of small children, particularly with respect to safe drop off and pickup areas and safe conditions in the outdoor play area and means of pedestrian and vehicular access to the site and the building.
- (5) Off-street parking for day-care centers shall be provided in accordance with the requirements of Article IV of this chapter.
- (6) All day-care center and day-care home facilities shall comply with the requirements of the Pennsylvania Uniform Construction Act, as amended, and its regulations, as amended.

**(I) Dwelling, conversion apartment, subject to:**

- (1) Conversion apartments in the NR and CR are limited to institutional and large commercial buildings (larger than 5,000 sq. ft.).
- (2) Buildings must be completely converted to residential use, with the exception being a small store on the ground floor which follows the Conditional Use guidance for retail shops in the NR or CR.
- (3) The dwelling unit or dwelling units shall have a separate entrance which does not require passing through other units.



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- (4) Each apartment shall contain a separate and private bathroom and food cooking and storage facilities.
  - (5) Parking shall be provided in accordance with the requirements of § 225-33, § 225-36, and § 225-37.
  - (6) Conversions shall meet all applicable fire-safety codes.
  - (7) Each apartment shall be served by a heating and cooling system capable of providing 68° F. throughout the apartment when the outside temperature is 0° F and 100° F.
- (J) Dwelling, Attached, subject to:
- (1) Attached Dwellings shall be the product of new construction. Conversions shall not apply.
  - (2) Parking shall be provided in accordance with the requirements of § 225-34.
  - (3) A minimum of 800 square feet of ground area per unit, including parking and outdoor areas. Rear resident parking is required if site conditions allow for it.
  - (4) Buffering, setbacks, and general site planning provisions shall comply with the zone the attached dwellings are being constructed in with the exception(s) of reasonable adjustments to accommodate site conditions and topography.
- (K) Dwelling, Single Family in Conservancy subject to
- (1) No Property shall be built on a slope greater than 15%.
  - (2) No Property shall be built in a 500 hundred or 100 year flood plain.
- (L) Educational, Religious Institutions, subject to:
- (1) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter.
  - (2) The use shall be not detrimental to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding properties, the probable hours of operation, the activities to be conducted and the number of people to be assembled or to use the premises at any one time.
  - (3) All parking areas adjacent to single-family use or zoning classification shall be screened by a minimum six-foot-high compact evergreen hedge.
  - (4) If housing is provided, including dormitory facilities for students and teachers, the minimum lot area shall be 10,000 square feet plus 300 square feet for each sleeping room in excess of four; where a sleeping room is occupied by more than two beds, every two beds therein shall be counted as a single sleeping room.
  - (5) The minimum front, rear and side yards otherwise required in the zoning district each shall be increased by 10 feet.



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- (6) All structures shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment and vehicles.

**(M)** Farmer's market, flea market, subject to:

- (1) All activity shall be limited to areas within a Parks, Mixed Use, and Crafton Transit Oriented Development zoning designations.
- (2) The applicant shall secure all necessary permits and licenses prior to the sale of any product.
- (3) Applicants shall provide an agreement or letter of consent between the legal owner of the property and the applicant's corporation, company or position of authority.
- (4) The applicant shall take measures to ensure that adequate life safety and fire prevention procedures have been followed. The applicant shall consult with the Zoning Officer and Fire Official prior to application for conditional use approval. Their report and recommendation shall be forwarded to the Planning Commission as part of the public record on the conditional use application.
- (5) The applicant's responsibility shall continue through completion of the activity with a time limit mutually agreed upon by the applicant and Borough Council. Daily maintenance of grounds shall consist of trash pickup, provisions for security, and adequate apparatus and equipment for other emergencies such as mechanical, fire or life safety.
- (6) All applicable provisions governing temporary uses or structures, shall be met.

**(N)** Funeral Home, subject to:

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The site shall have frontage on and direct vehicular access to an arterial or collector street.
- (3) All off-street parking areas which adjoin property in any residential zoning district shall be screened by a minimum six-foot compact evergreen hedge.
- (4) Traffic circulation shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjacent streets or alleys.

**(O)** Gasoline/Food Service Station, subject to:

- (1) No new gasoline/food service station shall be established within 2,000 feet of a parcel containing an existing gasoline station, a parcel that has previously been used as a gasoline station and retains any right to reopen as such, or a parcel for which a building permit for the construction of a gasoline station has been issued and remains valid.

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- (2) A parcel intended for a new gasoline/food service station shall not adjoin any parcel that contains residential use or is undeveloped land.
- (3) For parcels at intersections, the required street frontage shall be a minimum of 100 feet on the adjoining street and at least 75 feet on any other abutting thoroughfare.
- (4) Gasoline pumps shall be located at least 30 feet from the edge of the right-of-way of a public street.
- (5) Driveway entrances shall be located at least 30 feet from the right-of-way line of the intersection of any public streets.
- (6) Canopies over gasoline pumps shall be subject to the requirements of § 225-39 of this chapter.
- (7) All fuel, oil, propane, kerosene and similar substances shall be stored at least 25 feet from any property line.
- (8) The handling and disposal of motor oil, battery acid, tires and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PADEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of Article VII of this chapter.

**(P) Greenhouse, subject to:**

- (1) The minimum site for a greenhouse or horticultural nursery shall be two acres.
- (2) No storage of manure or odor- or dust-producing substances shall be permitted within 200 feet of any adjacent lot line.
- (3) No greenhouse heating plant shall be operated within 50 feet of any adjacent lot line.
- (4) No products shall be outwardly displayed or offered for sale on the premises or from the roadside.

**(Q) Group Care Home, subject to:**

- (1) Group care homes shall comply with Pennsylvania licensing requirements.
- (2) Building fire safety shall comply with the Borough's adopted commercial standards.
- (3) A detailed description of services, estimated residents, onsite personnel, and related information shall be submitted with the Conditional Use application.

**(R) Hospital, nursing home, subject to:**

- (1) The minimum lot area required for a hospital shall be three acres. The minimum lot area required for a nursing home shall be one acre.
- (2) The property shall be served by public water and public storm and sanitary sewers.

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- (3) All hospitals and nursing homes shall be licensed by the commonwealth.
  - (4) Water pressure and volume shall be adequate for fire protection.
  - (5) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
  - (6) The parking and circulation plan shall be referred to the local police department and fire company for comments regarding traffic safety and emergency access.
  - (7) Nursing homes shall have a bed capacity of at least 20 beds, but no more than 200 beds.
  - (8) All property lines adjacent to residential use or zoning classification shall be screened by Buffer Area B, as defined by § 225-31 of this chapter.
  - (9) A private use helipad for air ambulances shall not be permitted as part of a hospital.
  - (10) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA).
- (S) Manufactured Homes, Tiny Homes, Mobile Homes, subject to:
- (1) A detailed site plan certified by a Pennsylvania licensed engineer shall be submitted at time of application.
  - (2) The site plan shall contain the estimated number of dwelling units, manufacturer's information, and building specifications for a standard dwelling unit.
  - (3) All dwelling units shall be served by publicly accessible utilities (sewer, water, electric).
  - (4) If multiple dwelling units are proposed, they shall be separated by a minimum distance of 20 feet.
- (T) Overnight Lodging, Transient Housing, Short Term Rentals, subject to:
- (1) Within the allowed districts, the proprietor of a unit used for overnight lodging, private transient occupancies must also have their primary residence on the property on which the said unit is located.
  - (2) No more than six (6) guests over the age of 18 shall be allowed to stay on any property at any given time, irrespective of the number of units on the property.
  - (3) All units must have operational fire extinguishers, smoke detectors and carbon monoxide detectors. Two family dwelling: 1,000 square feet per unit.
  - (4) Guest stays shall not exceed 30 consecutive days.
  - (5) No dwelling unit shall be used for overnight lodging, private transient occupancies for more than 25% of the year.

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- (6) The proprietor of a unit shall register with the Borough as a Short Term Rental. Registration shall be done by providing such information as the Borough may require. Once completed, registration will remain in effect without the need for renewal; provided, however, that upon a finding of any violation of any ordinance of the Borough or other local, state, or federal law, the Borough may revoke such registration.

**(U) Parking Garage Public/Private, subject to:**

- (1) All parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking facility.
- (2) Parking garages with street frontage in excess of a provision for ingress/egress shall incorporate commercial, residential, or mixed use space on the street level of the garage.
- (3) The design of any parking garage proposed to be located on property that adjoins a zoning district that has a residential use as a listed permitted use shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing a zoning district that has a residential use as a listed permitted use that are compatible with the residential character of adjoining properties.
- (4) Any parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.
- (5) Any public parking lot that is reserved for the customers or employees of a specific use and is not available to the general public shall be located within 1000 feet of the specific use that it is intended to serve.
- (6) Any public parking lot in a zoning district that has a residential use as a listed permitted use, that is established for the use of residents of the area, shall be screened by a minimum six-foot-high, compact, dense evergreen hedge along all property lines that adjoin a residential use or any zoning district that has a residential use as a listed permitted but for the exception of pedestrian connectivity.
- (7) Driveway access to such a parking lot shall be designed to minimize conflict with any existing private driveway serving a residential lot and any existing on-street parking.

**(V) Personal care boarding home, subject to:**

- (1) The applicant shall show evidence of a license from the Commonwealth of Pennsylvania, Department of Public Welfare, Personal Care Boarding Home Program and the Allegheny County Health Department prior to obtaining a certificate of occupancy and shall maintain a valid license throughout its operation.
- (2) No personal care boarding home shall be located within 1/4 mile of any other existing or proposed personal care boarding home.

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- (3) The minimum lot size for a personal care boarding home shall be 1,000 square feet per client. The minimum floor area per sleeping room shall be 120 square feet per client. Bedrooms for more than one person shall have no less than 100 square feet of floor space per person.
  - (4) Supervision of residents in a personal care boarding home shall be provided by responsible nonclient adults whose number shall be determined and certified by the appropriate supervisory agency(ies). The required staff supervision shall be provided on a twenty-four-hour-a-day basis while the residents are on the premises.
  - (5) Personal care boarding home operators shall be subject to all regulations of the Commonwealth of Pennsylvania, Department of Public Welfare.
  - (6) Personal care boarding homes shall be subject to housing, health and fire code inspections. These inspections shall be performed by the Zoning Officer or other designated Borough official.
  - (7) Adequate provisions shall be made for access by emergency medical and fire-fighting vehicles.
- (W) Retail sales, non-perishable and perishable goods in NR and CR subject to:
- (1) Hours of operation that are open to the public shall be limited to 8:00 AM to 6:00 PM.
  - (2) Customer and delivery parking shall not disrupt neighboring properties.
  - (3) Floor space for this use is limited to 1,000 square feet.
  - (4) Commercial signage shall comply with the sign ordinance applicable to the NR zoning district.
  - (5) Limited to arterial or collector streets in the Borough.
- (X) Swimming pool, public (note, guidelines for accessory use swimming pools are found in Article IV), subject to:
- (1) The minimum site required shall be one acre.
  - (2) The pool and bathing area shall be completely enclosed by a wall or fence so as to prevent uncontrolled access by children from the street or adjacent properties.
  - (3) The area immediately outside the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and shall be maintained in good condition.
  - (4) All pools shall have permanent access to a public street.
  - (5) The pool shall be constructed in accordance with all applicable state requirements.
  - (6) No direct or sky-reflected glare, whether from floodlights or any other kind of lights, shall be visible.
- (Y) Temporary uses or structures, other than construction trailers, subject to:

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- (1) Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this subsection as a condition of issuing a certificate of occupancy.
  - (2) Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than 30 days shall not be subject to the provisions of this subsection. Any such activity which exceeds 30 days in duration shall be subject to approval under this subsection.
  - (3) If applicable, a transient merchant license shall be obtained from the Borough.
  - (4) Approval of temporary uses or structures shall be granted for a specific time period not to exceed six months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.
  - (5) All temporary uses or structures shall be removed within 10 days of the expiration of the specific period for which the structure or use is approved.
  - (6) Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
  - (7) All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the zoning district in which they are located.
  - (8) All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the zoning district for accessory structures.
  - (9) No temporary use or structure shall be located in any public right-of-way unless approved via permit by the governing entity.
  - (10) Temporary uses or structures which are authorized for a particular event shall be removed within 48 hours after the completion of the event.
  - (11) Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot and are available to the customers or patrons of the temporary use or structure.
- (Z) Automotive Service, Minor, subject to:
- (1) A Automotive Service, Minor shall not be located within 100 feet of any residential dwelling or any zoning district that has a residential use as a listed permitted use.

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- (2) A buffer shall be provided along all property lines adjoining a residential dwelling or any zoning district that has a residential use as a listed permitted use.
- (3) Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area that is screened by a six-foot-high, compact, dense evergreen hedge or opaque fence.
- (4) There shall be no more than four vehicles displayed for sale on the premises at any one time.
- (5) All repair work shall be performed within an enclosed building that has adequate ventilation and fire protection provisions in accordance with the Borough Building Code.
- (6) All towed vehicles shall be stored on the premises, and no vehicle shall be stored or dismantled on any public street.
- (7) The premises shall be kept clean and shall be maintained so as not to constitute a nuisance or menace to public health or safety.
- (8) Storage, handling and disposal of hazardous materials, as defined by federal or state statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PADEP) and the United States Environmental Protection Agency (EPA).

**(AA)** Veterinarian, animal boarding, grooming and kennel, subject to:

- (1) The minimum lot area required for a kennel with outdoor runs shall be two acres.
- (2) All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a minimum six-foot-high fence with self-latching gate.
- (3) Outdoor kennels or runs shall be located at least 200 feet from any property line adjacent to residential use or residential zoning district and at least 50 feet from any other property line.
- (4) Overnight boarding shall be permitted only within a completely enclosed building.
- (5) Kennels shall be licensed by the commonwealth and shall continue to maintain a valid license throughout the operation.
- (6) The property shall be maintained in a clean, odor-free and sanitary condition.
- (7) The maximum noise level at the property line shall be 60 dBa.

**(BB)** Wireless Communication, subject to:

- (1) The following regulations apply to all wireless telecommunication facilities, except for small cell facilities, located outside of the public right-of-way. Facilities located in the public right-of-way must be consistent with the standards and requirements contained herein related thereto. Small cell facilities must be consistent with the standards and requirements contained in this article.



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- (2) Construction standards. All wireless telecommunication facilities and support structures shall be certified by an engineer licensed in the Commonwealth of Pennsylvania to be structurally sound and, at a minimum, in conformance with all applicable building codes.
- (3) Natural resource protection standards. The location of the wireless communication facility shall comply with all natural resource protection standards established either in this Code or in other applicable regulations, including those for floodplain, wetlands, groundwater protection, and steep slopes.
- (4) Color and appearance standards. All wireless telecommunication facilities shall be painted a noncontrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by historical or architectural standards imposed under this Code. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Borough.
- (5) Advertising prohibited. No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.
- (6) Artificial lighting restricted. No wireless communication facility shall be artificially lit except as required by the Federal Aviation Administration.
- (7) Co-location. All wireless telecommunication facilities shall be subject to the co-location requirements set forth in this Code.
- (8) Abandonment. All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in this Code.
- (9) Security enclosure required. All towers and equipment shelters shall be enclosed either completely or individually. The Borough and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
- (10) Existing vegetation and buffer plantings. Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Board. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
- (11) Access control and emergency contact. "No trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency. Contact information must be kept current.
- (12) Jurisdictional study of potential public sites. In order to encourage the location of a wireless telecommunication facility on publicly owned property, the Borough shall undertake an identification of publicly owned properties that the Borough determines



are suitable for such use. The Borough shall regularly update such identification and make the results of such available to the public.

- (13) Exemption of proof of co-location availability. Persons locating a wireless telecommunication facility upon a publicly owned property identified in the study mentioned above shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunication facility on publicly owned property shall continue to be subject to the requirements (co-location design required) below.
- (14) Co-location design required. No new tower shall be constructed in the Borough unless such tower is capable of accommodating at least one additional wireless telecommunication facility owned by another person.
- (15) Technically suitable space. Authorization for a tower shall be issued only if there is not technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.
- (16) Application requirements. With the permit application, the applicant shall list the location of every tower, building, or structure within a reasonable proximity that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure within such area. If another tower owned by another person within such area is technically suitable, the applicant must show that an offer was made to the owner of such tower to co-locate an antenna on a tower owned by the applicant or reciprocal terms within the Borough, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available. The Borough Administrator shall determine specific application requirements from time to time. Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.
- (17) Cessation of use. All providers utilizing towers shall present a report to the Borough notifying it of any tower facility located in the Borough whose use will be discontinued and the date the use will cease. Such report shall be filed with the Borough 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Borough Manager (or their designee) may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility and of the property will receive written notice from the Borough Manager (or their designee) and be instructed to either reactivate use of the facility within 180 days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Borough will either remove the facility or will contract to have the facility removed and assess the costs to the private property owner. The Borough must provide the wireless telecommunication facility owner and the private property owner 30 days' notice and an opportunity to be heard before the Zoning Hearing Board before initiating such action. After such notice has been provided, the Borough shall have

the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances. The Borough shall provide the wireless telecommunication facility owner and the private property owner with the right to a public hearing before the Zoning Hearing Board. All interested parties shall be allowed an opportunity to be heard at the public hearing. After a public hearing is held, the Borough may order the abatement or demolition of the tower. The Borough may require the private property owner to pay for all expenses necessary to acquire or demolish the tower.

## § 225-29 Supplemental and conditional use provisions for accessory uses and structures

The following accessory uses are permitted with supplemental restrictions or conditionally permitted as shown in the Use Table. No accessory structure shall be erected or constructed prior to the erection or construction of the principal building, except for a temporary building incidental to construction of the principal building. No accessory structure and use shall be located closer than three feet to a side or rear lot line. All accessory uses shall be located within the rear yard unless otherwise stated. No accessory structure or use shall be permitted on a parcel whereby the principal use is a nonconforming use, unless the accessory structure or use is temporary. The above conditions may be waived by the Zoning Hearing Board via a variance application.

- (A) Accessory sport facilities, indoor and outdoor – batting cages, tennis court, basketball court, racquetball court, volleyball court, all-purpose gym, football field, baseball field, soccer field, and all related sporting facilities of a similar size and scope of those listed above, subject to:
  - (1) Accessory sport facilities shall not exceed 20% of the total parcel size they are located upon. In the event the principal land use is located upon multiple parcels, the maximum size of accessory sport facilities may be calculated from all parcels in use.
  - (2) Enclosed, indoor sport facilities shall have an exterior finish of a similar style to the principal use's exterior finish. Exterior finishing shall compliment the principal use and be generally comparable, compatible, and complimentary to exterior finishing of neighboring uses. No metal or cinderblock structures are permitted without adequate exterior finishing.
  - (3) Lighting shall be shielded to minimize impact to adjacent uses. Flood lighting is not permitted unless it poses no impact to neighboring land uses.
- (B) Borough owned maintenance facilities, subject to:
  - (1) Borough owned maintenance facilities' exterior finishing shall compliment the principal use and be generally comparable, compatible, and complimentary to exterior finishing of neighboring uses. No metal or cinderblock structures are permitted without adequate exterior finishing.

- (C)** Borough owned parking facilities, subject to the design requirements of section § 225-33, § 225-36, and § 225-37.
- (D)** Chicken coop, subject to Chapter 84, Crafton Municipal Code.
- (E)** Drive-in facilities, subject to:
  - (1)** The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this chapter, or to Linden Avenue or Foster Avenue.
  - (2)** In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of 100 feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets or berms.
  - (3)** Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
  - (4)** Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- (F)** Personal parking garage – detached, subject to:
  - (1)** A detached parking garage shall not be greater than twenty-percent (20%) of the principal use’s total square footage.
  - (2)** Front entry detached garages shall be set back a minimum of twenty feet (20’) from the rear edge (the edge nearest to the property line) of public sidewalks to discourage incidental parking that obstructs the sidewalk.
  - (3)** Rear entry detached garages shall be set back a minimum of ten feet (10’) from the property line and have direct legal vehicular access.
  - (4)** Exterior finishing shall compliment the principal use and be generally comparable, compatible, and complimentary to exterior finishing of neighboring uses. No metal or cinderblock structures are permitted without adequate exterior finishing.
- (G)** Solar panels – ground mounted, subject to:
  - (1)** Ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same parcel(s).
  - (2)** All exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
  - (3)** Ground mounted systems may not exceed ten feet (10’) in height as measured from the highest point to the ground. This requirement may be waived by the Zoning Officer if he/she finds an increased height does not disturb neighboring land uses.

- (4) Ground mounted systems may be utilized in commercial and public parking lots upon submittal and approval of engineered construction drawings and site plans to the Borough Zoning Officer. Review of said construction drawings shall be done by the Borough's licensed engineer, either on staff or third-party firm, and the proposed project shall be considered commercial pursuant to applicable building codes. Upon review of said construction drawings, the Borough Engineer shall provide recommendations to the Zoning Officer to approve the building permit outright, approve the permit with conditions, or deny the permit for cause. The Zoning Officer, Borough Engineer, and applicant are encouraged to collaborate throughout the process.

**(H)** Swimming pool, indoor and outdoor, subject to:

- (1) A permit is required prior to the construction of all below-ground swimming pools with a depth greater than two feet.
- (2) Attached, indoor swimming pools shall be subject the Borough's adopted building code requirements.
- (3) Swimming pools are permitted in the side or rear yards only and must be set back at least 10 feet from side and rear property lines.
- (4) Every swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to land on which the pool is located, or in the general vicinity.
- (5) Swimming pools with a depth of more than two feet must be enclosed by a protective fence at least four feet in height. The fence must include self-closing, lockable gates or entrances when the pool is not tended by a lifeguard or an adult occupant of the principal residential structure. Openings in the barrier shall not allow passage of a four-inch or greater diameter sphere. Solid barriers, that do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacings between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.
- (6) Maximum mesh size for chain-link fences shall be a square of 2.25 inches unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than 1.75 inches.
- (7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.

- (8) Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall be located on the pool side of the gate at least three inches below the top of the gate and the gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.
- (9) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

  - (a) The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
  - (b) All doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches above the threshold of the door; or
  - (c) Other means of protection, such as self-closing doors with self-latching devices, that are approved by the Building Inspector, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Subsection C(8)(a) or (b) described above.
- (I) Boats and recreational vehicle storage, and temporary portable storage containers, subject to:

  - (1) No temporary storage container shall have dimensions greater than 20 feet in length, eight feet in width or eight feet in height. Storage capacity shall be no greater than 1,280 cubic feet.
  - (2) One temporary storage container shall be permitted on a lot. The temporary storage container may be located in any minimum required front, side or rear yard, provided that it is at least three feet from any property line and 10 feet from any street curblin or, if there is no curb, from the edge of paving of a public or private street.
  - (3) Temporary storage containers that are utilized for the purpose of moving or relocating personal effects or business inventory or equipment shall be permitted to remain on the lot for no more than 30 consecutive days in a calendar year.
  - (4) Temporary storage containers that are utilized during repair or reconstruction of a structure on the lot shall be permitted to remain on the lot for no more than 90

consecutive days in a calendar year. Upon demonstration of the continued need for the personal on-demand storage unit utilized during repair or reconstruction, the Zoning Officer may grant one extension for a cumulative total of no more than 180 consecutive days in a calendar year. The temporary storage container shall be removed within 30 days of completion or cessation of construction.

- (5) A permit shall be required to park a temporary storage container on a Borough street or alley. All necessary and reasonable precautions shall be taken to minimize obstructing traffic and traffic vision.
  - (6) A storage permit for a boat and/or recreational vehicle is required subject to Crafton Municipal Code, § 214-93.
- (J) Accessory Dwelling Units. As of the date of this chapter, no accessory building may be used as a residential unit. Any existing accessory building used as a residential unit at the time of the adoption of this Code shall be deemed to be a legal nonconforming use and building and shall comply with all provisions of this Code from that date forward.

## ARTICLE IV: GENERALLY APPLICABLE REGULATIONS

### § 225-30 Performance standards

The following standards shall apply to all permitted uses, conditional uses and uses by special exception in all zoning districts. In order to determine whether a proposed conditional use or use by special exception will conform to the requirements of this chapter, the Planning Commission, Borough Council or the Zoning Hearing Board may require a qualified consultant whose credentials are acceptable to Council or the Board to testify, whose cost for services shall be borne by the applicant.

- (A) Fire protection. Fire prevention and fighting equipment which conforms to the requirements of the Borough Construction Code (Chapter 90) shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- (B) Electrical disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- (C) Noise. All uses, operations and activities within the Borough shall at all times conform to Chapter 146, Article III of the Borough’s Code of Ordinances, and to all other applicable local, county, state or federal noise regulations.
- (D) Vibrations. Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated in Table A below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
  - (1) The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:
  - (2)  $P.V. = 6.28 F \times D$ , WHERE: P.V. = Particle velocity, inches per second, F = Vibration frequency, cycles per second, D = Single amplitude displacement of the vibration, inches
  - (3) The maximum particle velocity shall be the vector sum of the three individual components recorded. Such particle velocity shall not exceed the values given in Table A. Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of 100 per minute, then the values in Table A may be multiplied by 2.

| <b>TABLE A<br/>Maximum Ground Transmitted Vibration by Zoning Districts<br/>Particle Velocity in Inches/Second</b> |                          |   |
|--|--------------------------|---|
| <b>Vibration Measured in:</b>  | <b>Adjacent Lot Line</b> | <b>Residential and Conservation Districts</b> |
| Residential, Park and Conservation Districts   | 0.02                     | 0.02  |
| Commercial Districts   | 0.06                     | 0.02  |



|                      |      |      |
|----------------------|------|------|
| Industrial Districts | 0.10 | 0.02 |
|----------------------|------|------|

- (E) Odors. No malodorous gas or matter shall be permitted which is discernible on any adjacent lot or property. There shall be no emission of any malodorous gas or matter which violates the regulations of the Allegheny County Health Department.
- (F) Smoke, ash, dust, fumes, vapors and gases. There shall be no emission at any point for longer than five minutes in any hour of visible gray or other color smoke with a shade darker than No. 3 on the Standard Ringlemann Chart issued by the U.S. Bureau of Mines; nor shall there be any emission at any point from any source which can cause damage to health, to animals or vegetation or other forms of property or which can cause excessive soiling at any point.
- (G) Lighting and glare:
  - (1) No direct or sky-reflected glare, whether from floodlights or from high temperature processes shall be visible from adjacent public streets or adjacent lots when viewed by a person standing on ground level. For the purposes of interpreting this subsection, glare shall be defined as direct or indirect light from any source which exceeds 1/2 footcandle on any adjacent property.
  - (2) In all zoning districts, all lighting devices located within 100 feet of a property line adjacent to residential use or zoning classification shall be designed with shields, reflectors or refractor panels which direct and cut off light at a cutoff angle which is less than ninety degrees (90°). Cutoff angle is defined as the angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (H) Erosion. No erosion by wind, water or other source shall be permitted which will carry objectionable substances onto neighboring properties. All activities shall be subject to the requirements of the Allegheny County Soil Conservation Service and shall be governed by any permits issued by that agency.
- (I) Water pollution. Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP).
- (J) Determination of compliance with performance standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.
- (K) Continuing enforcement.

- (1) The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of Borough Council, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Borough.
- (2) If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Article VII of this chapter and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this chapter and shall result in the revocation of the occupancy permit for the facility or use.

### § 225-31 Yard landscaping and buffering

**(A)** Buffer areas required.

- (1) Buffer areas shall not be required along property lines which adjoin a public street right-of-way; however, buffer areas shall be required when off-street parking faces an NR or S Zoning District across an alley which is open to traffic.
- (2) Buffer areas shall be required for development in the CR or I Zoning Districts along all property lines adjacent to an NR or S Zoning District when construction of any new building or structure is proposed on a vacant lot or when the existing building proposed to be altered covers the lot by less than 50% and adequate area exists on the lot to provide off-street parking and Buffer Area A.
- (3) Buffer Area B shall be required for developments in the MU Zoning District along all property lines adjacent to an NR or S Zoning District when construction of any new building or structure is proposed on a vacant lot or when the existing building proposed to be altered covers the lot by less than 50% and adequate area exists on the lot to provide off-street parking and Buffer Area B.
- (4) Buffer Area C shall be required for all developments in the CR or MU Districts along all property lines adjacent to the NR Zoning Districts or single-family use in any zoning district or when the existing building proposed to be altered covers more than 50% of the lot and adequate area does not exist on the lot to provide off-street parking and Buffer Area B.
- (5) Buffer areas shall also be required for any conditional use or use by special exception when the express standards and criteria for the specific use specify a requirement to provide one of these buffer areas.

**(B)** Buffer areas defined. Buffer Areas are defined as follows:

- (1) Buffer Area A shall be a minimum of 20 feet in depth measured from the property line and shall be comprised of two rows of plantings which are a mixture of 30% deciduous and 70% evergreen trees spaced within the rows 10 feet apart,

measured from the vertical center lines of adjacent trees. In addition to the above noted required trees, a continuous row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the buffer area which shall be a minimum of three feet in height to provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

- (2) Buffer Area B shall be a minimum of 10 feet in depth measured from the property line and shall be comprised of one row of plantings which are a mixture of 30% deciduous and 70% evergreen trees spaced within the row 10 feet apart, measured from the vertical center lines of adjacent trees. In addition to the above-noted required trees, a continuous row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the buffer area which shall be a minimum of three feet in height to provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.
  - (3) Buffer Area C shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of six feet in height at the time of planting. On lots which cannot reasonably provide the required buffer area, a six-foot-high screening fence as defined by this chapter may be approved by Borough Council, upon recommendation of the Planning Commission, during the review of the land development plan.
- (C) Conflict between buffer area and yard requirements. When the width of a required buffer area is in conflict with the minimum yard requirements of Article II and Article IV, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of what the yard requirement is.
- (D) Existing structures in buffer areas. In instances where an existing structure houses the principal use of the property and is located within any required buffer area, a buffer area of not less than the minimum distance from the existing structure to the property line shall be required. This reduced Buffer Area width shall apply only to the yard area which the existing structure encroaches upon. If the existing structure is located within the required buffer area on one side of the building, the required buffer area as determined by § 225-31 shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the buffer area width.
- (E) Existing trees in buffer areas.
- (1) Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees shall be submitted to the Borough, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Borough has given written authorization permitting their removal. This permission shall not be unreasonably denied; however, those who violate this section shall be subject to the maximum penalties authorized by this chapter.

- (2) When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.
- (F) Size of trees in required buffer areas:

  - (1) Any existing trees within the required buffer area which are a minimum of two inches in diameter at a point one foot above the ground shall be preserved and shall count as a required tree within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.
  - (2) All trees required to be planted within the buffer area shall be a minimum of two inches in diameter at a point one foot above the ground measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six feet in height at time of planting, measured from the ground adjacent to the planted tree to the top of the tree.
- (G) Responsibility for maintenance. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.
- (H) Stormwater management facilities in buffer areas. When required by the Borough, stormwater management facilities and structures may be located within a Buffer Area; however, the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements in the Buffer Area.
- (I) Landscaping of open areas. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within 30 days after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur by May 1.
- (J) Landscaping specifications and native species. Landscaping shall be provided in accordance with the following specifications:

  - (1) To the extent reasonably possible, all new planting shall utilize western Pennsylvania native species in accordance with recommendations from the Pennsylvania Department of Conservation and Natural Resources. The Zoning Officer may waive this requirement by written request from the applicant. The written request shall be signed, dated, and outline the reasons why the applicant is requesting a waiver.
  - (2) Planting required in buffer areas as outlined in § 225-31 shall not be substituted for any required planting mandated in this subsection.

- (3) A landscaping plan, with detailed drawings, prepared by a registered landscape architect, shall be submitted with the final application for land development plan approval, and this landscaping plan shall contain and show the following information:
  - (a) All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub by type and size) drawn to scale and identifying the height and width of any proposed mounds.
  - (b) All required planting independent of any buffer area requirements (identifying each tree, bush, shrub by type and size, the use of sod or seeding, etc.) drawn to scale.
  - (c) Any planting in excess of the requirements in § 225-31 of this chapter.
  - (d) Any existing trees or vegetation which are to be preserved, accurately identifying type, size and their relative location.
  - (e) Any existing trees or vegetation which will be removed, accurately identifying their type, size and relative location.
- (4) For nonresidential developments on lots which have a total area of one acre or more, at least one deciduous tree shall be planted for each 2,000 square feet of gross floor area of the building.
- (5) For multiple-family developments on lots which have a total area of one acre or more, at least one deciduous tree shall be planted for each 10 dwelling units or portion thereof.
- (6) All trees which are required to be planted as per the regulations of this section shall be a minimum of two inches in diameter at a point one foot above the ground at the time of planting measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.
- (7) Landscaping of open parking areas shall be provided in accordance with § 225-31.
- (8) All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time.
- (K) Posting of bond for landscaping. A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Borough in the amount of 15% of the total cost of landscaping shown on the approved landscaping plan or \$15,000, whichever is less, for a period of two years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

## § 225-32 Fences, walls and screens

- (A) Fences.

- (1) In all zoning districts, the finished side of the fence shall face the street or adjacent property.
- (2) In Neighborhood Residential (NR), Community Residential (CR), Mixed-Use (MU), Crafton Transit-Oriented District (CTOD), Conservancy (S) and Park (P) Districts, fences no greater than six feet in height shall be permitted in the required side or rear yard as measured from the natural grade of the ground.
- (3) In S and NR Residential Districts, fences shall be permitted in the front yard, provided they meet the following requirements:
  - (a) The front yard fence shall be made only of wood (limited to cedar, redwood, southern pine, teak, or other similar wood species naturally resistant to decay or insects or treated with a preservative to affect a resistance to decay or insects), iron, or powder-coated aluminum.
  - (b) A front yard fence shall not be constructed or maintained in any public street right-of-way.
  - (c) Front yard fence height shall not exceed four (4) feet.
- (4) In the I Industrial District, the maximum height of a fence shall be 10 feet. Fences shall be located inside or rear yards only.
- (5) In any zoning district, fences accessory to schools, parks and playgrounds shall be no more than 10 feet in height and shall contain openings equal to at least 75% of the surface area of the fence.
- (6) In any zoning district, when a fence is erected on top of a wall, the distance from the base of the wall to the top of the fence shall not exceed the applicable height limitations specified in this subsection. When a wall is of the retaining type (the top is not an equal distance from ground level on both sides), the height of the wall shall be measured from the sidewalk level. Fences erected on the top of a wall shall contain openings equal to at least 75% of the surface area of the fence.
- (7) A fence permit shall be obtained from the Zoning Officer or their designee for the installation of all fences. A fence permit shall be required to change, alter or replace an existing fence.
- (8) The Borough's approval of a fence shall in no way make it liable to a property owner or create any responsibility on the part of the Borough relative to the erection of a fence on, over, or within any easement.
- (9) Fences may be constructed on a lot line. All fences shall be constructed with structure elements (e.g., posts, beams) facing toward the property on which the fence is located and away from the lot line; provided, however, that if both property owners agree that the structural elements will face away from the property on which the fence is located and toward the lot line, then a letter signed by both property owners shall be provided to the Borough prior to approval.

- (10) Unless located on property used for commercial agriculture, or unless otherwise approved by the Zoning Hearing Board, no fence shall contain an electric charger or contain Constantine or barbed wire. Notwithstanding the foregoing, barbed wire, but not Constantine wire, may be included on fences in the side and rear yards of a property located in the I or CTOD Districts.
- (11) All fences shall be mounted to the ground and no fence shall be mounted to the roof, parapet wall, or any other portion of a building; provided, however, that a ground-mounted fence may be attached to the wall of a building at its terminus.
- (12) Rear and side yard fences may be of any fencing material, which may include recycled materials, but shall not include sheathing, pallets, or items not originally intended to be used for fencing, in the rear and side yards of a lot.
- (13) No fence shall be located within or interfere with the sight triangle for vision clearance as set forth in the Borough's Engineering Standards.
- (14) Signage is not permitted on any fencing except for a metal placard no greater than eight inches by eight inches in total and placed by the manufacturer or installer.
- (15) Temporary fences erected for a specific function and limited time duration shall be maintained in good condition and shall not require a permit. No temporary fencing material shall be used for permanent fencing.
- (16) Snow fencing shall not exceed four feet in height; shall be limited to plastic mesh or wood slat fencing.
- (17) Construction and/or demolition fencing to enclose an active construction or demolition site is permitted for the duration of the construction or demolition period.

**(B) Screens and enclosures.**

- (1) All trash storage and collection areas on property used for other than a one-unit residential or two-unit residential use must be screened by a 100% opaque wood and/or masonry fence of a height at least 12 inches above the vertical height of the trash receptacle and in accordance with the Borough's Engineering Standards for such enclosures.
- (2) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or a fully opaque wall of shrubs, or they shall be so located as not to be visible from any public ways.

### **§ 225-33 Parking lot landscaping**

- (A)** Any property containing a surface parking area containing 50 or more parking spaces shall include interior parking lot landscaping as follows:
  - (1) At least 5% of the surface parking area shall be landscaped with plantings to include one deciduous tree for every 10 parking spaces in accordance with the tree requirements herein.



- (2) All interior landscaping shall be contained in landscape island that shall be installed below the level of the parking lot surface to allow for runoff capture; and
- (B) Any property containing a surface parking area abutting a public street shall contain a minimum five-foot-wide planting strip between the entire length of the surface parking area and the public street planted and maintained with shrubbery, trees or other landscape or decorative elements, in order to prohibit vehicle access except at approved ingress and egress points, provide a barrier between public pedestrian ways and the vehicular parking, and to improve the aesthetics of the street frontage.
  - (1) Planting strip planting shall include a minimum of one tree and three shrubs must be planted for every 35 feet of linear feet of planting.
  - (2) The required five-foot landscaped area may be reduced to three feet when a three-foot high masonry wall, wrought iron or wood picket fence is erected.

### § 225-34 Steep slope and subsurface conditions

- (A) An application for approval of an addition to or new construction of any principal use, other than a one-unit or two-unit dwelling, shall contain adequate information regarding natural and finished slopes on the site to show compliance with these regulations.
- (B) All applications for grading, filling or construction on slopes in excess of 25% shall be accompanied by a geotechnical report and a certification by a registered soils engineer regarding the feasibility of the proposed grading, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation and stormwater runoff and potential impacts on adjacent properties. The consultant selected to prepare the geotechnical report shall have credentials acceptable to the Borough, and the cost of preparation of the report shall be borne by the applicant.
- (C) When required by the Borough Engineer, based on evidence from readily available sources that there may be development limitations associated with undermining, strip mining, landslide-prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional soils engineer regarding soils and subsurface conditions and the probable measures needed to be considered in the design of the development, site grading, location of structures and design of foundations, if any, shall be submitted with the application. The consultant selected to prepare the geotechnical report shall have credentials acceptable to the Borough, and the cost of preparation of the report shall be borne by the applicant.
- (D) Only 50% of the total area of any lot that has natural slopes or finished slopes in excess of 25% shall be included in any calculation of the minimum lot area, maximum lot coverage or maximum dwelling unit density required in the zoning district in which the property is located.
- (E) Restoration of all slopes from which cover has been removed shall be finished and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to mean within 30 days after grading and/or construction activities are completed, unless those activities are completed between November 1 and April 1. In such

cases, the required sodding or seeding shall occur within 30 days of April 1. In all cases, temporary erosion and sediment control measures shall be maintained on the site until permanent vegetative cover or other unerodable cover is accomplished.

- (F) In the case where natural cover has been removed incidental to imminent development, the finishing and seeding shall not be required until grading and construction are completed. "Imminent development" shall mean development that is reasonably expected to commence based on approved plans and permits within 30 days of the clearing and grubbing of the site, said construction to be undertaken on a regular work schedule of a minimum of eight hours per day, 40 hours per week.
- (G) In all cases where replacement of cover cannot be accomplished immediately upon completion of clearance activities, erosion and sedimentation control measures required by the Borough Engineer during clearance and construction shall be maintained on the site until the replacement of cover can be accomplished.

### § 225-35 Outdoor lighting

- (A) The following applies to all outdoor lighting on a property, whether or not attached to a building or affixed to the ground. The Borough is committed to achieving as close to "dark sky" compliance as practicable on all outdoor lighting.
- (B) The following exterior lighting is exempt from the requirements of this section:
  - (1) FAA-mandated lighting associated with a utility tower or airport;
  - (2) Lighting for the United States flag, Pennsylvania flag, a county or Borough flag, or any other flag not considered a flag sign;
  - (3) Customary decorative lighting during the months of November, December, and January, provided that the lighting does not create unsafe glare on street rights-of-way;
  - (4) Battery-powered emergency lighting;
  - (5) Architectural lighting of 10 fixtures or fewer of 1,000 lumens or less per fixture;
  - (6) Public safety lighting;
  - (7) Streetlighting in the public right-of-way, provided that the streetlighting has a correlated color temperature of 2,500 Kelvins or less, except when employed specifically to illuminate a crosswalk, and provided that the fixtures are glare-free fully shielded; and
  - (8) Residential garage, porch, and landscape accent lighting.
- (C) A photometric plan showing compliance with these standards shall be submitted along with all site plans. The photometric plan may be incorporated into the site plan if all photometric plan components are included. The lighting plan shall include all of the following:
  - (1) All structure(s), parking spaces, building entrances, traffic areas (both vehicular and pedestrian);

- (2) Vegetation that might interfere with lighting;
  - (3) Adjacent uses that might be adversely impacted by the lighting;
  - (4) All exterior lighting, including but not limited to, architectural, building-entrance, landscaping, flag, accent, etc.; and
  - (5) A layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type.
- (D) The following sets forth the measurement of light level:
- (1) Light levels are specified, calculated and measured in footcandles. All footcandle values are maintained footcandles.
  - (2) Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.
- (E) All light fixtures shall meet the following requirements:
- (1) The maximum light level of any light fixture cannot exceed 0.5 footcandle measured at the property line of any zoning district that has a residential use as a listed permitted use, 2.0 footcandles measured at the property line of any zoning district that does not have a residential use as a listed permitted use, and 2.5 footcandles at the property line of a parking lot.
  - (2) Lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.
- (F) All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development. Service connections for all freestanding lighting fixtures must be installed underground.
- (G) The following regulations apply specifically to parking and pedestrian areas:
- (1) Light fixtures within parking, vehicular, and pedestrian areas may be no higher than 15 feet.
  - (2) Light fixtures located within 50 feet of a property line of any zoning district that has a residential use as a listed permitted use may be no higher than 15 feet.
  - (3) Light fixtures in parking and vehicular display areas must be full cutoff.
- (H) In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet the following:
- (1) Decorative, noncutoff fixtures can be used when the maximum initial lumens generated by each fixture does not exceed 9,500 lumens;
  - (2) If the unshielded fixture has all metal halide, fluorescent, induction, white high-pressure sodium and color-corrected high-pressure sodium lamps, the outer lamp envelope must be coated with an internal white frosting to diffuse light;

- (3) All metal halide fixtures equipped with a medium base socket must use either an internal refractive lens or a wide-body refractive globe; or
  - (4) All noncutoff fixture open-bottom lights must be equipped with full cutoff fixture shields.
  - (5) To the extent possible, as determined by the Zoning Officer, internal light sources within structured parking shall not be visible from the adjacent public right-of-way. Rooftop lighting for parking facilities shall be no more than 15 feet above the rooftop parking surface and shall be mounted a minimum of 15 feet in from the edge of the structure.
- (I) The following regulations apply to floodlights and lamps:
- (1) Floodlight fixtures must be either aimed down at least 45° from the horizontal.
  - (2) Any floodlight fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15°.
  - (3) All floodlamps emitting 1,000 or more lumens must be aimed at least 60° down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.
- (J) Lighting under canopies must be designed to prevent glare off-site. Acceptable lighting designs include the following:
- (1) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the canopy surface;
  - (2) Lighting fixture incorporating shields or is shielded by the edge of the canopy itself;
  - (3) Surface-mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution;
  - (4) Surface-mounted fixture measuring no more than two feet by two feet, with a lens cover that contains at least 2% white fill diffusion material; or
  - (5) Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided that the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (K) Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:
- (1) Sport field lights shall not exceed 60 feet in height.
  - (2) All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

- (3) The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

**§ 225-36 Off-street parking and requirements**

- (A) Unless specifically exempted by the provisions of this chapter, all structures and uses shall provide off-street parking areas in accordance with this section.
- (B) When an existing structure or use is expanded, altered, increased in density or otherwise changed, parking spaces for the area or capacity of such expansion shall be required in accordance with this section. The expansion or alteration shall not result in the elimination of any existing required off- street parking spaces.
- (C) When an existing structure or use not in conformity with the off-street parking requirements of this chapter is expanded, altered, increased in density or otherwise changed, the entire structure or use shall be brought into compliance with the off-street parking requirements of this chapter.
- (D) A subdivision or combination of lots shall not result in the elimination of any required parking spaces for an existing structure or use.
- (E) Any new use or change of use in any zoning district shall comply with the following requirements for the provision of off-street parking spaces.
- (F) Calculation of requirements.
- (G) Multiple uses on a lot.

The following table of parking requirements specifies the number of spaces required for uses in any zoning district except the CTOD District, there are only parking maximums in the CTOD district, no minimums.

| Type of Use (In all districts except CTOD) | Minimum Spaces  | Maximum Spaces  |
|--|---|---|
| Residential Uses                           | 1 space per unit  | The maximum number of parking spaces shall be calculated as 90% of the total number of persons permitted in a location, at full capacity, as assigned/calculated by the Pennsylvania Fire Code.<br><br>This requirement shall not apply for lots that do not meet the minimum lot area requirements per the applicable zoning district. |
| Commercial Uses (Including Office Uses)    | The lesser of (A) 0.5 spaces per person at full capacity; or (B) 1 space per 750 square feet of Gross Floor Area (GFA). |   |

| Type of Use (In all districts except CTOD)  | Minimum Spaces  | Maximum Spaces   |
|---|---|--|
| Industrial Uses and Warehousing Uses  | The lesser of (A) 1 space per anticipated employee; or (B) 1 space per 10,000 square feet of GFA  |  |
| Mixed-Use Building (must have residential and commercial component within same structure) | 1 space per 750 square feet of GFA  | (Total Occupancy #)*(0.9) = Maximum Number of parking spaces |
| Public Uses   | Decided per administrative approval   |  |
| Hotel/Motel   | 1 space per guest room; and one space per five guest rooms to park hotel staff.   |  |
| Additional standard applicable to all zones   | Applicants may apply for a Parking Waiver that may reduce or eliminate total parking requirements subject to approval of the Borough Manager. |  |

## § 225-37 Off-street parking design

Parking areas in all zoning districts shall comply with the following standards:

### (A) Parking area design.

- (1) Each off-street parking space shall have an area of not less than 162 square feet, exclusive of access drives or aisles, and shall have minimum dimensions of nine feet in width and 18 feet in length. Handicapped parking spaces shall have an area of not less than 266 square feet, exclusive of access drives or aisles, and shall have minimum dimensions of 14 feet in width and 19 feet in length. Van accessible spaces shall be at least 17 feet in width.
- (2) Single-lane driveways which provide access to parking areas shall be a minimum of 12 feet wide; two-lane driveways shall be a minimum of 24 feet wide. One-way aisles accessing parking spaces shall be a minimum of 18 feet wide. Two-way aisles between parking spaces shall be a minimum of 24 feet wide.
- (3) Parking spaces shall be aligned at no less than 60°. If parking spaces are aligned at less than 90°, the aisles accessing the parking spaces shall be restricted to one-way traffic and the parking spaces shall be designed for head-in parking only.
- (4) The maximum permissible slope of any parking area, including all aisles and driveways, shall be 7%. If parking spaces are provided in areas which exceed 5% slope, all parking spaces shall be parallel to the contour lines of the area.

(B) Alternate design. The Zoning Officer may approve alternate parking design standards for special situations such as dead car storage areas, attendant parking facilities, long-term parking facilities, small car requirements, etc. The Zoning Officer shall have reasonable assurance that the special situation will be continuous and permanent and that the proposed standards are adequate.

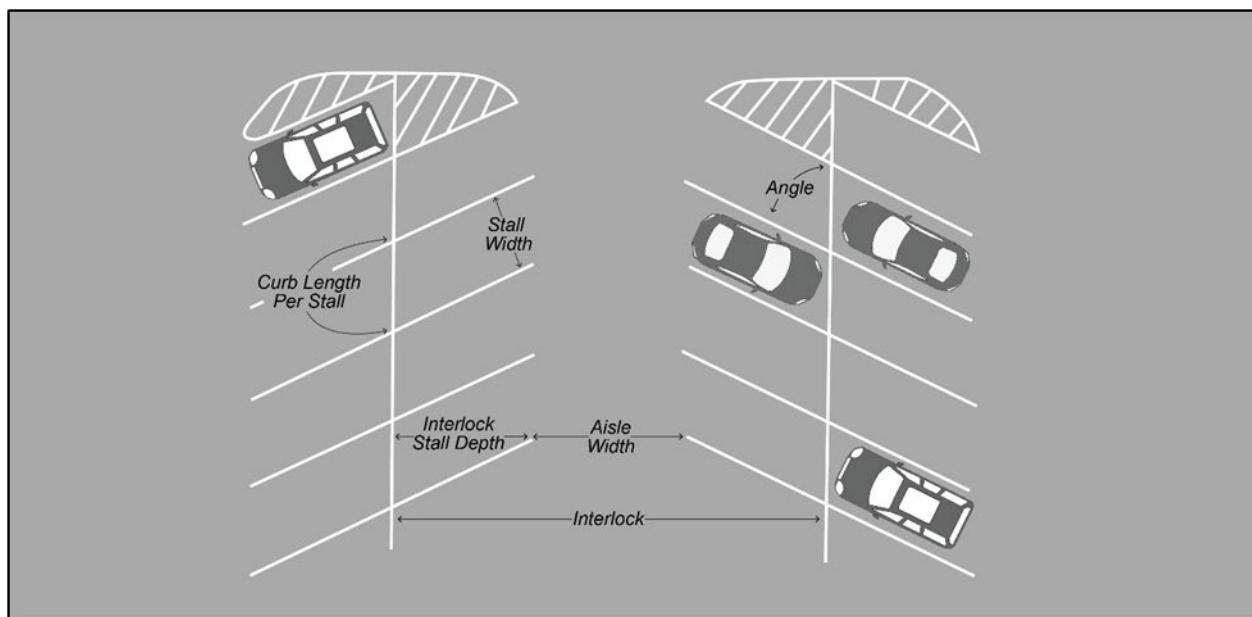
(C) **Parking stall and aisle dimensions.**

- (1) Off-street parking facilities shall be designed per the standards of Table 225-35A Required Parking Facility Dimensions, as applicable. An example of a parking area layout illustrating the standards of Table 225-35A Required Parking Facility Dimensions is shown in
- (2) Figure 225-35B: Example Parking Lot *Layout*.
- (3) Circulation aisles having a dimension of less than 23 feet shall be one-way aisles. Dimensions for parking angles other than those listed above shall be approved by the City Engineer.

Table 225-35A Required Parking Facility Dimensions

| Standard                   | Angle of Parking Stall from Drive Aisle |            |            |            |
|----------------------------|---|------------|------------|------------|
|                            | 45 Degrees                              | 60 Degrees | 75 Degrees | 90 Degrees |
| Interlock Width (min.)     | 40 feet                                 | 50.5 feet  | 54.5 feet  | 59 feet    |
| Drive Aisle Width (min.)   | 11 feet                                 | 16.3 feet  | 19.1 feet  | 23 feet    |
| Parking Stall Depth (min.) | 14.5 feet                               | 17.1 feet  | 17.7 feet  | 18 feet    |

Figure 225-35B: Example Parking Lot *Layout*





**(D) Vehicular access drives**

- (1) No property located on a major arterial thoroughfare or collector street shall have more than 1 vehicular access drive, unless the property has over 200 feet of frontage upon such a street, in which case the property may have 1 vehicular access drive for each full 200 feet of frontage, with such vehicular access drives spaces no less than 200 feet apart.
- (2) In residential zoning districts, vehicular access drives from a right-of-way shall not be less than 10 feet wide and shall not be wider than 24 feet along the curb line of the street and up to an intervening sidewalk (if applicable).
- (3) In nonresidential zoning districts, vehicular access drives from a right-of-way shall not be less than 24 feet in width and shall not be wider than 34 feet along the curb line of the street.
- (4) Vehicular access drives from a right-of-way in the MU Zone shall not be permitted to be closer than 400 feet from the centerline of the nearest interchange ramp, where such ramp intersects an arterial highway or major thoroughfare.
- (5) The apron width along a right-of-way shall be a minimum of 6 feet wider than the width of the access drive.

**(E) Location of parking areas restricted.** Parking areas may only be located within side and/or rear yards except as follows:

- (1) In any residential zoning district, parking may be permitted in front-yard driveways except that no vehicle over 8,000 pounds gross vehicle weight, and not more than 2 vehicles per household used for a home occupation or business purpose shall be parked in the front-yard driveway.
- (2) In the CR, MU, and CTOD zoning districts, off-street parking facilities may be located in the front yard provided that points of access and related landscaping are compliant with all applicable provisions of this Code.
- (3) In the I zoning districts, the majority of off-street parking spaces on a given lot must be constructed inside and/or rear yards with limited parking constructed in a front yard, provided that points of access and related landscaping are compliant with all applicable provisions of this Code.

**(F) Driveways in residential zoning districts.** Driveways within any residential zoning district may not be closer to a side lot line than 5 feet.

**(G) Location of parking spaces restricted.** Parking spaces required for a use shall be located on the lot of such use except as follows:

- (1) Churches, civic clubs, community centers, and clubs/lodges may, subject to approval by Planning Commission, make parking arrangements with business establishments which normally have different hours of operation for sharing up to, but not more than, 50% of their requirements in adjacent parking areas which are accessory to such business uses. Where there is a sharing of facilities by different

owners or tenants, there shall be a written agreement covering a period of time as may be required by the Planning Commission, to be signed by the owner and joint user and filed in the Building Department. Should any of the uses be changed or the facilities discontinued, then the required spaces for the use or uses remaining shall be provided elsewhere as a condition precedent to the continued use of such building or buildings.

- (2) For businesses and industrial uses, the Planning Commission may modify the number of spaces required where free parking areas or public parking areas are readily accessible and/or where public transportation is regularly available.
- (H) **Continuation of facilities.** Off-street parking and loading facilities accessory to an existing use on the effective date of this Zoning Ordinance and those required as accessory to a use created or a building constructed or altered thereafter, may be continued and maintained in operation and shall not be reduced below the requirements of this Zoning Ordinance during the period that the main use is maintained, unless an equivalent number of spaces is provided for such use in another location approved by the Planning Commission.
- (I) **Parking area landscaping requirements.** Parking areas must provide landscaping and screening in compliance with the applicable provisions of Section 225-31.
- (1) Any property containing a surface parking area abutting a public street shall contain a minimum five-foot-wide planting strip between the entire length of the surface parking area and the public street planted and maintained with shrubbery, trees or other landscape or decorative elements, in order to prohibit vehicle access except at approved ingress and egress points, provide a barrier between public pedestrian-ways and the vehicular parking, and to improve the aesthetics of the street frontage.
  - (2) Planting strip planting shall include a minimum of one tree and three shrubs must be planted for every 35 feet of linear feet of planting.
  - (3) The required five-foot landscaped area may be reduced to three feet when a three-foot high masonry wall, wrought iron or wood picket fence is erected.
- (J) **Surfacing.** Where pavement is required, development shall prioritize the use of permeable pavement (e.g., interlocking paver blocks, porous asphalt, permeable concrete, decomposed granite or gravel), where feasible, to reduce runoff. Permeable pavements shall be designed so that runoff infiltrates into the underlying soil or engineered substrate, filtering pollutants and reducing buffering runoff generation.

## § 225-38 Commercial off-street loading and unloading facilities

- (A) **Applicability.** In any zoning district, all structures and uses which require the receipt or distribution of materials or products by trucks or similar vehicles shall provide accessory Off-Street loading spaces as required by this chapter. When an existing structure is expanded, accessory off-street loading spaces shall be provided in accordance with the following regulations for the area of such expansion. Off-street loading requirements may

be modified or waived during the site plan or conditional use review where the applicant can show that existing site constraints limit the application of these standards.

**(B)** Off-street loading design.

- (1)** Size. Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
- (2)** Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets, and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction. Under no circumstances shall vehicles waiting to load or unload be parked on or block access to a public right-of-way.
- (3)** Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.
- (4)** Screening. Loading berths shall be screened by a six-foot hedge, wall or opaque fence on all sides which face residential use or an S Conservancy or R Residential Zoning District classification.
- (5)** Surfacing. All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
- (6)** Lighting. Any lighting used to illuminate loading berths shall be designed to reflect away from any adjacent residential use or zoning classification and away from any street or highway.

**(C)** Off-street loading requirements.

- (1)** In all zoning districts, every use which requires the receipt or distribution by tractor-trailer of material or merchandise shall provide off-street loading berths in accordance with the following requirements:
  - (a) Loading/unloading spaces shall be at least 14 feet wide and at least 60 feet long.
  - (b) Loading/unloading shall not obstruct traffic on streets or alleys.

## **§ 225-39 Building design standards**

- (A)** The building design standards herein are intended to promote high-quality, aesthetically consistent, but not homogeneous or monotonous, design for the promotion of the durability and longevity of buildings and the preservation of property values in the Borough.

- (B) The building design standards herein shall apply to new structures and any expansion of an existing structure by an amount greater than or equal to 30% of the gross floor area.
- (C) Allowed exterior materials are determined by building elevation. Additional design standards specific to certain building elevations and circumstances may also apply as set forth herein.
- (D) These standards are in addition to the development standards applicable in each district. Where there is a conflict between the development standards in each zoning district and these building design standards, the building design standards herein shall govern and control.
- (E) Concrete block shall not be permitted on any exterior elevation. Split-faced concrete block shall not be used on any front elevation but may be used on a side and rear elevation of a building containing a commercial use so long as the elevation does not face a street or public way.
- (F) PVC piping, plastics, pressboard, cardboard, or veneers or panels for interior applications shall not be permitted on any building elevation.
- (G) Glass block shall not be used on any front or side elevation except at the basement level.
- (H) An applicant shall provide a sample of all proposed materials to be reviewed and approved by the Zoning Officer for compliance with the standards set forth herein.
- (I) All materials shall be rated and certified for exterior usage and shall be fully compliant with all applicable building and fire codes, regulations, and ordinances.
- (J) A material other than those permitted herein may be proposed by an applicant and approved by the Zoning Officer if all of the following are satisfied:
  - (1) The material is present on at least 50% of the total area of front elevations of all existing buildings within 1,000 feet of the subject building located along the same street frontage and the existing buildings were not constructed as part of a subdivision or common development scheme; and
  - (2) The material is existing on more than one building located in the same district that has been constructed, expanded, or altered within the five-year time period immediately preceding the application.

## § 225-40 General yard regulations

In addition to the yard requirements specified in each zoning district, the following yard requirements shall apply in all zoning districts to the applicable circumstances described below:

- (A) Corner lots. Corner lots shall provide front yards on each street frontage. The remaining two yards shall constitute side yards.
- (B) Nonconforming lots of record. See § 225-54.
- (C) Accessory uses and structures. In all zoning districts the following regulations shall apply to accessory structures:

- (1) Private swimming pools accessory to a dwelling:
  - (a) Swimming pools accessory to a dwelling and all structures appurtenant thereto shall be located at least 10 feet from any property line. Swimming pools shall not be permitted in the front yard. Swimming pools shall not occupy more than 30% of the rear yard area, as defined by this chapter.
  - (b) A swimming pool shall be fully enclosed with a six-foot fence. Any gate shall be locked and self-latching.
  - (c) Any deck surrounding a swimming pool shall have a railing in accordance with the Borough Construction Code (Chapter 90).
- (2) Private tennis courts accessory to a dwelling. Tennis courts accessory to a dwelling shall not be permitted in the front yard and shall be located at least 20 feet from any side or rear property line. If lighting is proposed, the lighting shall be shielded so that it does not reflect on any adjacent property. All tennis courts shall be enclosed by a fence which is a minimum of 10 feet in height and a maximum of 12 feet in height and which shall contain openings equal to 50% or more of the surface area of the fence. Tennis courts shall not occupy more than 30% of the rear yard area as defined by this chapter.
- (3) Satellite dish antennas.
  - (a) A satellite dish antenna structure may be installed or used only in a rear yard, provided such structure is not located in the minimum required rear yard, and further provided such structure is located a minimum of 20 feet from any property line; has a maximum height of 13 feet above the ground when positioned vertically, a maximum diameter of 10 feet; is screened from adjacent properties by evergreen vegetation to the maximum extent possible without interfering with the antenna's line of sight; and to the extent possible, is painted black, dark green or brown.
  - (b) The satellite dish antenna may be located on the roof of a structure only if the owner establishes that:
    - i. Placement of the satellite dish antenna in the rear yard as required by this section would effectively preclude reception from any transmitting satellite.
    - ii. The roof of the structure in question can safely support the load of the satellite dish antenna.
    - iii. Design of the satellite dish antenna and its proposed placement on the roof are such that the satellite dish antenna will remain safely secured to the roof during wind gusts of up to 75 miles per hour.
    - iv. The maximum height of the satellite dish antenna is 13 feet above the roofline as measured from the highest point of the roof for flat roofs, decline for mansard roofs, or the mean height between eaves and ridge for gable, hip and gambrel roofs.

- v. The maximum diameter of the satellite dish antenna is 10 feet.
  - vi. To the extent possible, the satellite dish antenna is painted black, dark green or brown.
  - (c) No satellite dish antenna structure shall be installed or used before securing a building permit.
- (4) Radio or television antennas:
- (a) A radio or television antenna accessory to a principal residential use may be installed or used only in a rear yard, provided that said structure shall not be located in the minimum required rear yard, and further provided that such antenna be located a minimum of 20 feet from any property line; has a maximum height of 30 feet; is screened from adjacent properties by large evergreen trees; and to the extent possible, is painted black, dark green or brown.
  - (b) Such an antenna may be mounted on the roof, provided it has a maximum height of 13 feet above the roofline as measured from the highest point of the roof for flat roofs, deckline for mansard roofs or the mean height between eaves and ridge for gable, hip and gambrel roofs, and is painted as specified above.
  - (c) No radio or television antenna shall be installed or used before securing a building permit.
  - (d) No radio or television antenna shall be lighted.
  - (e) This section shall not be construed as authorizing the construction or use of a tower or other structure for any commercial, institutional or governmental telecommunications, radio, cellular telephone, paging, television or similar use.
- (5) Air conditioning condensers, heat exchangers and heat pumps:
- (a) In the S, NR and CR Zoning Districts, air conditioning condensers, heat exchangers and heat pumps shall be located in the rear yard. Such equipment shall not be located in any required front or side yard, unless location of the equipment in the rear yard would be detrimental to the efficient operation of the system, and the equipment may be located in a required front or side yard, provided it shall not encroach into the required front yard by more than five feet and shall be located at least three feet from any side property line and the installation shall be adequately screened from view from the street and adjacent residential properties.
  - (b) In the CR, MU and I Zoning Districts, roof-top air conditioners and other mechanicals shall be screened from view from the street and adjacent residential properties.
- (6) Canopies other than canopy signs, and similar structures. Canopies other than canopy signs and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel-

dispensing areas accessory to authorized uses in C-1 Shopping Center, C-2 Commercial Core, and I Industrial Zoning Districts, provided that:

- (a) Such structure shall not be attached to the principal building;
- (b) Such structure shall be located at least 10 feet from any property line or street right-of-way;
- (c) Such structure shall not be enclosed;
- (d) Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

**(7)** Private garages and carports:

- (a) Detached private garages and carports accessory to a single-family dwelling or two-family dwelling may be located in the side or rear yard or, in the case of property fronting on an alley, in the front yard facing the alley, provided that a detached private garage or enclosed carport or partially enclosed carport shall not be located closer than three feet to the side or rear property line or front property line adjacent to an alley. A detached private garage or carport shall not occupy more than 30% of the rear yard area, as defined by this chapter.
- (b) Detached private front-loading private garages and carports may be permitted as a conditional use, subject to the following conditions:
  - i. The applicant shall submit plans subject to contextual review by the Borough Planning Commission and approval by the Borough Council.
  - ii. The garage shall be located behind the principal structure.
- (c) Shared garages in joint ownership with party walls alongside property lines shall be permitted, provided each space is served by a paved driveway in separate ownership or an easement or other agreement for a shared driveway is recorded with the deed. Shared garages shall be located at least three feet from the rear property line and shall not occupy more than 30% of the rear yard area, as defined by this chapter.
- (d) If the above requirements cannot be met because of topography or other physical limitations, then a single (or jointly owned shared) garage may be constructed in the front yard, provided the garage is completely enclosed, the cubic content of the garage is more than 75% below grade and a parapet wall or appropriate landscaping is furnished.

**(8)** No-impact home-based businesses. No-impact home-based businesses which comply with the definition and standards of this chapter shall be permitted as an incidental use to any principal dwelling unit in all residential zoning districts as long as the business or commercial activity satisfies the following requirements, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community:



- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - (b) The business shall employ no employees other than family members residing in the dwelling.
  - (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - (d) There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.
  - (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  - (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  - (h) The business may not involve any illegal activity.
- (9)** All other accessory structures. All other accessory structures, including, but not limited to garages, storage sheds, gazebos, playhouses, decks, patios and porches, shall not be permitted in the required front yard or required side yards, except as may be permitted by this section, and shall be located at least five feet from the rear lot line. Any detached accessory structure shall be located at least 10 feet from any principal building, except that a detached garage may be connected to the principal building by contiguous walls, breezeways or similar connections.
- (D)** Visibility at intersections.
- (1)** No object, including but not limited to fences, hedges, and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three feet as measured from the lowest elevation of the center line of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot except as permitted by exception listed below.
  - (2)** The required clear sight triangle on a corner lot shall be determined as follows: The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of 30 feet from the point of intersection of the street right-of-way lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vortex of the triangle.
  - (3)** Permitted exceptions to the required clear site triangle are as follows:

- (a) Controlled intersections; or
- (b) Where creating the required clear site triangle is not feasible due to geographic layout; or
- (c) Where creating the required clear site triangle is not feasible due to structural reasons (that is, existing structure, existing structural retaining wall).

**(E)** Permitted projections into required yards.

- (1)** Unless otherwise identified in the individual zoning districts, the following shall be permitted to project into any required yard as follows:
  - (a) Typical architectural features, including but not limited to bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than 24 inches.
  - (b) Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into the required front yard no more than three feet and shall be no closer to the rear property line than 20 feet. In addition, decks shall not be permitted to face the street between the principal building and the front lot line.
  - (c) Steps and stoops attached to the principal building and open fire escapes shall be permitted to project into required front, side and rear yards no more than 36 inches.
  - (d) Open fire escapes shall be permitted to project into required front, side and rear yards no more than 36 inches.

## ARTICLE V: SIGNS

### § 225-41 Purpose and intent

The regulations contained in this article shall apply to all signs in all zoning districts.

### § 225-42 General regulations and standards for all signs in all districts

The following regulations shall apply to signs in all zoning districts:

- (A)** Restricted signs. The following signs shall not be permitted in any zoning district:
  - (1)** No sign shall be erected or displayed within a public right-of-way unless otherwise provided.
  - (2)** No sign shall project beyond any property line.
  - (3)** No sign shall be erected upon or applied to any roof or project above the cornice line of a flat roof or above the gutter line of a sloped roof building.
  - (4)** Portable or wheeled signs, unless authorized as part of a temporary special event display;

- (5) Banners, other than temporary special event displays authorized by this chapter;
  - (6) Inflatable display devices of any kind, unless authorized as part of a temporary special event display;
  - (7) Searchlights, oscillating, moving or flashing signs, except for that portion of a permitted sign which indicates time or temperature which changes at intervals no less frequently than every five seconds;
  - (8) Signs on trees, utility poles or official traffic control devices or signs;
  - (9) Signs which imitate traffic control devices;
  - (10) Signs painted on walls or chimneys of a building or on fences or walls;
  - (11) Flashers, flags, pennants or other display paraphernalia, except those displays specifically authorized by this article;
  - (12) Overhanging signs, as defined herein;
  - (13) Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
- (B) Exempt sign types
- (1) Holiday decorations displayed for recognized federal or state holidays, provided that they do not interfere with traffic safety or do not, in any other way, become a public safety hazard;
  - (2) Memorial/historical plaques, as defined herein;
  - (3) Window displays, as defined herein, provided that they shall not exceed 20% of the gross surface area of all display windows at ground level on the street side or sides of the building;
  - (4) Signs authorized by Borough Council or erected by a governmental agency, including street signs and official traffic signs, but not including off-premises directional signs.
- (C) Lots with multiple street frontages. In all zoning districts, lots fronting on more than one street shall be permitted to have any sign authorized on the lot on each street frontage, provided that the street frontage does not face residential property.
- (D) Temporary signs. In all zoning districts where authorized by § 225-42, real estate, construction and development signs shall be considered temporary signs which shall be removed within 30 days of the completion of sales or construction.

- (E) Notification signs. In all zoning districts, the number, location, and size of legal notification signs erected by public agencies shall be in accordance with the laws of the commonwealth. In all zoning districts, legal notification signs posted on private property by property owners, such as "no trespassing," "no hunting" and the like, shall be limited to a surface area not exceeding two square feet. The placement and maximum number of signs permitted along road frontages shall be one sign for every 100 feet of road frontage.
- (F) Visibility. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the clear sight triangle.
- (G) Illumination. Such illumination shall be directed upon the sign face and not towards adjacent properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.
- (H) Maintenance and inspection. All signs shall be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance, and the Zoning Officer shall give notice as provided for in § 225-58 to the owner in writing to repair or remove the sign within 10 days. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense.
- (I) Removal of signs. Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense.
- (J) Permits required. No permit shall be required for off-premises directional signs erected by a governmental agency, notification, real estate, political and construction signs. Permits shall be required for all other signs authorized by § 225-42. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this chapter and payment of the required fee established by resolution of Borough Council.
- (K) Sign location. Except for billboards, political signs and off-premises directional signs, as defined herein, where authorized by this chapter, all signs shall be located on the premises which they are intended to serve.

### **§ 225-43 Signs authorized in all zoning districts**

The following signs are authorized in all zoning districts:

- (A) Bulletin sign. One bulletin sign which is nonilluminated or indirectly or internally illuminated and which does not exceed 24 square feet in surface area shall be permitted in connection with any church, school, library or similar public or semipublic building.
- (B) Real estate sign. One nonilluminated temporary real estate sign shall be permitted on each lot, provided that the sign shall not exceed six feet in height. The real estate sign shall not exceed six square feet in surface area when located in any Conservancy or Residential Zoning District and shall not exceed 12 square feet in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the property on which it is located.
- (C) Development sign. One non-illuminated development sign shall be permitted on each lot, provided that the surface area of the sign shall not exceed 32 square feet. The development signs shall not exceed six feet in height when located in any residential zoning district and shall not exceed 10 feet in height in any other zoning district. Such sign shall be removed within 30 days of the sale or rental of the last lot or completion of the proposed construction in the development.
- (D) Construction sign. One non-illuminated temporary construction sign as defined by this article shall be permitted on a lot, provided that the sign shall not exceed 12 square feet in area and shall be removed within 30 days of the completion of the work.
- (E) Temporary special event sign:
  - (1) One nonilluminated temporary special event sign, as defined by this article, shall be permitted to be erected on any lot containing a public building, church or building housing a nonprofit organization, provided that the area of the sign shall not exceed 20 square feet and provided that the sign is displayed for a period no longer than 30 days and is removed within five days following the event that it is erected to promote.
- (F) The temporary special event display sign shall be either securely affixed to the building or to an existing freestanding sign or, if freestanding on the lot, shall be securely anchored and shall be located outside the public street right-of-way, behind any sidewalk and in a location which does not constitute a public safety hazard for pedestrian or vehicular traffic.
- (G) Home occupation identification sign. One nonilluminated home occupation identification sign shall be permitted for an approved home occupation, mounted on the wall of the dwelling, provided that the surface area of the sign shall not exceed one square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising.
- (H) Political signs. Nonilluminated temporary political signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by § 225-41A and provided that the surface area of such signs shall not exceed six square feet.
- (I) Off-premises directional signs.
  - (1) A maximum of four off-premises directional signs shall be permitted to be erected by any agency or business other than a governmental agency. The off-premises directional signs shall be nonilluminated and shall not exceed 12 square feet in

surface area. Off-premises directional signs shall be permitted only along an arterial or collector street, as defined by this chapter.

- (2) Such signs shall be permitted in the public right-of-way only if permission is granted by the owner of the right-of-way. Evidence of permission from the landowner shall be required for signs that are proposed to be erected on property owned by an owner other than the owner of the building or use the sign is intended to serve. Signs located outside the public right-of-way shall be located no more than 10 feet from the edge of the right-of-way or no more than 15 feet from the edge of the cartway, if the right-of-way is not contiguous with the front lot line.
- (J) On-premises directional signs.
- (1) On any lot which contains two or more multi-unit or nonresidential buildings and/or on any lot which provides more than 100 parking spaces, on-premises directional signs shall be permitted, provided that the surface area of any one sign shall not exceed four square feet.
  - (2) On lots with areas less than one acre, a maximum of four nonilluminated or indirectly illuminated on-premises directional signs shall be permitted. On lots with areas of one acre or more, a maximum of six nonilluminated or indirectly illuminated on-premises directional signs shall be permitted on the first acre, and two additional on-premises directional signs shall be permitted for each additional acre.
- (K) Residential identification signs. One nonilluminated residential identification sign shall be permitted to be mounted on the wall of a single-unit or two-unit dwelling, provided that the dimensions of the sign shall not exceed one foot in length by six inches in height. One nonilluminated residential identification sign shall be permitted to be mounted on the wall of a multi-unit residential building, provided that the dimensions of the sign shall not exceed one foot in length by one foot in height.
- (L) Public park identification signs. One nonilluminated or indirectly illuminated freestanding ground sign shall be permitted at each entrance to a public park which shall not exceed 12 square feet in area.

## § 225-44 Signs authorized in Conservancy and Residential zoning Districts

The following signs shall be permitted in all Conservancy and Residential Zoning Districts:

- (A) Residential plan identification sign. In plans containing 20 or more dwelling units, one nonilluminated or indirectly illuminated permanent wall or freestanding ground residential plan identification sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed six square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not interfere with the clear sight triangle and does not obstruct visibility for traffic entering or leaving the plan.
- (B) Business identification sign. One nonilluminated or indirectly illuminated wall or freestanding ground identification sign for any business use which is a legal

nonconforming use or which is authorized as a conditional use or use by special exception in a residential zoning district which shall not exceed 12 square feet in area.

### § 225-45 Signs authorized in MU and CTOD Districts

The following signs shall be permitted in all MU and CTOD Districts:

- (A) Temporary special event display. Temporary special event displays, as defined by this chapter, shall be permitted, provided that:
  - (1) No more than two signs or banners shall be permitted on any establishment at any one time;
  - (2) The temporary special event display signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign or, if freestanding on the lot, shall be securely anchored to the ground, provided that it is not located in any public street right-of-way or on any sidewalk and does not create a public safety hazard for pedestrian or vehicular traffic;
  - (3) Temporary special event display signs shall be displayed for a period not exceeding 30 days, either consecutively or cumulatively, in any twelve-month period;
  - (4) The aggregate surface area of all temporary special event display signs shall not exceed 20 square feet per establishment. In the event that there is more than one establishment on a site, the maximum aggregate surface area of all temporary special event display signs on the site at any one time shall not exceed 100 square feet; and
  - (5) Temporary special event display signs shall be nonilluminated.
- (B) Changeable copy signs.
  - (1) In addition to the authorized business identification signs, one nonilluminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed 30 square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding pole sign on the lot. Any wall-mounted changeable copy sign shall be included in the aggregate area of all wall signs authorized by § 225-44C.
  - (2) Electronic changeable copy signs shall not be permitted. Changeable copy signs shall be permitted to have copy changed manually only.
- (C) Business identification signs. Each business establishment shall be permitted no more than an aggregate of three of the following types of signs:
  - (1) Wall Signs. Each business establishment shall be permitted to have wall signs which may be illuminated or nonilluminated. The aggregate area of all wall signs shall not exceed two square feet for each lineal foot of width of the front wall of the building or portion of the building occupied by the business or a maximum of 100 square feet for each business, whichever is less. The aggregate area of all wall signs



shall apply to business identification signs, any changeable copy sign affixed to the wall of the building, any canopy sign and any other legal sign affixed to the wall of the building. The number and location of wall signs shall be further subject to § 225-41C. Wall signs shall not be permitted on side or rear walls of the building, unless the side or rear wall fronts on a street which does not face residential property as provided in § 225-41C.

- (2) The wall sign shall not be located on the roof nor extend above the height of the building.
- (D) Window signs. A business which is located above the street floor shall be permitted to have one window sign which shall not be counted in the maximum aggregate area authorized for all wall signs for all businesses in § 225-44C(1), provided that the total area of the window sign shall not exceed 12 square feet.
- (E) Ground signs. In addition to the wall signs, one freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
- (1) No freestanding pole sign exists or is proposed to be erected on the lot.
  - (2) The maximum surface area of the ground sign shall not exceed 24 square feet.
  - (3) The height and location of the ground sign shall be designed so as to not interfere with the clear sight triangle nor obstruct visibility for vehicular traffic entering or leaving the lot or traveling on any street, and in no case shall the total height exceed six feet.
  - (4) Ground signs may be nonilluminated, internally illuminated or indirectly illuminated. The maximum illumination of the ground sign shall not exceed 1.5 footcandles on the sign face.
  - (5) All freestanding ground signs shall be located at least 10 feet from any property line, except where property abuts on a public right-of-way; the ground sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- (F) Pole signs. In addition to the authorized wall signs, one freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
- (1) No freestanding ground sign exists or is proposed to be erected on the lot.
  - (2) The pole sign shall be nonilluminated, indirectly illuminated or internally illuminated.
  - (3) The maximum height of the top of the pole sign shall be 20 feet.
  - (4) The minimum height of the bottom edge of the pole sign shall be eight feet.
  - (5) The maximum surface area of the freestanding pole signs shall not exceed 40 square feet if there is only one business on the lot and shall not exceed 64 square feet if there is more than one business on the lot. Neither dimension of such sign shall be less than five feet.

- (6) No portion of any sign shall project over any public right-of-way, nor shall it be located within the clear sight triangle of any street intersection.
  - (7) All freestanding pole signs shall be set back at least 10 feet from every property line; except where property abuts on a public right-of-way, the sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- (G) Canopy signs. Each business establishment shall be permitted to have one canopy sign, provided that:
- (1) The maximum surface area of the canopy sign shall not exceed 32 square feet.
  - (2) If there are other wall signs on the building, the canopy sign shall be included in the aggregate area of all wall signs authorized by § 225-44C(1).
- (H) Arcade signs. In the MU District, each business establishment shall be permitted to have one arcade sign, provided that:
- (1) The maximum surface area of the arcade sign is 12 square feet.
  - (2) If there are other wall signs or canopy signs on the building, the arcade sign shall be included in the aggregate area of all wall signs authorized by § 225-44C(1).
- (I) A-frame (sandwich board signs). Commercial businesses may have one such sign, subject to the following conditions:
- (1) A permit is required for the sign. Such permit will need to be renewed annually.
  - (2) Design materials shall be made of aluminum, heavy-gauge plastic or metal and may include chalkboard.
  - (3) The maximum allowable dimensions shall not exceed six square feet.
  - (4) The sign shall not be used during inclement weather conditions such as high winds or heavy snowfall when the sign could create a hazard for pedestrian or vehicular traffic or snow removal.
  - (5) The sign shall be removed from sidewalk and stored inside a completely enclosed building when the business is closed.
  - (6) Placement of the sign on a sidewalk shall not restrict the unencumbered width of the sidewalk to less than four feet, except that where business entry doors swing out over a continuous sidewalk which runs perpendicular to the path of egress, the unencumbered width shall be at least five feet.
  - (7) When such sign extends past the property line, proof of liability insurance must be provided to the Borough, and an indemnity waiver agreement must be filed with the Borough indicating the entity that has jurisdiction of the rights-of-way is held harmless.

## § 225-46 Signs authorized in Industrial District

- (A) Business identification signs. Each business establishment shall be permitted no more than an aggregate of three of the following types of signs:
- (1) Wall signs. Each business establishment shall be permitted to have wall signs which may be illuminated or nonilluminated. The aggregate area of all wall signs shall not exceed two square feet for each lineal foot of width of the front wall of the building or portion of the building occupied by the business or a maximum of 100 square feet for all businesses, whichever is less. The aggregate area of all wall signs shall apply to business identification signs and any other legal sign affixed to the wall of the building. The number and location of wall signs shall be further subject to § 225-44C. Wall signs shall not be permitted on side or rear walls of the building, unless the side or rear wall fronts on a street which does not face residential property as provided in § 225-44C. The wall sign shall not be located on the roof nor extend above the height of the building.
- (B) Ground signs. In addition to the wall signs, one freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
- (1) No freestanding pole sign exists or is proposed to be erected on the lot.
  - (2) The maximum surface area of the ground sign shall not exceed 60 square feet.
  - (3) The height and location of the ground sign shall be designed so as to not interfere with the clear sight triangle nor obstruct visibility for vehicular traffic entering or leaving the lot or traveling on any street, and in no case shall the total height exceed six feet.
  - (4) Ground signs may be nonilluminated, internally illuminated or indirectly illuminated. The maximum illumination of the ground sign shall not exceed 1.5 footcandles on the sign face.
  - (5) All freestanding ground signs shall be located at least 10 feet from any property line, except where property abuts on a public right-of-way; the ground sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- (C) Pole signs. In addition to the authorized wall signs, one freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
- (1) No freestanding ground sign exists or is proposed to be erected on the lot.
  - (2) The pole sign shall be nonilluminated, indirectly illuminated or internally illuminated.
  - (3) The maximum height of the top of the pole sign shall be 20 feet.
  - (4) The minimum height of the bottom edge of the pole sign shall be eight feet.
  - (5) The maximum surface area of the freestanding pole sign shall not exceed 40 square feet if there is only one business on the lot and shall not exceed 64 square feet if

there is more than one business on the lot. Neither dimension of such sign shall be less than five feet.

- (6) No portion of any pole sign shall project over any public right-of-way, nor shall it be located within the clear sight triangle of any street intersection.
- (7) All freestanding pole signs shall be set back at least 10 feet from every property line; except where property abuts on a public right-of-way, the sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

**(D) Roof signs.**

- (1) Roof signs shall be permitted only in the I Industrial District. One roof sign shall be permitted per building regardless of the number of establishments in the building. Roof signs may be illuminated or nonilluminated. Roof signs shall be permitted only if there is no existing or proposed wall sign.
- (2) The surface area of a roof sign shall not exceed two square feet for each lineal foot of width of the front wall of the building or a maximum of 200 square feet, whichever is less. Roof signs shall not project more than six feet above the highest point of the roof on which they are erected.

**(E) A-frame (sandwich board signs).** Commercial businesses may have one such sign, subject to the following conditions:

- (1) A permit is required for the sign. Such permit will need to be renewed annually.
- (2) Design materials shall be made of aluminum, heavy-gauge plastic or metal and may include chalkboard.
- (3) The maximum allowable dimensions shall not exceed six square feet.
- (4) The sign shall not be used during inclement weather conditions such as high winds or heavy snowfall when the sign could create a hazard for pedestrian or vehicular traffic or snow removal.
- (5) The sign shall be removed from sidewalk and stored inside a completely enclosed building when the business is closed.
- (6) Placement of the sign on a sidewalk shall not restrict the unencumbered width of the sidewalk to less than four feet except that where business entry doors swing out over a continuous sidewalk which runs perpendicular to the path of egress, the unencumbered width shall be at least five feet.
- (7) When such sign extends past the property line, proof of liability insurance must be provided to the Borough, and an indemnity waiver agreement must be filed with the Borough indicating the entity that has jurisdiction of the rights-of-way is held harmless.

## **§ 225-47 Billboards**

Billboards shall not be permitted in any Conservancy or Residential Zoning Districts. Billboards shall be permitted only as conditional uses on property located in the I Industrial District following a public hearing by Borough Council, provided that all of the requirements in § 225-27G are met.

## ARTICLE VI: NONCONFORMITIES

### § 225-48 Applicability

These regulations shall apply to any use of a structure or lot in any zoning district that is a nonconforming use as defined by this chapter. Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another of a different classification, these regulations shall also apply to any uses that thereby become nonconforming.

### § 225-49 Continuation

- (A) Where, at the effective date of adoption or amendment of this Code, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful.
- (B) Unlawful use of land or buildings. An unlawful use of land or buildings existing at the time of adoption of this chapter shall remain illegal and unlawful subject to all of the provisions and penalties of this chapter, even if located in a district where such use is permitted under the terms of this chapter, unless such use meets all of the area and bulk regulations, off-street parking regulations and all other regulations applicable to that use for the district in which it is located.

### § 225-50 Enlargement or expansion

- (A) No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Code, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the zoning district in which it is located.
- (B) Any residential use which is a nonconforming use in any zoning district shall be permitted to be expanded without approval by the Zoning Hearing Board, provided the expansion complies with all applicable area and bulk regulations of the zoning district in which it is located and the number of dwelling units is not increased.
- (C) No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this chapter.
- (D) Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming. A nonconforming use shall not be extended to occupy any lot or portion of a lot that was acquired after the use became nonconforming.

### § 225-51 Change of use

A nonconforming use shall not be changed to any use other than a conforming use, except as authorized by the Zoning Hearing Board as a use by special exception, in accordance with the following express standards and criteria:

- (A) The new nonconforming use shall be equal to or better than the existing nonconforming use. In determining whether the new use is equal to or better than the existing nonconforming use, the Zoning Hearing Board shall consider whether the new use is listed as an authorized permitted use, conditional use or use by special exception in the most restrictive zoning district that allows the existing nonconforming use. In addition, the Board shall consider the following:
  - (1) The number of employees, if any, proposed in the new use compared with the existing use.
  - (2) The type of activities, products, equipment and processes and magnitude of walk-in trade, if any, in the new use compared with the existing use.
  - (3) The comparative impact on the environment of the new use.
  - (4) The ability of the new use to comply with the performance standards of this Code as compared with the existing use.
- (B) The new use shall be compatible with the atmosphere of the neighborhood in which it is located.
- (C) The new use shall conform to the off-street parking requirements of this Code for the new use. In authorizing the new use, the Zoning Hearing Board may grant a parking exemption, utilizing the applicable criteria of this Code.
- (D) The new use shall be subject to the area and bulk regulations of the district in which the new use is located.
- (E) The new use shall be subject to the buffer area requirements of this chapter, based on the requirements for the use in the most restrictive zoning district in which the use is an authorized use.
- (F) The new use shall be subject to any applicable express standards and criteria for the use, if the use is authorized as a conditional use or use by special exception, in the most restrictive zoning district where such use is authorized.
- (G) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.
- (H) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

### § 225-52 Abandonment

- (A) When a nonconforming use of a structure and/or lot is discontinued or abandoned for 12 consecutive months, the structure and/or lot shall not thereafter be used, except in



conformance with the regulations of the zoning district in which it is located, unless the owner can provide evidence that there was no intention to abandon the nonconforming use, including but not limited to serious illness of the owner which interrupted the continuity of the nonconforming use, failed attempts to diligently market the property for the continuation of the nonconforming use, or inability to transfer the property for the continuation of the nonconforming use for reasons outside the control of the owner, such as required permits, licenses or other similar requirements.

### § 225-53 Damage or destruction

- (A) In the event that damage or destruction of a structure in which a nonconforming use is conducted involves 50% or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is diligently and visibly pursued under a valid building permit within 18 months of the date of such damage or destruction.
- (B) In the event that a structure in which a nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than 50% of the gross floor area of the structure, repairs or reconstruction to the original footprint may be authorized by the Zoning Officer. New construction or alteration of the existing footprint may be authorized as a use by special exception by the Zoning Hearing Board, with the following standards and criteria:
  - (1) Off-street parking shall be provided in accordance with the requirements of this Code for the use. The Zoning Hearing Board may grant a parking exemption, utilizing the applicable criteria of this Code.
  - (2) The repair or reconstruction shall conform to the requirements of the Borough Building Code and Fire Code and to all applicable requirements of the Pennsylvania Department of Labor and Industry.
  - (3) The reconstruction shall comply with all applicable regulations of the zoning district, other than use, unless the structure is nonconforming and/or a variance is granted to the applicable regulations upon demonstration of physical hardship.
  - (4) Any proposed change of use shall be further subject to § 225-50 of this chapter.
  - (5) The repair or reconstruction shall comply with all applicable buffer area requirements of this Code.
  - (6) If the nonconforming use is governed by any express standards and criteria in this Code for conditional uses or uses by special exception, the repair or reconstruction shall comply with all applicable express standards and criteria, unless the Zoning Hearing Board grants a variance to the applicable regulations upon demonstration of physical hardship.
  - (7) Approval of the repair or reconstruction of the structure housing the nonconforming use shall be conditioned upon the repair or reconstruction being diligently and visibly pursued under a valid building permit within 18 months of the date of the decision by

the Zoning Hearing Board or, if the Board's decision is appealed, within 18 months of the final adjudication.

**(C) Structural alteration**

- (1)** No such structure may be enlarged or structurally altered in a way that increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structures.
- (2)** Damage or destruction. Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction is diligently and visibly pursued under a valid building permit within 18 months of the date that the original structure was damaged or destroyed.
- (3)** Moving. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of the zoning district in which it is located.

### **§ 225-54 Nonconforming signs**

- (A)** Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 50% of the area of the structure at the time of destruction shall not be reconstructed except in conformity with the provisions of this chapter. Nonconforming signs which are damaged or destroyed to an extent of 50% or less of the area of the structure may be repaired or reconstructed, provided that such restoration is completed within 30 days of the damage or destruction.
- (B)** Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of advertising panels shall be permitted.
- (C)** Repair and maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by the Borough Building Inspector or any other official charged with protecting the safety of the public.

### **§ 225-55 Nonconforming lots**

- (A)** Any lot of record existing at the effective date of this chapter may be used for the erection of a single-family dwelling or an accessory structure to such dwelling without a lot area or lot width variance even though its lot area and width are less than the minimum required by this chapter; however, such dwelling shall comply with the front, rear and side yards, height and lot coverage standards of the zoning district wherein it is located.

- (B) Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots.

### **§ 225-56 Registration of nonconformity**

- (A) The owner of a nonconforming use shall make an application for registration of the nonconforming use, and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this chapter or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by Allegheny County Assessor's block and lot number as a legal nonconforming use.
- (B) In the course of administering this chapter and reviewing applications for zoning certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

## ARTICLE VII: ADMINISTRATION AND ENFORCEMENT

### § 225-57 Intent

The intent of this article is to describe the procedures for administration, enforcement and amendment of this Code and the duties and responsibilities of the Zoning Officer.

### § 225-58 Zoning Hearing Board

- (A) Membership. The Zoning Hearing Board shall have three members appointed by the Borough Council, serving three-year terms with one term expiring each year. The Chairman shall notify the Borough Council of vacancies for appointment for the remainder of the unexpired term. Members shall not serve in other Borough roles, including the Planning Commission or as Zoning Officer.
- (B) Alternate members.
- (1) Appointment of alternate members. The Borough Council shall appoint two Borough residents as alternate members of the Zoning Hearing Board for three year terms. When seated pursuant to the provisions of this section, an alternate shall participate fully in Board proceedings and discussions as provided by law, including the right to vote, and shall have all the power and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceedings or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to this section of this chapter.
  - (2) Participation by alternate members. If by reason of absence or disqualification of a member a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case.
- (C) Organization of the Board. The Board shall elect its officers from its own membership, who shall serve annual terms and may succeed themselves. For hearings and actions, a quorum shall consist of a majority of Board members. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and parties may waive further action by the Board as provided in § 225-57E below. The Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of the Borough and laws of the commonwealth. The Board shall keep full public records of its business which records shall be the property of the Borough, and submit a report of its activities to Borough Council as requested by Borough Council.
- (D) Expenditures for services. Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, zoning officers, legal counsel, consultants and other technical and clerical services. Members of the Zoning

Hearing Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council.

- (E) Conduct of public hearings. The public hearing shall commence within 60 days of the filing of an administratively complete application. Public notice, as defined herein, of the public hearing shall be advertised and posted as required by the MPC, and in addition thereto the Zoning Hearing Board shall post at least one copy of the notice on the affected property and shall mail a copy of the notice by regular mail at least one week prior to the hearing to each adjoining property owner, including those located across a public right-of-way. Public hearings shall be conducted and held in accordance with the applicable provisions of the Municipalities Planning Code. The Zoning Hearing Board shall comply with all requirements of Article IX of the Municipalities Planning Code regarding the conduct of hearings.
- (F) Board Decisions. 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 in accordance with the requirements of the MPC and 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 therefor. Conclusions based on any provisions of this chapter or any other land use ordinance, rule or regulation or any provision of the Municipalities Planning Code shall contain a reference to the provisions 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/her decision or findings are final, the Zoning Hearing Board shall make his/her 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. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
- (G) Functions of the Board. 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 this chapter, except those challenges brought before the Borough Council pursuant to §§ 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
  - (2) Challenges to the validity of this chapter raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of this chapter or any amendment thereto.
  - (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 enforcement notice or the registration or refusal to register any nonconforming use, structure or lot.

- (4) Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of Chapter 120 of the Crafton Borough Code, Flood Protection.
  - (5) Applications for variances from the terms of this chapter and Chapter 120 of the Crafton Borough Code, Flood Protection.
  - (6) Appeals from the Zoning Officer's preliminary opinion determination as authorized by § 916.2 of the Municipalities Planning Code.
  - (7) Changes in nonconforming uses pursuant to the provisions of this article and Article VI.
  - (8) Appeals from a determination of the Zoning Officer regarding the approval or denial of a sign application.
- (H) Variances. Application. The Board shall hear requests for variances where it is alleged that the strict application of the provisions of this chapter inflict unnecessary hardship upon the applicant. Application for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine a time and place of the hearing.
- (I) Standards for variances. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
  - (2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter, and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
  - (3) That such unnecessary hardship had not been created by the applicant.
  - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
  - (5) That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

- (J) Procedure for variances. The Board shall request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record. In granting any variances, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.
- (K) Limitation on Variances. The grant of a variance shall expire one year after the date of the Board's written decision unless (1) the applicant has applied for and obtained a building permit and commenced construction, or (2) in a case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.
- (L) Changes of nonconforming uses. In accordance with Article VI of this chapter, the Zoning Hearing Board shall hear requests for a change of one nonconforming use to another nonconforming use. Before approving an application, the Board shall determine that:
  - (1) The proposed use is within the same type of use category as the original nonconforming use, such as one personal service business to another. In making a determination of similar uses, the Board shall be guided by the definitions in this chapter or, where not so defined, Federal Office of Management and Budget's Standard Industrial Classification Manual (current edition).
  - (2) The proposed use will not be any more objectionable than the original nonconforming use in terms of traffic generation and requirements for off-street parking and loading; outdoor storage of wastes, materials, supplies and equipment; minimum yard, height, area and volume of all structures.
  - (3) The proposed use can comply with the applicable performance standards for noise, air and water quality, glare, odors, fire and explosive hazards, vibrations, screening, stormwater and floodplain management contained in Article IV of this chapter.
- (M) Parties appellant before the Board. Appeals under Article VII of this chapter may be filed with the Board in writing by the landowner affected, by any officer or agency of the Borough or any person aggrieved. Requests for a variance may be filed with the Board only by a landowner or any tenant with the permission of such landowner.
- (N) Time limitations.
  - (1) No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
  - (2) The failure of anyone, other than the landowner, to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this chapter or Zoning Map pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code, shall



preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

- (3) All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within 10 days after receipt of the enforcement notice.

(O) Stay of proceedings.

- (1) Upon filing of any proceeding referred to in "G" of this section and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In this case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.
- (2) When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post a bond as a condition to continuing the proceedings before the Board, pursuant to provisions of the Pennsylvania Municipalities Planning Code.

## § 225-59 Zoning Officer

- (A) The Zoning Officer shall be appointed by the Borough Council, shall hold no elective office in the Borough. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.
- (B) The Zoning Officer shall have all the powers and duties conferred on them by this chapter and the Pennsylvania Municipalities Planning Code. The Zoning Officer shall administer this Code in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use that does not conform to this chapter. The Zoning Officer's duties shall include the following:
  - (1) To institute civil enforcement proceedings herein as a means of enforcement when acting within the scope of their employment.
  - (2) Receive all applications for zoning use and zoning occupancy permits, as well as applications for conditional uses, and maintain records of all such applications. Forward to the Planning Commission all applications that require site plan review in accordance with Article VII of this chapter, including applications for signs.

Additionally, receive, file, and forward to Borough Council all applications for conditional uses.

- (3) Receive, applications for zoning use and zoning occupancy permits, as well as applications for conditional uses, and maintain records of all such applications. Forward to the Planning Commission all applications that require site plan review in accordance with Article III of this chapter, including applications for signs. Additionally, receive, file, and forward to Borough Council all applications for conditional uses.
- (4) Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for variances and changes of nonconforming uses and maintain records thereof.
- (5) Inspect buildings, structures and uses of land to determine compliance with the provisions of the chapter.
- (6) Issue enforcement notices for violation of any provision of this chapter 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 of the parcel. The enforcement notice shall be delivered personally or by certified mail. The enforcement notice shall state at least the following:
  - (a) The name of the owner of record and any other person against whom the municipality intends to take action.
  - (b) The location of the property in violation.
  - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
  - (d) The date before which steps for compliance must be commenced and the date before which the steps must be completed.
  - (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 10 days of receipt of the enforcement notice pursuant to the procedures set forth in this chapter.
  - (f) That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
- (7) Initiate civil enforcement proceedings for failure to comply with enforcement notices unless the Borough Council, after receipt of the enforcement notice, directs to the contrary by motion or resolution.
- (8) Institute, with approval of or at direction of Borough Council, appropriate equitable enforcement action to prevent, restrain, abate or correct any violation of this chapter.

- (9) Revoke any order or zoning use or zoning occupancy permit issued under a mistake of fact or contrary to the provisions of this chapter.
- (10) The zoning officer may make and maintain accurate and current records of all legal nonconformities under this chapter.

### § 225-60 Permits

- (A) It shall be unlawful to use or change the use of any structure or lot or erect, structurally alter or enlarge any structure without obtaining a building/zoning permit or certificate of occupancy.
- (B) It shall be unlawful to structurally alter, enlarge, move, remove or construct any structure without obtaining a building/zoning permit. All applications shall be submitted as set forth herein. The Zoning Officer or their designee shall review all applications for compliance with applicable codes and ordinances and shall issue a building/zoning permit or a written decision denying the permit that contains references to the ordinance requirements that have not been met within 90 days of receipt of the application.
- (C) Temporary zoning use and zoning occupancy permits. The zoning officer may issue a temporary zoning permit which may allow the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection; provided, however, that such a temporary permit shall be valid only for a period not exceeding six months from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the zoning officer to ensure the safety of persons using or occupying the building, structure or land involved.
- (D) Whenever the proposed activity, whether new construction or alteration of an existing use, requires a building permit (under the Borough Building Code, Chapter 90), the applications for the zoning use permit and zoning occupancy permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning use permit has been granted.
- (E) When no building permit is required, the application for the zoning use permit and zoning occupancy permit may be made at any time prior to the use or occupancy of the structure or land.

### § 225-61 Certificate of use and occupancy

- (A) A certificate of use and occupancy shall not be required for any residential dwelling that exists on the date of adoption of this chapter unless a building/zoning permit is issued for the movement, reconstruction or alteration of the dwelling that results in a change in the location of the dwelling, the total lot coverage or the total number of families housed in the dwelling
- (B) When a building/zoning permit has been issued for the reconstruction, alteration or movement of any other structure or the construction of any new structure, including dwellings, it shall be unlawful to use or occupy that structure without a certificate of use

and occupancy. Upon completion of the construction, reconstruction, alteration or movement of the structure, the holder of the building/zoning permit shall notify the Zoning Officer that the work has been completed and the structure is ready to be used or occupied.

- (C) Upon inspection and determination that all applicable ordinance regulations and any conditions attached to the issuance of the building/zoning permit have been met, the Zoning Officer shall issue a certificate of use and occupancy.
- (D) The Borough shall not issue a no-lien letter in connection with the sale of any property in the Borough unless and until either the proposed buyer or proposed seller has applied for and obtained a zoning occupancy permit in connection with the sale of the property.

### § 225-62 Schedule of fees

Borough Council shall establish, from time to time, fees and charges for all permits and applications required by this chapter. This schedule, along with an explanation of the collection procedure, shall be posted in the offices of the Borough Manager. All fees and charges shall be adopted by resolution of Borough Council at any regular or special meeting.

### § 225-63 Expiration of approvals and permits

- (A) If, after approval of conditional use or a use by special exception, an application for a building/zoning permit to undertake work described in that application has not been submitted within 12 months of the date of granting of approval by the Borough, approval of the conditional use or use by special exception shall expire automatically without written notice to the applicant, unless the Borough Council or the Zoning Hearing Board, as the case may be, extends the approval upon written request by the applicant prior to its expiration.
- (B) No building/zoning permit for the erection, demolition, alteration or removal of buildings or structures shall be valid after six months from the date of issuance thereof, unless the work authorized by such permit shall have been substantially commenced within six months from the date of issuance and proceeded with, with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by virtue of any reasonable cause and not due to their own negligence, the permit may be renewed by the Zoning Officer without additional cost to the applicant.
- (C) A non-residential zoning occupancy permit shall be valid for a period of one year. The landowner shall be responsible for applying for a renewed permit prior to the expiration of an existing permit. The Zoning Officer shall be responsible for scheduling inspections related thereto.
- (D) Should construction be halted for a period of three months without justifiable cause beyond the control of the applicant or contractor after it has begun, the existing permits will become void. Work shall not resume until a new permit has been issued.
- (E) The time periods set forth above may be extended pursuant to those provisions of the Pennsylvania Municipalities Planning Code regulating the stay of proceedings on appeal.

## § 225-64 Revocation of permits

A building/zoning permit or certificate of use and occupancy for any structure or use shall be revoked and withdrawn by the Zoning Officer if the holder of such permit or certificate has failed to comply with the requirements of this article or with any conditions attached to the issuance of the permit or certificate. Upon revocation of a permit or certificate, the holder may also be subject to the penalties for violation specified in this article.

## § 225-65 Inspections

The Zoning Officer, or their representative duly authorized from time to time by resolution of the Borough Council, may examine or cause to be examined all structures, interior and exterior, and/or land for which a building/zoning permit or a certificate of use and occupancy has been applied for or issued. Such inspections may be made from time to time during construction, if any, and prior to the issuance of a certificate of use and occupancy.

## § 225-66 Text and map amendments (rezoning)

- (A) The Borough Council may introduce and/or consider amendments to this Code and to the Zoning Map as proposed by a member of the Borough Council, the Planning Commission, or a petition of a landowner of property within the Borough.
- (B) Petitions for amendment by landowners, other than curative amendments under §225-66 of this chapter, shall be filed in writing with the Zoning Officer, and the petitioner upon such filing shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of Borough Council.
- (C) Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council and to the petitioner. In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one member of the Borough Council, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the Allegheny County Department of Economic Development at least 30 days prior to the public hearing in accordance with the requirement of the Municipalities Planning Code.
- (D) If the proposed amendment involves a Zoning Map change, a minimum of two notices of the public hearing shall be conspicuously posted on the property at least seven days prior to the date of the public hearing.
- (E) Notice of any proposed zoning map change shall also be mailed by the Borough at least 30 days prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.
- (F) If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the

Borough Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.

**(G)** Publication, advertisement and availability

**(1)** Proposed amendments shall not be enacted unless the Borough Council gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

**(2)** The Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Borough Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

(a) A copy thereof shall be provided to the newspaper at the time the public notice is published.

(b) An attested copy of the proposed ordinance shall be filed in the County Law Library.

**(H)** The Borough Council shall act on a proposed amendment to this chapter within 90 days of the date of the meeting at which the public hearing on the amendment is closed. If the Borough Council fails to so act within the said ninety-day period, then the proposed amendment shall be deemed denied.

**(I)** Within 30 days after enactment, a certified copy of the amendment to this chapter shall be forwarded to the Allegheny County Department of Economic Development.

**§ 225-67 Landowner curative amendments**

**(A)** A curative amendment may be filed only by a landowner who desires to challenge, on substantive grounds, the validity of this chapter or the Zoning Map or any provision thereof that prohibits or restricts the use or development of land in which they have an interest.

**(B)** The landowner may submit a curative amendment to the Borough Council with a written request that their challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, 1 Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Planning Commission and the Allegheny County Planning Commission for review and comment at least 30 days before the hearing is conducted by the Borough Council. Public notice shall be given in accordance with Sections 610, 916.1 and any other applicable provision of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subdivisions through of Section 908 of the Pennsylvania Municipalities Planning Code, and all references in that section to the Zoning Hearing Board shall be references to the Borough Council.



- (C) If the Borough Council determines that a validity challenge has merit, the Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- (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 this chapter 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 the preservation of agriculture and other land uses that are essential to public health and welfare.
- (D) If the Borough does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire article, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.

### **§ 225-68 Enforcement; violations and penalties**

- (A) Failure to comply with any provision of this chapter or to secure a building/zoning permit prior to the erection, construction, extension, alteration or addition to a building or failure to secure a certificate of use and occupancy for the use or change of use or occupancy of structures or land shall be a violation of this chapter.
- (B) Enforcement notice. The enforcement notice shall contain the following information:
- (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 the requirements that have not been met, citing in each instance the applicable provisions of this chapter;
  - (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 chapter; and
  - (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.
- (C) Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees, incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter 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 Magisterial District Judge, 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 this chapter shall be paid over to the Borough.
- (D) The court, 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.
- (E) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.
- (F) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or structure or land is used in violation of this chapter or of any ordinance or other regulation made under authority conferred hereby, the Borough Council or, with the approval of the Borough Council, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to prevent the occupancy of any building, structure or land, or to prevent any illegal act, conduct, business or use that constitutes a violation.

## ARTICLE VIII: DEFINITIONS

### § 225-69 Terms

**Accessory Structure.** A building or structure which is on the same lot with but detached from the principal building and which is customarily incidental and subordinate to the principal building, including but not limited to garages, storage sheds, swimming pools, tennis courts, gazebos, signs, fences and similar structures.

**Accessory Use.** A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

**Adjacent.** Immediately adjacent; sharing common property lines uninterrupted by any public street, railroad or other right-of-way.

**Adult-Oriented Business.** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center, as defined in Chapter 60, § 60-2, of the Crafton Borough Code of Ordinances, Adult-Oriented Businesses.

**Alley.** A public thoroughfare that affords only a secondary means of access to the rear or side of adjacent properties otherwise abutting a street and is not intended for general traffic circulation.

**Antenna.** Any apparatus designed for the purpose of the transmission and/or reception of radio frequency ("RF") radiation, to be operated or operating from a fixed location to facilitate wireless communications services including, but not limited to, the transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds.

**Applicant.** A landowner or developer who has filed an application for development, including his heirs, successors and assigns, as the case may be.

**Art, Museum, or Cultural Facility.** An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé, knitted goods, stitchery, or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation.

**Arterial Street.** A public street which serves large volumes of high speed and long distance traffic. The street classified as an arterial street in the Borough is Pennsylvania State Route 60.

**Artisan Manufacturing.** The application, teaching, making, or fabrication of crafts, art, or products by an artist, artisan or craftsman either by hand or with minimal automation and may include direct sales to consumers.

**Assisted Living Facility.** A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care. Continuum of care facilities may also include independent living facilities.

**Attic.** A space or loft space between the roof and the ceiling of the top floor.

**Automotive Charging Station.** The retail use of charging stations for battery-powered vehicles.

**Automotive Sales and Rental.** A use, typically unenclosed, that primarily displays new or used motor vehicles for sale or rent. This definition does not include **Automotive Service, Minor** or **Automotive Body Repair**.

**Automotive Service, Major.** A business that provides repairs automotive vehicles including but not limited to rebuilding or reconditioning engines, body work, and framework. Such a business may incorporate body repair, welding, vulcanizing, and major painting services among other practices into their provided services.

**Automotive Service, Minor.** A business that provides minor repairs to automotive vehicles including but not limited to replacement of components, oil change and lubrication, tire service and sales, installation of accessories, and engine repairs.

**Basement or Cellar.** A story that is wholly or partly underground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

**Basic Grade.** The average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there is no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the traveled roadway shall apply.

**Bed-and-Breakfast.** A detached residential dwelling where lodging and breakfast only are provided to transient guests for compensation in accordance with specific development standards and where the owner-operator permanently resides on the property.

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

**Boarding or Lodging house.** A building or portion of a building occupied for human habitation in which four or more persons, not related to the proprietor or manager, are furnished with lodging and other services that may include common areas for food preparation and/or prepared meals.

**Borough.** The Borough of Crafton, Allegheny County, Pennsylvania.

**Borough Construction Standards.** Those standards prepared by the Borough Engineer and adopted by resolution of Borough Council, copies of which are on file in the office of the Borough Secretary.

**Borough Council.** The Council of the Borough of Crafton.

**Borough Engineer.** The professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the Engineer of the Borough of Crafton, or his designee.

**Borough Manager.** The Manager of the Borough of Crafton, or his designee, or the designee of the Borough Council.

**Brewery.** A facility that holds a license to manufacture, store and distribute malt or brewed beverages as regulated by Title 47, the Pennsylvania Liquor Code, as amended.

**Brewery, Micro.** A brewery producing malt or brewed beverages in a limited quantity, which may also contain an associated tasting room or tap room. A microbrewery must be licensed by the PA Liquor Control Board.

**Brewing or Distilling of Liquors.** A use that processes and produces alcoholic beverages such as beer, wine, or spirits through fermentation and/or distillation. This involves fermenting grains, fruits, or other ingredients to create alcoholic beverages like beer or wine, or distilling them to produce spirits like whiskey, vodka, or rum.

**Buffer Area.** A landscaped area of a certain depth specified by this chapter which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural barrier or constructed natural barrier which duplicates the effect of the required buffer area. No structures shall be erected in the required buffer area.

**Build-to Line.** An imaginary line on which the front of a building or structure shall be located or built, and which is measured as a distance from a public right-of-way to determine front setbacks. This does not include projections into the applicable yard, such as but not limited to: porches, steps, awnings, and bay windows.

**Building.** Any covered structure that is permanently affixed to the land.

**Building Inspector.** The person appointed by Borough Council to enforce the Building Code and other appropriate regulations and inspect buildings and properties for conformance thereto.

**Building Permit.** A document issued by the Borough attesting that a proposal for construction meets all requirements of Article I of Chapter 90 hereof (Construction Code) and this Code and other applicable regulations of the Borough, and allowing the approved construction to proceed.

**Building Setback Line, Front.** The front line within a property defining the minimum required distance between the front of any building and the adjacent street line. (See also, "yard, front.")

**Catering Business.** The preparation of food for delivery and service off site and which may or may not include the sale of limited quantities of packaged, prepared foods on site.

**Clear Site Triangle.** The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or right-of-way line and the curb of a driveway), each point being that distance from the intersection, and the two intersecting right-of-way lines (or right-of-way line and a driveway).

**Collector Street.** A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

**Collocation.** The mounting or installation of a wireless communications facility on an existing support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Commonwealth.** The Commonwealth of Pennsylvania.

**Community Club.** An organization comprised mainly of residents of the neighborhood in which it is located, the primary purpose of which is the advancement of its members or of the community in recreation, education, cultural or civic pursuits and activities.

**Conditional Use.** An authorized use which may be granted only by Borough Council pursuant to express standards and criteria prescribed in this chapter, after review and recommendation by the Planning Commission and public hearing conducted by Borough Council pursuant to public notice.

**Construction.** The erection, renovation, repair, extension, expansion, alteration or relocation of a building, structure or site improvements, including the placement of mobile homes.

**Construction Trailer.** A mobile unit temporarily placed on a construction site to provide temporary offices, storage or construction supervision on the site during the time when a valid building permit or grading permit is in effect.

**Contextual Setback.** An imaginary line that may be established at any point between the required front setback of the zoning district and the front setback that exists on a lot that is adjacent and oriented to the same street as the subject lot.

**County.** County of Allegheny, Pennsylvania.

**County Planning Agency.** Allegheny County Department of Economic Development or its successor.

**Day Care Center.** A facility licensed by the commonwealth, including a private nursery school or preschool, located in a building which is not used as a dwelling unit, for the care during part of a twenty-four-hour day of children under the age of 16 or handicapped or elderly persons.

**Day Care, Home.** A home occupation involving the care, on a regular basis, during part of a twenty-four-hour day of not more than six or twelve children under 16 years of age, excluding care provided to children who are relatives of the operator, and which is licensed or registered by the commonwealth.

**Deck.** Any uncovered outdoor living area, without a roof, in excess of 24 square feet, constructed on or above the surface of the ground. For the purposes of this ordinance unenclosed porches w/o enclosed habitable foundation and w/o a roof. Decks cannot face the street between the principal building and the front lot line.

**Density.** A measure of the number of dwelling units which occupy, or may occupy, an area of land.

**Design Guidelines.** Those detailed design guidelines and examples for the design and installation of structures supporting wireless communications facilities in the public right-of-way, which are effective insofar as they do not conflict with FCC rules and regulations or the design standards of this chapter.

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

**Driveway.** A private paved area which provides vehicular access to a parking space, garage, dwelling or other structure.

**Dwelling.** Any building designed or used as permanent living quarters for one or more families, but not including hotels, motels, dormitories, bed-and-breakfast, assisted living facilities, nursing homes, personal care boarding homes, group-care facilities or an educational, religious or philanthropic institution that includes residential facilities.

**Dwelling, Apartment in Commercial Building.** A dwelling in a commercial building that has retail or business offices on the first floor.

**Dwelling, Conversion Apartment.** A dwelling unit in a single-family dwelling building or an institutional or commercial building structurally adapted to a two-family or multiple-family dwelling.

**Dwelling, Single-Family.** A separate, detached residential building containing one dwelling unit and which is the only principal building on the lot.

**Dwelling, Attached.** A multifamily residential building no more than 2 1/2 stories in height which contains at least two but no more than eight dwelling units, each of which are separated from the adjacent unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

**Dwelling, Two-Family.** A residential building containing two independent dwelling units, each having a separate entrance either inside the dwelling or directly from the outside, and which is the only principal building on the lot.

**Dwelling, Multifamily.** A residential building or portion thereof containing three or more dwelling units, including garden apartments, mid-rise apartments (4-5 stories), and high-rise apartments (6 or more stories).

**Dwelling Unit.** Any unit within a building designed or used as permanent living quarters for one or more families, but not including hotels, motels, dormitories, bed-and-breakfast, assisted living facilities, nursing homes, personal care boarding homes, group-care facilities or an educational, religious or philanthropic institution that includes residential facilities.

**Easement.** An area of land within which certain rights are granted by the owner for public or private purposes.

**Educational, Religious, Philanthropic Institution.** Any facility operated by a government agency or its authorized agency, a nonprofit organization or an authority that is not otherwise specifically defined by this chapter, that provides social services to the general public, or a segment thereof, and that may or may not include residential facilities.

**Engineer.** A professional engineer licensed as such in the Commonwealth of Pennsylvania.

**Erosion.** The process by which the surface of the land is worn away by the action of water, wind or chemical action.

**Essential Services.** The provision of distribution systems by public utilities, municipal or other government agencies, regulated by the Public Utilities Commission (PUC) or other governmental agencies, of underground or overhead gas, electrical, stream or water pipes, sewers, conduit, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare. Communications towers shall not be considered essential services for the purposes of this chapter.

**Fence.** A constructed barrier of any natural or man-made material or combination of materials erected to enclose or screen an area of land, but not including a retaining wall.

**Floor Area, Gross.** The sum of the horizontal areas of the several floors of a principal building measured between the exterior faces of walls.

**Floor Area, Net.** Gross floor area, less the stairways, elevators, halls, utility and bathroom areas and mechanical rooms.

**Garage.** A building or portion thereof used for the storage but not repair or service of motor vehicles.

**Garden Apartment. See Dwelling, Multifamily**

**Garden Center.** A retail establishment that sells flowers, plants, shrubs, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

**Gasoline and Fuel Service Station.** A facility associated with the sale of gasoline and/or other fuel used in motor vehicles.

**Greenhouse.** A structure used for cultivating plants that require controlled temperature and humidity.

**Group Care Home.** A facility that houses and cares for unrelated people with disabilities.

**Home Occupation.** A use that is accessory and incidental to an associated Dwelling Unit that is operated exclusively by members of the household and that complies with all applicable standards.

**Hi-Rise Apartment Building. See Dwelling, Multifamily**

**Hotel/Motel.** An establishment which provides transient lodging accommodations to the general public and which may provide such additional supporting services as restaurants, meeting rooms, parking garage, recreation facilities and living quarters for a resident manager or proprietor.

**Hospital.** A facility in which patients or injured persons are given medical, surgical, and/or psychiatric care on an inpatient or outpatient basis, or an institution for the care of contagious or incurable diseases. This definition does not include **Office (Medical)** or **Veterinarian Hospital or Clinic**.

**Impervious Surface.** Any material which prevents the absorption of stormwater into the ground, including but not limited to concrete, asphalt, stone, brick, block or other paving material or a roof or awning.



**Junk.** Any discarded material, articles or things, including but not limited to scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, water, iron, steel and other old or scrap ferrous or nonferrous material. Any wrecked, ruined, dismantled, abandoned, nonoperable, disabled or junked motor vehicles or parts thereof, or motor vehicles no longer used as such.

**Junk Vehicle.** Any vehicle which is without a currently valid license plate or state registration and is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition, or for which the certificate of title has been returned to the Pennsylvania Department of Transportation in accordance with the provisions of the State Vehicle Code, or which by its appearance is unsightly and not in repairable condition, or which has been declared abandoned according to the provisions of Chapter 214 of the Crafton Borough Code (Vehicles and Traffic) or the State Vehicle Code. Where a certificate of junk has been issued by the Pennsylvania Department of Transportation, such certificate shall be conclusive evidence that the subject vehicle is a junk vehicle; however, where no such certificate has been issued or applied for, the failure to have the vehicle licensed shall be prima facie evidence that the subject vehicle is a junk vehicle.

**Junkyard.** Any yard, lot or place, covered or uncovered, outdoors or in an enclosed building or structure, containing junk as defined herein, upon which occurs one or more acts of buying, keeping, storing, accumulating, dismantling, processing, recycling, salvaging, selling or offering for sale any such junk, in whole units or by parts, or any premises used for the storage of junk vehicles.

**Kennel.** Any household or establishment where more than four dogs or more than six cats, or any combination of cats and dogs exceeding six animals, who are more than six months old are kept, bred, trained and/or boarded at any one time, whether for profit or not.

**Land Development.** Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with § 503(1.1) of the Municipalities Planning Code. If required by the Borough Subdivision and Land Development Ordinance, approval of a land development plan shall be required for nonresidential uses involving construction of a new principal building or an addition to an existing building or change of use resulting in an increase in the area of the lot covered by the building and/or paving.

**Land Development Plan.** A plan that encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes all covenants relating to the use of the

land; a topographic and boundary survey of the lot or parcel; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; vegetation, drainage, floodways, wetlands and waterways, streets, ways and parking facilities; pedestrian circulation routes, common open space and public facilities. The land development plan shall include all of the written and graphic information required by the Borough Subdivision and Land Development Ordinance (Chapter 197).

**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 the land.

**Landscaping Plan.** A plan prepared by a registered landscape architect or registered architect identifying each tree and shrub by size, type and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved.

**Landscape Screen.** Any combination of hedges, trees, shrubs or earth berms arranged so as to create a continuous visual barrier.

**Loading Space.** Space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

**Lot.** A tract of land in a plan of subdivision, consolidation or land development, or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership. All lots shall front on a street improved to Borough Construction Standards.

**Lot Area.** That area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right-of-way.

**Lot, Corner.** A lot situated at and abutting the intersection of two streets, having an interior angle of intersection not greater than 135°.

**Lot Depth.** The distance between the midpoints of the front lot line and the rear lot line.

**Lot, Double Frontage.** A lot other than a Corner Lot with frontage or Front Lot Lines on more than 1 street. A double frontage lot may also be referred to as a through lot.

**Lot, Interior.** A lot other than a corner lot.

**Lot, Through.** A lot, the front lot line and rear lot line of which abut streets.

**Lot Coverage.** That percentage of the lot area covered by all principal and accessory structures and impervious surfaces, including but not limited to decks, patios, walkways, parking pads, driveways and parking areas.

**Lot of Record.** Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of Allegheny County.

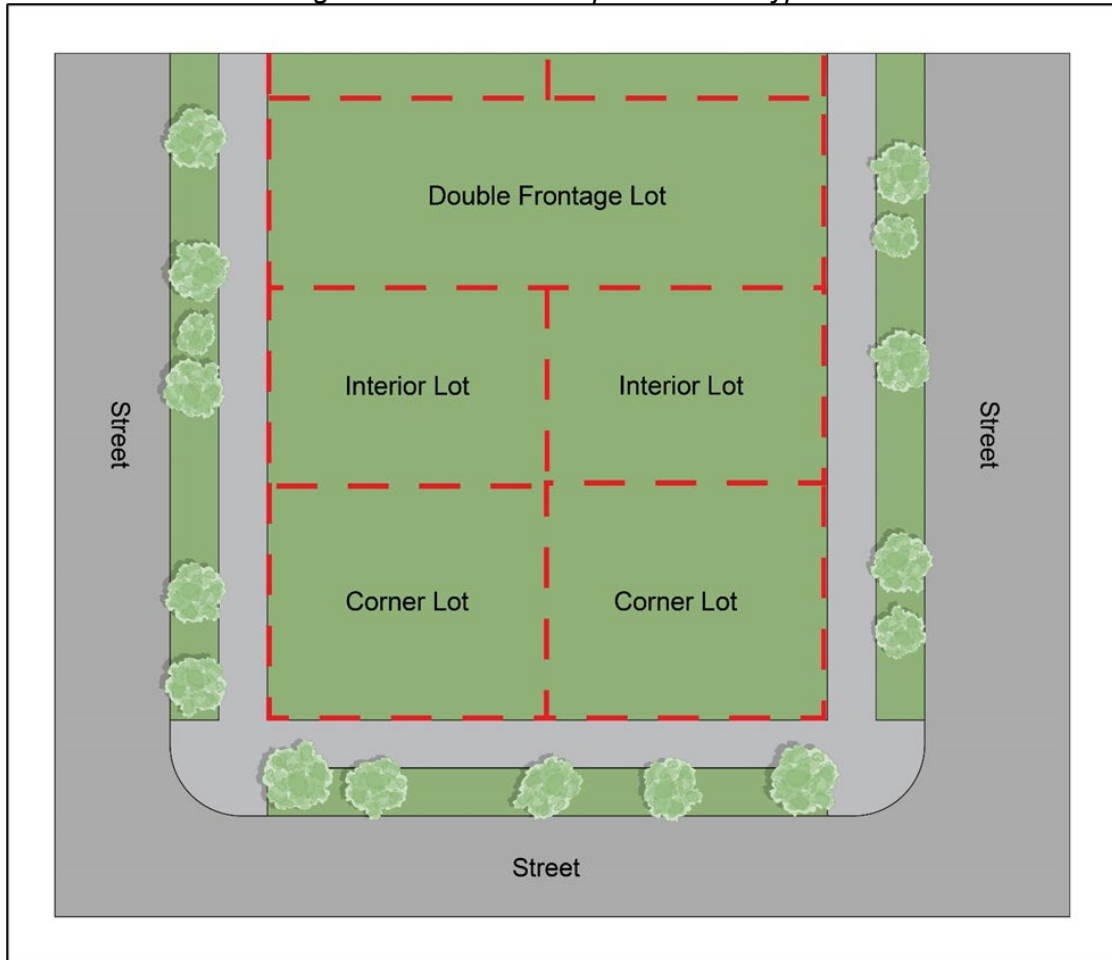
**Lot Line, Front.** That line which bounds the lot contiguous with the street right-of-way line. (In the case of a corner lot or through lot, there are two front lot lines.)

**Lot Line, Rear.** That line which is generally opposite to the front lot line. For the purpose of corner lots, the lot lines opposite the front lot lines are considered to be side lot lines.

**Lot Line, Side.** Any lot line which is not a front lot line or a rear lot line.

**Lot Width.** The straight line distance between the points of intersection of the front building setback line with the side lot lines.

*Figure 225-68-A: Example Lot Line Types*



*Figure 225-68-B: Example Lot Line Types*

**Beverage, macrobrewing and distilling.** A brewery or distillery producing malt, brewed, or distilled beverages in a quantity greater than 7,000 barrels (U.S. barrels) per year.

**Beverage, Microbrewing and Distilling.** A brewery or distillery producing malt, brewed or distilled beverages in a limited quantity, which may also contain an associated tasting room or tap room. A microbrewery must be licensed by the PA Liquor Control Board.

**Malt Or Brewed Beverages.** Any beer, lager beer, ale, porter or similar fermented malt beverage containing 1/2% or more of alcohol by volume, by whatever name such beverage may be called, and shall also mean alcoholic cider and mead.

**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.

**Mid-Rise Apartment.** See Dwelling, Multifamily

**Minerals.** Any aggregate or mass of mineral matter, whether or not coherent. The term includes but is not limited to limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**Mining.** The extraction of minerals.

**Mobile Home.** A transportable single-family dwelling intended for permanent occupancy, contained in one unit or 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 incidental unpacking and assembly operations.

**Mobile Home Lot.** A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**Mobile Home Park.** A parcel which has or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for placement thereon of mobile homes.

**Motor Vehicle.** A self-propelled device used for transportation of people or goods over the streets and highways and licensed by the commonwealth as a motor vehicle.

**Municipalities Planning Code (MPC).** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10101 et seq., as amended.

**Nonconforming Building or Structure.** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter, its predecessors or amendments thereto. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Nonconforming Lot.** A lot whereas the area or dimension of which was lawful prior to the adoption of this chapter, its predecessor or any amendments thereto, but which fails to conform to the requirements of the zoning district in which it is located, such as minimum lot area requirements, by reasons of such adoption or amendments.

**Nonconforming Use.** A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter, its predecessor or any amendments thereto, where such use was lawfully in existence prior to the enactment of this chapter, its predecessors or amendments thereto.

**Nursing Home.** Any premises licensed by the commonwealth in which intermediate or skilled nursing care and related medical or other health services are provided for a period exceeding 24 hours for three or more individuals who are not relatives of the operator and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity, need such care.

**Office (Medical).** Establishments other than **Office (Non-Medical)** providing professional and/or licensed services including the dispensing of medicinal supplies (including prescription drugs); the provision of counseling and therapy; urgent care facilities; body art studios (including tattoo studios); health spas; and clinics for dentists, physicians, specialists,

chiropractors, acupuncture, physical therapy (including massage), and similar human-health-related service providers. This definition does not include **Life Care Facility, Nursing Home, Hospital, or Veterinarian Hospital or Clinic.**

**Office (Non-Medical).** Establishments other than **Office (Medical)** providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, insurance, photography, recording, and similar uses.

**Occupancy Permit.** A separate permit required before occupancy of a dwelling or other building is permitted. Occupancy is defined as taking possession of, or using, any structure as an occupant, permanently or temporarily.

**On-Premises Signs.** Signs that advertise or contain notice of a business, organization, event, person, place, service or product principally located or sold on the premises upon which the sign is located.

**Open Space.** Public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot, any part an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, stormwater facilities and easements.

**Parking Area.** A paved area, other than a parking pad, street or alley, used exclusively for the parking of motor vehicles, including parking spaces and the aisles and driveways providing access to the parking spaces.

**Parking Area, Private.** A parking area which is an accessory use on the same lot owned and used by the tenants or owners of the lot only and their invited guests.

**Parking Area, Public.** A parking area which is the principal use on the lot, available for use by the general public for the parking of motor vehicles, which may be operated by either a public agency or private entity, whether for profit or not.

**Parking Garage, Private.** A detached accessory building, or portion of a principal building, for the parking or temporary storage of motor vehicles belonging to occupants of the premises.

**Parking Garage, Public.** A parking area located in a parking structure or parking garage which is the principal use on the lot, which may be operated by either a public agency or a private entity, whether for profit or not, and which is available to the general public for the parking of motor vehicles.

**Parking Pad.** A paved area, other than a driveway, on a residential lot intended for the parking of one or more motor vehicles owned by the owners or tenants of the lot, which is accessory to the principal use of the lot.

**Parking Space.** A portion of a garage or parking area designated for the parking of one motor vehicle designed in accordance with the requirements of this chapter.

**Permittee Or Licensee.** The individual, partnership, corporation, incorporated association or other legal entity to whom a valid permit or license is issued by the Borough in accordance with the terms of this chapter.

**Permitted Use.** An authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the requirements of this chapter.

**Personal Care Boarding Home.** Any premises, operated for consideration or not, in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than three adults who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

**Personal Service Shop.** Any enterprise conducted wholly within a completely enclosed building for profit, which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barbershop, beauty parlors and related activities, but not including the repair of automobiles and machinery.

**Planning Commission.** The Crafton Borough Planning Commission.

**Plat.** A map or plan, either preliminary or final, presented to the Borough for approval, indicating the subdivision, consolidation or redivision of land or a land development.

**Plot Plat.** A drawing based on a property survey prepared by a registered surveyor in the commonwealth submitted in connection with an application for approval under this chapter, drawn accurately and legibly on durable material showing compliance with all applicable requirements of this chapter.

**Pop-up shop.** A retail outlet that operates temporarily within designated zoning areas to engage in the sale of goods, services, or promotional activities. Characterized by its short-term occupancy, typically ranging from a single day to a few months.

**Porch.** An open, roofed or enclosed exterior appendage to a main or accessory structure, projecting from the front, side or rear walls of a structure. For purposes of this chapter, porches shall include structures and home additions commonly referred to as sun rooms, sun porches and similar structures or construction.

**Principal Building.** A building or buildings in which is conducted the main or principal use of the lot on which the building is situated.

**Principal Structure.** The structure or structures in which the principal use or uses are conducted.

**Principal Use.** The main use of land or structures as distinguished from a subordinate or accessory use.

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

**Projections, Permitted.** Typical architectural features, including but not limited to bay windows, window sills, chimneys, cornices and eaves.

**Projections, Permitted, Decks.** Decks and their stairs, and unenclosed porches w/o enclosed habitable foundation and w/o a roof.

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

**Public Building** – Any structure owned or operated by a public body or agency which dispenses general services to the public, including municipal buildings, community centers, libraries, road maintenance garages and similar buildings.

**Public Hearing.** A formal meeting held pursuant to public notice, as defined herein, by Borough Council or the Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this chapter.

**Public Improvements.** All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to or maintained by the Borough and which comply with the Borough's Construction Standard Details or other public entities.

**Public Meetings.** A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 65 P.S. § 271 et seq., as amended.

**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.

**Public Park.** A lot or parcel owned by a government agency (federal, state, county or local) devoted to passive recreation and/or active recreation.

**Public Right-of-Way.** Real property for or devoted to public transportation purposes; or the placement of the Borough's municipal utility easements and other traditional uses along a transportation route, whether by dedication, prescription, or otherwise, as well as the spaces above and below. In addition to the foregoing, the definition of right-of-way includes, without limitation, public highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, and viaducts within the Borough.

**Public Utility.** Any company or authority subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

**Recreation, Commercial.** An enterprise operated for profit by any individual, agency or corporation other than a public entity for the indoor or outdoor pursuit of sports, recreation and leisure activities, including but not limited to such establishments as miniature golf, golf or batting practice facilities, bowling alleys, health or fitness clubs, martial arts, gymnasiums, ice or roller rinks, playing fields, racquet clubs, swimming pools, stadia and similar facilities.

**Recreation, Noncommercial.** An enterprise, the use of which is limited to members and their guests, operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, including but not limited to such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities.

**Recreation, Public.** An enterprise operated by a public entity, available to the general public whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including but not limited to parks,



playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools, street hockey, basketball courts and similar facilities.

**Recreational Vehicle.** A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including but not limited to travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pickup campers, horse trailers, snowmobiles and all-terrain vehicles.

**Research Laboratory.** Offices used for the investigation and refinement of scientific knowledge, including the engineering and industrial application of such knowledge, but not including the mass production of products thus engineered. Commercial servicing or repair of commercial products is not included nor is external display of any materials or products.

**Restaurant.** An establishment whose principal use is the sale of food and beverages for consumption on the premises and/or take-out and/or delivery and which may or may not include the sale of alcoholic beverages as an accessory use.

**Retail Store.** An establishment which sells products and/or services directly to consumers, which may include wholesale sales as an accessory use, provided the area devoted to wholesale sales constitutes no more than 25% of the gross floor area of the establishment, but not including the manufacturing or processing of any products on the site.

**Right-Of-Way.** An area of land reserved or dedicated for public or private purposes to provide access across property of another.

**Satellite Receivers.** Electronic receivers that receive signals of satellite transmissions.

**School, Public or Private.** A school, including a public or private elementary, middle or secondary school having regular sessions, with regularly employed instructors teaching those subjects that are fundamental and essential in elementary or secondary education under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body or a corporation meeting the requirements of the commonwealth.

**Screening Fence.** A fence constructed so that the surface area is at least 80% opaque to obscure vision from one side of the fence to the other and which may include solid or nearly solid fence members or other opaque screening material inserted through the openings, excluding cyclone fencing with vinyl inserts.

**Security Illumination.** A minimum level of illumination measured in footcandles necessary for safety of pedestrians and vehicles in parking areas and around the outside of buildings or structures.

**Self-Storage Warehouse.** A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property

**Setback.** The required minimum horizontal distance between the building line and the related front, side or rear property line.

**Setback Line.** A line parallel to the street right-of-way line at any story level of a building and representing the distance that all or any part of the building is to be set back from said right-of-way.

**Shopping Center.** A tract of land with buildings or structures planned as a whole intended for five or more retail establishments with required parking on the same site.

**Side Yard.** The area adjoining either side of a house or principal land use. A corner parcel contains only one side yard and two street facing front yards unless the street facing yard that does not provide a primary entrance into the principal structure is adequately screened from the street with minimal lines of sight into the yard.

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

**Sign, Arcade.** A sign suspended beneath a ceiling of an arcade, a roof or marquee, containing only the name of a business, for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

**Sign, Billiard.** An off-premises sign which advertises an establishment, activity, person, product, or service which is unrelated to or unavailable on the premises where the billboard is located.

**Sign, Bulletin.** A type of changeable copy sign constructed to allow letters or symbols to be changed periodically, such as those used by churches and schools or other public or semipublic buildings to announce events.

**Sign, Business Identification.** A sign which contains the name, address and goods, services, facilities or events available on the premises.

**Sign, Canopy.** A sign that is painted on or otherwise permanently affixed to an awning, canopy or marquee and which does not project beyond the surface area of the awning, canopy or marquee.

**Sign, Changeable Copy.** A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Sign, Construction.** A temporary sign announcing the name of financing institutions, design professionals, contractors, mechanics or artisans engaged in performing work on the premises.

**Sign, Development.** A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

**Sign, Freestanding.** A sign on a freestanding frame, mast or poles and not attached to any building. Also known as a "ground" or "detached" sign.

**Sign, Ground.** A freestanding sign which is affixed to the ground by means of a permanent.

**Sign, Indirectly Illuminated.** A sign which is lighted by means of lamps or lighting devices

external to and reflected on the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

**Sign, Internally Illuminated.** A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

**Sign, Memorial/Historical Plaque.** Commemorative plaques recognized by an agency of the Borough, county, commonwealth or federal government or a nonprofit historical or veteran's organization.

**Sign, Notification.** Signs bearing legal and/or property notices, including but not limited to notice of application or public hearing notices, no trespassing, private property, no turnaround, safety zone, no hunting, and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

**Sign, Off-Premises Directional.** A sign, other than a billboard, which directs vehicular traffic to an establishment, activity, person, product or service which is not sold, produced or available on the property on which the sign is located.

**Sign, On-Premises Directional.** A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

**Sign, Overhanging.** A sign, other than a wall sign or arcade sign, affixed to a building or wall, whose leading edge extends beyond such building or wall more than 12 inches, including awnings, marquees or similar structures used for business identification.

**Sign, Pole.** A freestanding sign which is supported by one or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the signs and the adjacent ground level, as specified by this chapter.

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

**Sign, Real Estate.** A temporary sign advertising the sale or rental of premises. The signs may also bear the words "sold," "sale pending" or "rented" across their face.

**Sign, Residential Identification.** A sign containing only the name and address of the occupant of the premises in the case of a single-family and two-family dwellings or the name of the building and the address in the case of a multifamily residential building.

**Sign, Roof.** A sign erected and maintained upon or above the roof of any building which projects no more than six feet above the roof.

**Sign, Surface Area Of.** The smallest rectangle or other regular shape which encompasses all of the letters, symbols and accompanying designs, together with background on which they are displayed, but not including any supporting structures. In computing the area of a double-faced sign, only one side shall be considered. If a sign is comprised of more than two sides, the area of each side shall be considered in calculating sign area.

**Sign, Temporary.** A sign which offers the premises for sale, rent or development, or advertises the services of professionals or building trades during sale, construction or alteration of the premises upon which the sign is located, or advertises special short-term activities.

**Sign, Wall.** A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than 12 inches from the wall of the building.

**Sign, Window Display.** A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

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

**Sign Background Area.** The entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with a wall sign.

**Sign Copy Area.** The entire area of the smallest geometric figure which describes the area enclosed by the actual copy, advertising message, announcement or decoration of the sign.

**Signable Wall Area.** The total area of a building face on which a wall sign may be installed. It shall equal the total area between the lintel bar(s) and the parapet of a one-story building or between the lintel bar(s) and the floor level of the floor above in the case of a multistory building.

**Slope.** The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise or descent in elevation by the number of feet or horizontal distance, expressed as a percentage.

**Special Exception.** An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria specified in this chapter after public hearing.

**Steep Slope.** An area where the inclination (vertical distance over horizontal distance) of the land's surface is 25% or greater, in over a twenty-five-foot horizontal distance.

**Story.** That part of any building, inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

**Street.** A way designed for circulation of vehicular traffic, including the entire right-of-way and cartway, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard, road, avenue, lane, place or the like.

**Street Type.** Streets may be classified according to the following:

- A. Arterial. See definition of "arterial street."
- B. Collector. See definition of "collector street."
- C. Local. A public street, other than an arterial street or collector street designed to provide access to abutting lots and to discourage through traffic.
- D. Cul-De-Sac. A short street having one end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

- E. Private. A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have access to a public street and which require access to a public street through the private street.
- F. Public. A street, including the entire public right-of-way, which has been dedicated to and accepted by the Borough, county or state or which has been devoted to public use by legal mapping, use or other means.
- G. Service. A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

**Structural Alteration.** Any change in the support members of a building such as bearing walls, columns, beams or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

**Structure.** Any assembled, erected or constructed object having a stationary location on or in land or water, whether or not it is affixed to the land. This includes but is not limited to gazebos, storage sheds or containers, freestanding posts, communications equipment buildings, communications towers, pillars and similar objects.

**Subdivision and Land Development Ordinance.** The Crafton Borough Subdivision and Land Development Ordinance (Chapter 197).

**Substantial Change.** A collocation or modification that:

- A. Increases the overall height of an existing support structure more than 10% or 10 feet;
- B. Increases the width more than six feet from the edge of an existing support structure;
- C. Involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets;
- D. Involves the installation of any new ground-mounted equipment cabinets that are 10% larger in height or volume than any existing ground-mounted equipment cabinets;
- E. Involves excavation or deployment of equipment outside the area in proximity to the support structure and other transmission equipment already deployed on the ground;
- F. Would defeat the existing concealment elements of the support structure as determined by the Borough; or
- G. Violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change.

**Support Structure.** A pole or other structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function for collocation. This term includes vertical support structures for traffic lights but does not include horizontal structures to which signal lights or other traffic control devices are attached.

**Swimming Pool.** A body of water in an artificial or semiartificial receptacle or other container, whether located in or out of doors, used as a recreational facility for swimming, bathing or wading and having a depth of 24 inches or more. A swimming pool shall be deemed to include all building, equipment and appurtenances incidental to such a pool. As herein defined, the term "swimming pool" shall be deemed to be a structure.

**Tap Room.** A retail establishment that is attached to a microbrewery and open to the public for the sale of malt or brewed beverages for on-site and/or off-site consumption.

**Tattoo Parlor and Body Piercing Establishment.** A commercial establishment which, as one of its principal business purposes, offers tattooing services and/or body piercing services, but not involving tattoos or piercing on specified anatomical areas. This definition shall not apply to medical doctors or doctors of veterinary medicine in performance of their professional duties or ear piercing.

**Temporary Use or Structure.** Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for six consecutive months or less.

**Traffic Analysis.** A study prepared by a traffic engineer registered in the Commonwealth of Pennsylvania that analyzes the expected trip generation from a proposed development using the Institute of Transportation Engineers (ITE) current standards and the impact of the traffic generated by the proposed development on the capacities and levels of service of all streets and intersections in the vicinity of the site.

**Transient Housing (short-term rentals).** The commercial use of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than 30 consecutive calendar days.

**Townhouse. See Dwelling, Attached**

**Use.** Any activity, business or purpose for which any lot or structure is utilized.

**Use Group Development.** Two or more principal buildings of similar use grouped upon a single lot.

**Variance.** A departure from the strict letter of this chapter, as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the standards specified in the Municipalities Planning Code.

**Vehicle Rental.** The rental of automobiles, motorcycles and trucks under 26,000 pounds GVW, but not including any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the state Motor Vehicle Code.

**Vehicle Sales.** The sales and servicing of automobiles, motorcycles and trucks less than 26,000 pounds GVW, but not including any heavy equipment or any other vehicle or equipment that is not classified as a "motor vehicle" under the state Motor Vehicle Code.

**Veterinary Clinic.** An establishment within a completely enclosed building for the medical or surgical treatment of domestic pets, as defined herein, including the overnight boarding of hospitalized animals, not including any outdoor kennels or runs.

**Water Garden.** A landscape feature containing water not used for swimming or bathing which is wholly or substantially sunken which includes floral arrangements and is no deeper than 24 inches at its maximum depth. A water garden as defined herein shall not be deemed to be a structure whether it is made from a permanent material such as concrete or granite or from a nonpermanent material such as a rubber lining material. As defined herein, a water garden may include circulating or recirculating water, waterfalls and fountains.

**Wireless Communications Facility (WCF).** The equipment and network components, including antennas, transmitters and receivers and associate ancillary equipment installed and operated for the transmission of wireless communications services. The term does not include "support structure."

**Wholesale Sales.** A business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

**Yard.** A required open space located on a lot which is unobstructed from the ground upward, except as otherwise provided in this chapter.

**Yard, Front.** A yard extending across the full lot width and abutting the front lot line. The depth measurement required by this chapter for the front yard shall be the horizontal distance between the front lot line and a line parallel or concentric thereto known as the building line.

**Yard, Rear.** A yard extending across the width of the lot between the side yards and adjacent to the rear lot line. The minimum depth measurement required by this chapter shall be the horizontal distance between the rear lot line and a line parallel thereto.

**Yard, Side.** A yard extending between the front yard line and the rear yard line parallel to the side lot line. The minimum width measurement required by this chapter shall be the horizontal distance between the side lot line and a line parallel thereto.

**Zoning District.** A finite area of land, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings. The term "zoning district" shall include "overlay districts."

**Zoning Hearing Board.** The Zoning Hearing Board appointed by the action of Borough Council whose jurisdiction is specified in Article VII of this chapter.

**Zoning Map.** The official map delineating the zoning districts of the Borough, together with all amendments subsequently adopted.

**Zoning Officer.** The designated official or an authorized representative appointed by the Borough Council to administer and enforce this chapter.

**Zoning Ordinance.** The Crafton Borough Zoning Ordinance, Ordinance No. 1564 as adopted by the Borough Council on 10-19-2004, as amended and codified as Chapter 225 of the Crafton Borough Code of Ordinances, Zoning.

## § 225-70 Fair Housing Act

Notwithstanding any definition or any other provision of this chapter, no definition or other



provision of this chapter shall be construed, applied or interpreted in a fashion which violates the Federal Fair Housing Act, as amended and as interpreted by any court of competent and binding jurisdiction.