VALENCIA BOROUGH
ZONING ORDINANCE AND MAP
October 2023

ORDINANCE 238

VALENCIA BOROUGH

ZONING ORDINANCE AND MAP

WHEREAS, Valencia Borough desires to provide for the public health, safety, and general welfare through the adoption of a Zoning Ordinance and Map; and

WHEREAS, the Pennsylvania Municipalities Planning Code, Section 606, permits the adoption of legislative findings as a basis for the following Community Development Objectives of the Zoning Ordinance and Zoning Map, said findings concerning land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources; and any other factors that the Borough believes relevant in describing the purposes and intent of the Zoning Ordinance; and

WHEREAS, the Borough has adopted Community Development Objectives by adopting Resolution February-11-2019-A; and

WHEREAS, the Borough Planning Commission has held a public meeting and made a recommendation to adopt a zoning ordinance and map at its meeting of February 7, 2019; and

WHEREAS, Borough Council held a duly advertised public hearing on March 18, 2019; and

WHEREAS, Borough Council intends to adopt the following as the Zoning Ordinance and Map of Valencia Borough pursuant to the authority granted in the Municipalities Planning Code;

NOW THEREFORE, the Council of Valencia Borough hereby resolves as follows with the preceding recitals incorporated by reference:

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Part 1, General Provisions

1-101. Title and Effective Date

This Ordinance shall be known and cited as "The Valencia Borough Zoning Ordinance". The Effective Date of this Ordinance is five (5) days after enactment by Borough Council.

1-102. Purpose

The Purpose of this Ordinance is to:

A. To promote, protect and facilitate the public health, safety and general welfare, coordinated and practical community development, proper density of population, emergency management preparedness and operations, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements; as well as the preservation of the natural, scenic and historic values in the environment and preservation of wetlands and floodplains.

B. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life, or property from fire, flood, panic or other dangers.

C. To provide for the use of land for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements.

D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential use.

1-103. Community Development Objectives

The following Community Development Objectives are set forth within Legislative Findings initially adopted by Borough Council via Resolution February-11-2019-A. Said Findings may be supplemented from time to time by Borough Council. The intent of this ordinance is to:

A. To promote and protect the public health, safety and welfare of the residents of the Borough and of the public generally;

B. To encourage and facilitate orderly community growth and development;

C. To promote and encourage the sustenance and development of home-based businesses that are compatible with the Borough's traditional residential neighborhood.

D. To promote pedestrian connections and integration with development of remaining land within the Borough with its traditional residential and commercial core;

E. To promote the development of a variety of housing types in lands surrounding the Borough's historically residential and commercial core in a manner that integrates those uses with the Borough's historic core and provides for the preservation of open space, considers environmental impacts and floodplain functionality, and provides for limited impacts to existing streets through clustering of future residential dwelling units;

F. To protect the functionality of Three Degree Road and Butler Street by limiting curb cuts and direct vehicular access to these streets;

G. To incentivize and promote the development of a neighborhood park and additional recreational opportunities to serve the Borough's residents;

H. To protect adjoining uses though screening and landscape buffering requirements; and

I. To protect and preserve the Borough's existing single-family neighborhoods as a means of preserving affordable housing within the region, preserving the historic character of the Borough, and sustaining property values within the Borough.

1-104. Ordinance Interpretation, Scope, and Statutory Authority

A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough of Valencia.

B. The provisions of this Ordinance shall control wherever they impose greater restrictions than those imposed by other laws, ordinances, rules, regulations or permits or by easements, agreements or covenants.

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 Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

D. 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, the scope of this ordinance shall include but not limited to the following items:

1. Uses of land, watercourses and other bodies of water.
2. Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.
3. Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures.
4. Density of population and intensity of use.
5. Protection and preservation of natural and historic resources and prime agricultural land and activities.

Part 2, Definitions

1-201. Word usage

For the purpose of this Ordinance, the terms and words herein shall be interpreted as follows, unless otherwise expressly stated:

A. Words used in the present tense shall include the future.

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

C. The words "person," "owner" or "developer" include a profit or nonprofit corporation, company, partnership, association or individual.

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

E. The word "building" shall include the word "structure" and shall be construed as if followed by the phrase "or part thereof."

F. The word "lot" shall include a plot, parcel or tract of land and/or water area.

G. The word "street" shall include "highway" and "road."

H. The words "shall" and "will" are always mandatory.

I. The word "may" is permissive.

J. Unless otherwise specified, all distances shall be measured horizontally.

1-202. General definitions

For purposes of this Ordinance, the following words and terms shall have the meanings set forth below, unless otherwise expressly stated. Any terms or words not defined herein shall be interpreted consistent with the definitions and meanings referenced in the Borough's Subdivision and Land Development Ordinance.

ACCESS

An improved way to permit vehicular access to a building, structure, land, or water area from the public or private street or right-of-way.

ACCESS DRIVE

A private drive providing pedestrian and vehicular access between a public or private street and a parking compound on a single lot. An access drive shall not include and shall not be considered a driveway.

ACCESSORY STRUCTURE

A detached, subordinate structure, the use of which is clearly incidental to that of the principal structure or principal use of the land and which is located on the same lot as occupied by the principal structure or use.

ACCESSORY USE

A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

ADJACENT

Contiguous lots that share a common lot line or separated only by a street, railway or watercourse, buildings that share a party wall or are separated by contiguous yards, or a private or public right of way line that coincides with a lot line.

ADMINISTRATIVELY COMPLETE APPLICATION

An application that has been submitted to the Borough along with all documents, exhibits, plans, and fees required by this Ordinance and any other Borough ordinances and has been declared by the Borough Zoning Officer as a completed application and therefore officially received for review.

AGRICULTURE

The science and art of farming, the work of cultivating the soil, producing crops and livestock.

ALTERATIONS

As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.

AMUSEMENT ESTABLISHMENT

A facility that is designed and operated as an amusement center which includes:

A. Indoor recreational activities for children; and/or

B. Any combination of five or more mechanical and/or electronic amusement devices, either as the sole use or in combination with other business activity, and which contains no form of slot machine, gambling or wagering.

ANIMAL EQUIVALENT UNIT (AEU)

One thousand pounds' live weight of livestock or poultry animals (as defined by the Pennsylvania Nutrient Management Act), regardless of the actual number of individual animals comprising the unit.

APPLICANT

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

APPLICATION FOR DEVELOPMENT OR APPLICATION

Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a zoning use, zoning occupancy and/or building permit, for the approval of a subdivision plan, the approval of a land development plan, or approval of a planned residential development.

ASSEMBLY

See "Public Assembly"

BASEMENT

That portion of a building that is partly or completely below ground or below the adjacent ground level of the lot.

BOROUGH

Valencia Borough, Butler County.

BOROUGH CONSTRUCTION CODE OR UNIFORM CONSTRUCTION CODE

Uniform Construction Code, of the Code of Valencia Borough, Butler County, Pennsylvania, as amended. Any reference to "Borough Building Code" shall be interpreted to mean the Borough Construction Code.

BOROUGH CONSTRUCTION STANDARDS

The Borough Construction Standard Details as referenced by the Subdivision and Land Development Ordinance, as may be amended by resolution of the Borough Council from time to time.

BOROUGH ENGINEER

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

BUFFERYARD

A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material or landforms for screening purposes and within which no structure is permitted except a wall or fence.

BUILDING

Any structure occupied or intended for supporting or sheltering any occupancy.

BUILDING, PRINCIPAL

See "principal building."

BUILDING SETBACK LINE

A line parallel to a lot line, defining the yard required by this Ordinance.

BUILDING SETBACK LINE, FRONT

The building setback line that is parallel to the front lot line, located at a distance equal to the front yard required by this Ordinance.

BUILDING SETBACK LINE, REAR

The building setback line that is parallel to the rear lot line, located at a distance equal to the rear yard required by this Ordinance.

BUILDING SETBACK LINE, SIDE

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

CLEAR SIGHT TRIANGLE

An area of unobstructed vision at the intersection of two or more streets, access drives or alleys. The triangle shall be measured 100 feet from the intersection of the center line, unless otherwise determined by the Borough Engineer based on sound and accepted engineering practices on a case-by-case basis.

COLLECTOR ROAD or STREET

The following streets: Three Degree Road and Butler Street.

COMMERCIAL

Engaging in a business, enterprise, activity, or other undertaking for profit.

COMMERCIAL VEHICLE

A vehicle which is titled or registered to a company and utilized for the business of that company, including but not limited to fleet vehicles, company cars, or other vehicles used for business. Construction equipment shall not be considered a commercial vehicle.

COMMON OPEN SPACE

A parcel or parcels of land, or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities, unless specifically authorized by this Ordinance.

CONDITIONAL USE

A use which is permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601 et seq., as amended, and may be suitable in certain locations only when express standards and criteria are prescribed for such uses, as provided for in this Ordinance and approved by the Borough Council.

CONDOMINIUM

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. The undivided interest in the common elements must be vested in the unit owners or a homeowners' association for the real estate to be a condominium.

CONSISTENT

That which is generally consistent.

CONSTRUCTION

The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of a mobile home.

CONSTRUCTION EQUIPMENT

Machines which perform specific construction or demolition functions under power, including, but not limited to, hoisting, excavating and grading machines. The term "construction equipment" includes, but is not limited to, vehicles used for construction such as excavators, backhoes and cargo-moving equipment.

CORNER LOT

See "lot, corner."

COUNTY PLANNING COMMISSION

The Butler County Planning Commission.

COVERAGE, LOT

See "lot coverage."

DECISION

Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Butler County.

DECK

See "patio."

DENSITY

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

DEPARTMENT OF TRANSPORTATION (PENNDOT)

The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

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; a subdivider.

DEVELOPMENT

Any man-made change to land or water areas, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or, in the case of floodplain regulations, the storage of materials and equipment.

DEVELOPMENT PLAN

The provisions for development, including a planned residential development, a land development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition. Where the provisions of this Ordinance require the filing of a development plan, such a plan shall encompass a proposed land development and/or development of property, which in addition to a plat of subdivision (if required by the Borough) includes:

A. All covenants relating to the use of the land;

B. A topographic and boundary survey of the lot or parcel;

C. The proposed use, location and bulk of buildings and other structures;

D. The intensity of use or density of development;

E. Vegetation, drainage, floodways, wetlands and waterways, streets, ways, roads and parking facilities; and

F. Pedestrian circulation routes, common open space and public facilities.

DIAMETER AT BREAST HEIGHT (DBH)

The outside bark diameter at breast height, 4.5 feet (1.37 m) above the forest floor on the uphill side of the tree.

DIRECT ACCESS

Vehicular access from streets, access drives, parking areas, parking compounds, or driveways within plans, including land developments, PRDs, or subdivisions, to adjacent street(s). In cases where the plan fronts on and is served by one or more private streets or access drives, "direct access" shall be defined as the vehicular access from said private street or access drives to the public street from which said private street or access drive(s) extend.

DOMESTIC ANIMAL

An animal, such as a horse or dog, that has been tamed and kept by humans as a work animal, food source, or pet, and specifically a member of those species that have, through selective breeding, become notably different from their wild ancestors.

DRIVEWAY

A private drive providing access between a public or private street or access drive and a parking area for a single-family residential dwelling unit and/or a lot utilized for a single-family dwelling.

DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for a single family and which includes exclusive sleeping, cooking, eating and sanitation facilities. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units, unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

EFFECTIVE DATE

The date on which this Ordinance is duly adopted by the Borough or as specified in the ordinance adopting same.

ENGINEER

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

ENVIRONMENTALLY SENSITIVE AREAS

Land area within steep slopes, jurisdictional wetlands, and FEMA floodplains and floodways.

ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

EXTENSION

An increase in the area or use of a building, other structure and/or land.

FAMILY

A. An individual, or two or more persons related by blood or law or adoption, living together in a dwelling unit; or

B. A group of not more than three persons who need to be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in either case, exclusive of usual servants; or

C. A group of not more than eight unrelated disabled persons living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, or adoption. If appropriate, one staff person may reside on the premises and will not be included in the total number of occupants. Any additional staff shall be included in the total number of occupants. A family shall not include an assisted living facility, group home or group residential facility as defined in this section.

D. The term "family" shall specifically exclude individuals residing in halfway houses, homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

FLOOD

A temporary inundation of normally dry land areas.

FLOODPLAIN AREA

A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODWAY

The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

FLOOR AREA

The total area within, and/or adjacent to, a building or structure utilized for the primary use or uses, including area used for subordinate uses necessary to sustain the primary use.

FLOOR AREA, GROSS

The total square footage of all floors within the perimeter of the exterior walls of a building, excluding unfinished basements.

FLOOR AREA, NET

The total of the floor areas of a building, measured from the interior faces of walls, excluding stairwells and elevator shafts, common hallways which are not leasable space, lobbies, restrooms, storage (except in conjunction with warehouses and other industrial uses) and equipment rooms, food preparation areas in a restaurant, interior vehicle parking or loading areas and any other areas not accessible to the general public.

FLOOR AREA RATIO

The gross floor area of a building or buildings on a lot expressed in square feet divided by the total square feet of said lot.

FRONTAGE

The length of a lot line directly bordering and adjacent to a street that is open to vehicular traffic.

FRONT YARD

See "yard, front."

GENERAL CONSISTENCY, GENERALLY CONSISTENT

That which exhibits reasonable consistency.

GRADE

The slope expressed in a percent which indicates the rate of change of elevation in feet per 100 feet.

GRADE, FINISHED

The completed surfaces of lots, walks, streets, and roads brought to grades as shown on official plans or designs relating thereto.

GRADING

Excavation or fill or any combination thereof, including conditions resulting from such activities.

GROSS RESIDENTIAL DENSITY

The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development, as well as rights-of-way of dedicated streets, the result being the number of dwelling units per gross acre of land.

HALF STORY

A story which is entirely housed within a hip, gable, mansard, or similar type of roof structure.

HEAVY EQUIPMENT

A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, including but not limited to trucks, trailers, farm machinery, bulldozers, cranes, backhoes, rollers, loaders and lifts, having a gross weight of 2.5 tons or more.

HIGH-LEVEL PLANTING

Consists of trees of a deciduous nature with a minimum height of six feet at planting and a caliper of 1 1/2 inches at planting and trees of an evergreen nature with a minimum height of six feet at planting, except ornamental trees. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Nursery & Landscape Association, Washington, D.C., latest edition.

HOMEOWNERS' ASSOCIATION

An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners' association shall also include a condominium unit owners' association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.

HOUSEHOLD PETS

A domesticated animal that is customarily kept or can generally be kept within the immediate living quarters of a residential structure.

IMPERVIOUS SURFACE

A surface which resists the entrance or passing through of water or other liquids and prevents the percolation of water into the ground, including gravel surfaces, parking pads, compounds, and driveways.

IMPERVIOUS SURFACE COVERAGE

That portion or percentage of the plot or lot area covered by the buildings and/or structures, and all impervious surfaces.

IMPROVEMENTS

Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, stormwater management facilities, grading, street signs, plantings and other items for the welfare of the property owners and/or the public.

INDUSTRIAL or MANUFACTURING

The storage, warehousing, compounding, assembling, processing, recycling, salvaging, packing, or treatment of raw materials or other products.

JUNK

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

JUNKED MOTOR VEHICLES

Any motor-driven vehicle, regardless of size, which is incapable of being self-propelled or is unable to move under its own power upon the public streets of the Borough or is incapable of being utilized for its intended purpose; also included in this definition is any trailer, semitrailer or any other article which would be classified as a vehicle and shall include any disabled, abandoned, non-operable, nonregistered, wrecked, ruined or dismantled motor vehicle.

LAND DEVELOPMENT

A land development as defined by the Borough Subdivision and Land Development Ordinance.

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/she is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT

A professional landscape architect licensed as such in the Commonwealth of Pennsylvania.

LANDSCAPING MATERIALS

Grass, ground cover, trees, shrubs, vines and other growing horticultural material. In addition, the combination or design may include other decorative surfacing such as wood chips, crushed stone, or mulch materials not to exceed 20% of the total for any landscape area. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but such objects alone shall not meet the requirements of landscaping.

LINEAL

Measured in a straight line along the ground.

LIVESTOCK

Domestic animals used or raised on a farm, whether for home use or profit, including but not limited to cattle, horses, pigs, sheep, chickens, and turkeys.

LIVESTOCK, LARGE

Horses, cattle, mules, sheep, goats, llamas, pigs and any other animal, other than a dog, that weighs more than 100 pounds when fully grown.

LOADING/UNLOADING FACILITIES OR LOADING

The total composite of all off-street structures and facilities for a loading/unloading area, to include but not be limited to the loading/unloading space(s), docking approach, access drive(s), and all related accessory facilities.

LOT

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

LOT AREA

The area contained within the property lines of the individual parcels of land as shown on a survey or subdivision plan, not including any area within a street right-of-way.

LOT, CORNER

A lot abutting upon two streets at their intersection.

LOT COVERAGE

That portion or percentage of the plot or lot area covered by the buildings and/or structures.

LOT LINE

Any boundary of a lot.

LOT LINE, FRONT

A lot line separating the lot from the street. For corner lots, the front lot line abuts the street upon which the main entrance of the structure is located. If a structure is angled and faces neither street but the intersecting points of the streets, then the front lot line will be determined by the location of the pedestrian access.

LOT LINE, REAR

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

LOT LINE, SIDE

Any lot line which is not a front lot line or rear lot line.

LOT WIDTH

The mean horizontal distance across a lot between the side lot lines as measured at the front building setback line, unless otherwise stated.

LOW-LEVEL LANDSCAPING

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

MAJOR SUBDIVISION

A major subdivision as defined by the Subdivision Ordinance.

MODIFIED GROSS DENSITY

The units per acre of the site area minus the environmentally sensitive area on the site expressed in acres.

MANUFACTURING

See "industrial or manufacturing."

MOBILE HOME

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

MOBILE HOME LOT

A unit 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 (also known as "mobile home space").

MOBILE HOME PARK

Any contiguous parcel or tract of land under single ownership, used or intended to be used for the placement of two or more mobile homes for nontransient use, together with the required improvements and facilities upon the land, whether or not consideration or rental is required for the use of the parcels of facilities thereon.

MODIFIED GROSS DENSITY

The units per acre of the site area minus the environmentally sensitive area on the site expressed in acres.

MUNICIPAL AUTHORITY

A body politic and corporate created pursuant to the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq., as amended.

MUNICIPALITIES PLANNING CODE (MPC)

The Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., as amended and reenacted.

NAICS

The North American Industrial Classification System, 2017, as developed by the United States Census Bureau.

NATURAL GAS

A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen, hydrogen sulfide, and other gas species. The term includes natural gas from oil fields known as non-associated gas, cola beds, shale beds and other formations. The term does not include coal bed methane.

NONCONFORMING LOT

A lot which does not comply with the applicable area and dimensional requirements of this Ordinance or an amendment hereinafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NONCONFORMING STRUCTURE

A structure, or part of a structure, manifestly not designed to comply with the applicable minimum yard or other dimensional requirements of this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE

A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.

NONPROFIT CORPORATION OR NONPROFIT

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

NONRESIDENTIAL

Any use other than dwellings. Also, an institutional use in which persons may reside, such as a dormitory, prison, nursing home or hospital, shall be considered a nonresidential use.

ORNAMENTAL TREE

Consists of trees of a deciduous nature with a minimum height of six feet at planting and a caliper of 1 1/2 inches at planting that will not ultimately exceed 25 feet in height. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Nursery & Landscape Association, Washington, D.C., latest edition.

PARKING AREA

An area on a lot utilized for the parking of vehicles as an accessory use.

PARKING COMPOUND

A parking area on a single lot containing any use other than agricultural or one single-family detached dwelling for the parking of three or more vehicles (see also "common parking compound") that is served by an access drive or driveway.

PARKING FACILITIES

The total composite of all off-street structures and facilities for a parking area, to include but not be limited to parking spaces, parking aisles, standby/stacking lanes, driveways, access drives, and all related accessory facilities.

PARKING SPACE

An off-street space available for the parking of a vehicle. Occupancy of one space shall not restrict ingress or egress to another space unless the subject parking spaces serve a residential use.

PATIO/DECK/PORCH/STOOP

An uncovered or covered outdoor living area, in excess of 24 square feet in area, projecting from the front, side, or rear walls of a building. These are considered part of the principal building and shall not extend beyond the building setback line nor into the front yard setbacks, unless expressly permitted by this ordinance.

PERSON

Unless otherwise specified, "person" shall mean both the singular and plural, male or female, firm, business, partnership, association, limited-liability company or corporation, or any other legal entity.

PLANNING COMMISSION

The Valencia Borough Planning Commission.

PLAT

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

PLAYGROUND

A publicly owned area specifically designed for outdoor recreational use by children. A playground shall also include a parcel of land or portion thereof owned by a homeowners' association or condominium association, as part of a Borough-approved subdivision, land development and/or planned residential development, specifically designed for outdoor

recreational use by children. A playground shall not include a commercial recreation facility.

PORCH

See "patio."

PREMISES

Any lot, parcel, or tract of land or body of water and any building constructed thereon.

PRESERVATION or PROTECTION

When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRINCIPAL BUILDING

A building or buildings in which is conducted the main or principal use of the lot on which the building is located.

PRINCIPAL USE

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

PRIVATE RIGHT-OF-WAY

Land reserved for use as a road, street or alley, crosswalk or pedestrian way intended for use as access to only limited properties, and not intended for use by the general public.

PUBLIC ASSEMBLY

A place being a use, structure, or area being on land or water for the temporary or occasional assembly of people.

PUBLIC HEARING

A formal meeting held pursuant to public notice by the Borough Council, Planning Commission or Zoning Hearing Board intended to inform and obtain public comment, prior to taking action in accordance with the MPC and/or this Ordinance.

PUBLIC MEETING

A forum held pursuant to notice under 65 Pa.C.S.A. Ordinance 7 (relating to open meetings).

PUBLIC NOTICE

Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. 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 RIGHT-OF-WAY

Land reserved by way of public ownership or dedication for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.

PUBLIC SEWER SYSTEM

A municipal sanitary sewer system approved and permitted by DEP and owned by the Borough or a municipal authority.

PUBLIC UTILITY

A system providing distribution of water, gas, electric, or telephone services, or the collection and disposal of wastewater, such system operating as a municipal authority or under the rules and regulations of the Pennsylvania Public Utility Commission. This definition does not include any system or device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals.

PUBLIC WATER SYSTEM

A municipal water supply facility approved and permitted by DEP and owned by the Borough or a municipal authority or a water supply facility owned by a public utility and operated in accordance with a certificate of public convenience granted by the Pennsylvania Public Utility Commission.

RECREATIONAL VEHICLE

A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

REFUSE AND WASTE COLLECTION AREA

Visually screened areas for the collection of refuse not to exceed 100 square feet in area and not used for the storage or disposal of refuse materials beyond seven days.

REPORT

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer

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

RIGHT-OF-WAY

Land set aside for use as a street, alley or other means of travel.

RIGHT-OF-WAY FRONTAGE

Same as "frontage."

ROAD FRONTAGE

Same as "frontage."

ROADSIDE STAND

A permanent or temporary structure used for the display, support and protection of products such as vegetables, fruits, poultry, and dairy or other products grown, raised or created on the same property.

SCREEN OR SCREENING

A masonry wall, solid board fence with finished side toward an adjacent use or a screen planting and/or earthen mounding used to conceal from the view of the occupants of an adjacent building the structures and uses on the premises on which the visual screen is located.

SETBACK LINE

Same as "building setback line."

SIGHT DISTANCE

The length of street measured along the center line, which is continuously visible.

SIGN

Any surface fabric, device or structure bearing lettered, pictorial or sculptured matter intended, designed, or used to convey information visually and exposed to public view, which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" does not apply to a flag, emblem or insignia of a nation, political unit, school, or religious group.

A. ANIMATED SIGN A changeable copy sign which employs actual motion or the illusion of motion.

B. CHANGEABLE COPY SIGN A sign with the capability of content change by means of manual or remote input, including signs which are:

(1) AUTOMATIC A changeable sign whose message copy or content can be changed by electrical or digital means on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. Electronic signs, animated signs and digital signs shall be considered changeable signs unless the changeable copy or content is limited to time and temperature.

(2) MANUAL A changeable sign whose message copy or content can be changed manually.

D. CONSTRUCTION SIGN A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

E. DEVELOPMENT SIGN A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

F. FLASHING SIGN Any illuminated sign or device in which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

G. FREESTANDING SIGN A sign permanently affixed to the ground and not attached to any building or other structure, and erected and maintained on a freestanding frame, mast or pole.

H. MONUMENT SIGN A sign that is affixed to the ground by means of a permanent foundation other than a freestanding frame, mast or pole.

I. GROSS SIGN SURFACE AREA The entire area within a single continuous perimeter enclosing the extreme limits of such sign.

J. IDENTIFICATION SIGN A sign used to identify only the name of the individual or organization occupying the premises, the profession of the occupant, the name of the building on which the sign is displayed, and the address of the property.

K. INDIRECTLY ILLUMINATED SIGN 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.

L. INTERNALLY ILLUMINATED SIGN 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.

M. OFF-PREMISES DIRECTIONAL SIGN A sign, other than a billboard, erected by a governmental agency or otherwise installed, owned and maintained by a private party within a public right-of-way, only when expressly authorized by this Ordinance, and which directs the public to an establishment, activity, person,

product or service which is not sold, produced or available on the premises on which the sign is located.

N. POLITICAL SIGN 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.

O. REAL ESTATE SIGN A temporary sign advertising the sale or rental of a premises. The sign may also bear the words "sold," "sale pending" or "rented" across its face or attached.

P. RESIDENTIAL IDENTIFICATION SIGN A sign containing only the name and address of the occupant of the premises.

Q. RESIDENTIAL PLAN IDENTIFICATION SIGN A permanent wall or freestanding ground sign containing only the name and address of a subdivision plan or a multifamily building or development.

R. ROOF SIGN A sign erected and maintained upon or above the roof of any building which projects no more than six feet above the roof.

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

T. WALL SIGN 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.

U. WINDOW DISPLAY SIGN 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 event.

SIGN, GROSS SURFACE AREA or SIGN AREA

The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include a structural or framing element lying outside the limits of such sign and not forming any part of the display.

A. For either a freestanding sign or monument sign, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the entire background, whether open or enclosed, on which they are displayed.

B. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with any background, and shall be the smallest geometric shape that can be drawn to encompass all the lettering and/or symbols.

C. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, other than those signs described in Subsections A and B above, the area shall be considered to be that of the smallest common geometric shape that can be drawn to encompass all of the letters and symbols.

SITE AREA

The site area expressed in square feet of a lot or lots of which a portion or all of which is part of a subdivision, PRD, or land development application, including all phases within an associated preliminary or tentative approval and excluding street rights-of-way existing at the time of application.

SPECIAL EXCEPTION

An authorized use of a structure or land which may be granted only by the Zoning Hearing Board after public hearing and in accordance with express standards and criteria specified in this Ordinance.

STEEP SLOPES

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

STOOP

See "patio/deck/porch/stoop."

STORMWATER MANAGEMENT ORDINANCE (SWMO)

Stormwater Management Ordinance of the Code of Valencia Borough, Butler County, Pennsylvania, as amended.

STORY

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

STREET

A strip of land, including the entire right-of-way, utilized as a means of vehicular and pedestrian travel for more than one lot or parking compound. "Street" includes an avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private; however, "street" shall not include a driveway or access drive as defined herein.

STREET FRONTAGE

Same as "frontage."

STREET, INTERNAL

A street, or portion thereof, that is platted within and as part of an approved and recorded subdivision and/or land development, that provides frontage to lots within said subdivision and/or land development.

STREET LINE

The dividing line between the street and the lot, also known as the "right-of-way."

STREET OR ROAD, COLLECTOR

A collector street, as otherwise defined in the, Subdivision and Land Development, consisting of the following roads designated by this ordinance as collector streets intended to accommodate direct traffic from mid to high density residential plans as authorized by this Ordinance, specifically Three Degree Road or Butler Street.

STREET RIGHT-OF-WAY LINE

A line defining the edge of a street right-of-way and separating the street from abutting property or lots, also known as the "street line" or "right-of-way line."

STRUCTURE

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The term "structure" includes buildings, communications towers, parking areas, sidewalks and similar construction.

STRUCTURE HEIGHT

The vertical distance from the average elevation at finished grade level to the highest point of the structure.

SUBDIVIDER

A developer.

SUBDIVISION

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

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO)

Subdivision and Land Development, of the Code of Valencia Borough, Butler County, Pennsylvania, as amended.

SURFACE AREA OF SIGN

The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the gross surface area shall be the entire area within a single continuous perimeter enclosing the extreme limits of this sign.

SWIMMING POOL

Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1 1/2 feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

USE

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, NONCONFORMING

See "nonconforming use."

USE, UNLAWFUL

A use, whether of land, water body, or structure, which was not in existence prior to the enactment of this Ordinance or amendment and does not comply with the regulations of this Ordinance or its amendments.

VARIANCE

A grant of relief, pursuant to the provisions of this Ordinance, by the Zoning Hearing Board permitting a developer or an owner to use a property in a manner not wholly in accordance with this Ordinance because strict conformance would be an unusual hardship depriving the developer of reasonable use of the property, but specifying what modifications to strict conformance are permitted.

WETLANDS

Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, bogs and similar areas. Wetlands shall be identified by a person appropriately qualified and trained to delineate wetlands, using

the current delineation manual and other protocols and guidance required by the DEP, the United States Environmental Protection Agency, and/or the Army Corps of Engineers.

WOODLANDS

A community of plants characterized by areas, groves or stands of trees. Area measurement of woodlands shall be understood to include the canopy.

WOODLANDS, MATURE

An area of woodland one acre or more in extent and consisting of at least 60% canopy cover in which at least 30% of trees have a DBH of 12 inches or more.

YARD

An open space at grade between a building and the adjacent lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance.

YARD, FRONT

A yard extending across the full width of the lot and extending back in depth the required minimum distance from the front lot line to the parallel front building setback line.

YARD, REAR

A yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to the parallel rear building setback line.

YARD, SIDE

A yard extending the required minimum distance between the side lot line and the parallel side building setback line.

ZONING

A legal, administrative process whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground to be built upon.

ZONING AMENDMENT

A change in any zoning district which includes revisions to this Ordinance text and/or the Official Zoning Map.

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

A Board appointed by the Board of Borough Supervisors to examine and decide appeals for relief from strict conformance of application of this Ordinance and to hear testimony regarding the validity of any regulations upon development in the Borough or regarding challenges to the decisions of the Zoning Officer.

ZONING HEARING OFFICER

A member of the Zoning Hearing Board selected by the Zoning Hearing Board to, in some circumstance, conduct hearings for the Zoning Hearing Board.

ZONING MAP

The Official Map delineating the zoning districts of the Borough, together with all amendments subsequently adopted which are incorporated in, and made a part of, this Ordinance by reference thereto.

ZONING OCCUPANCY PERMIT

A permit issued by the Zoning Officer which is required by this Ordinance prior to the occupancy and use of a new building or structure or one that has been structurally altered; the occupancy and use of building or structure that has been moved or relocated; the change in use and/or ownership and/or tenancy of an existing building, structure, water body, or area of land; any change to or enlargement or extension of a nonconforming use, building, or structure; the change in the tenancy of any dwelling unit; and/or the occupancy of any previously vacant public, commercial or industrial building.

ZONING OFFICER

That individual authorized by the Borough Council to be the administrator of the day-to-day application of the provisions contained in this Ordinance.

ZONING USE PERMIT A permit issued by the Zoning Officer which is required by this Ordinance prior to the placement, erection, or construction of a building or structure; the structural alteration or reconstruction of a building or structure; the addition to a building or structure; the relocation of a building or structure; the construction of a swimming pool; the construction, reconstruction, alteration or movement of a retaining wall; and/or the erection or alteration of a sign.

1-203. Definitions for Specific Uses

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, sexual encounter center or similar businesses as defined below:

ADULT ARCADE

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

ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

A. Any print or photographic matter, or any analog or digital video or other visual representations, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

B. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT CABARET

A nightclub, bar, restaurant, or other commercial establishment which regularly features:

A. Persons who appear in a state of nudity or semi-nudity.

B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

C. Any print or photographic matter, or any analog or digital video or other visual representations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION-PICTURE THEATER

A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, digital format, or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER

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

ESCORT AGENCY

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

NUDE MODEL STUDIO

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

A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing.

B. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

C. Where no more than one nude or seminude model is on the premises at any one time.

SEXUAL ENCOUNTER CENTER

A business or commercial enterprise that, as one of its principal business purposes, offers activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SEXUALLY 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.

SPECIFIED SEXUAL ACTIVITIES

Any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy.

C. Excretory functions as part of or in connection with any of the activities set forth in Subsections A and B above.

VIEWING BOOTHS

Booths, stalls, partitioned portions of a room, rooms or other enclosures which are available for viewing:

A. Films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas; or

B. Persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

AGRICULTURAL OPERATION

An enterprise that is actively engaged in the production and preparation of crops, livestock and livestock products and in the production, harvesting and preparation or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AUTOMOBILE SALES AND RENTAL

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

AUTOMOTIVE SERVICE

Any premises used primarily for supplying gasoline, oil, minor accessories, or service for automobiles at retail, direct to the motorist consumer, including the making of minor repairs, excluding painting. "Automotive service" includes a commercial car wash.

BANK

An organization, usually a corporation, chartered by a state or federal government, which does most or all of the following: receives demand deposits and time deposits, honors instruments drawn on them, and pays interest on them; discounts notes, makes loans, and invests in securities; collects checks, drafts, and notes; certifies depositor's checks; and issues drafts and cashier's checks.

BANQUET FACILITY

Any establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, meetings, banquets, and other similar events. Such establishments shall not be open to the general public and may include food preparation facilities and areas for dancing, dining and other entertainment activities customarily found in association with banquets or receptions. Said facilities may include off-site catering services as an accessory use.

BED-AND-BREAKFAST

An existing residential structure converted for use from a single-family dwelling to a facility for the boarding of overnight guests on a limited basis.

BILLBOARD

An off-premises sign, excluding off-premises directional signs, which advertises a business, organization, establishment, activity, event, person, product or service not principally located or sold on the premises where the billboard is located and which constitutes a principal use of a lot.

BOROUGH FACILITIES

Buildings, structures and/or land owned, occupied, controlled and/or operated by the Borough or any of its agencies and used to provide services to the residents of the Borough. Borough facilities shall include but not be limited to administrative offices, public works buildings, storage yards, Police Department facilities, recreation facilities, parks and playgrounds.

CAR WASH

A building enclosed on at least two sides by exterior walls or party walls, having a permanent roof, and possibly having garage-type doors to permit vehicle access to the interior of the building, designed for, and intended to be used for, the washing and cleaning of motorized licensed vehicles having no more than two axles and a gross

vehicle weight of less than 13,000 pounds. Such facilities shall include automotive car washes, any facility, its structures, accessory uses, or paved areas used wholly or partly to wash, clean and dry the exterior of vehicles, using conveyors to move the vehicle, or equipment that moves over or around the vehicle, or other automated equipment intended to mechanically wash such vehicles; and self-service car washes, any facility, its structures, accessory uses or surrounding areas used wholly or partly to wash, clean and dry the exterior of automobiles using handheld equipment.

CATERING SERVICES

To provide food service for or a business that caters banquets and weddings.

CEMETERY

A burial place, or ground for human remains, including graveyards, mausoleums, crematories and columbariums.

CLUSTER SUBDIVISION

A major subdivision conforming to the standards of this Ordinance, where lots are clustered within a certain portion of the site area and where the remainder is preserved as open space in accordance with the standards of 1-1108 of this Ordinance.

COMMERCIAL RECREATION FACILITY

An establishment offering recreation, sports, games of chance, skill or leisure-time activities and for purposes of this Ordinance is specifically that offers one or more of its activities and/or services to the general public or private membership for a fee or charge and which satisfies the standards, criteria and requirements of this Ordinance, including but not limited to 1-1109. A gaming enterprise and/or racetrack, both of which as defined herein, shall not be considered a commercial recreation facility.

CONTRACTOR'S YARD

An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. Where permitted, the entire lot or parcel shall be classified as a contractor's storage yard and shall conform to all applicable zoning district standards and other Borough regulations.

DAYCARE CENTER

A facility, other than a residential dwelling unit, where day care for the elderly or child care and educational instructions are provided for seven or more children under the age of 16 or any number of elderly persons, who are not relatives of the operator, at any one time for part of a twenty-four-hour day and which is licensed by the Department of Public

Welfare as a day-care center. Day care for fewer than four children shall be permitted as a no-impact home-based business.

DISTRIBUTION AND TRANSPORTATION

A building or part thereof where the process of marketing and supplying goods to a customer, retailer or manufacturer is conducted, or for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

DWELLING

A building, portion thereof, or other structure used primarily for human habitation (whether permanent or seasonal) that includes separate kitchen and bathroom facilities and separate entrances for each unit. The word "dwelling" shall not include hotels, motels, fraternity or sorority houses, boardinghouses, assisted living facilities, group residential facilities, group homes, rooming houses, tourist homes, or similar uses for group residence.

DWELLING, DUPLEX

A building designed and built to contain two dwelling units, side by side, with each as an independent dwelling relative to utilities, facilities, and access.

DWELLING, MULTIFAMILY

A building containing two or more dwelling units, including units that are located one over the other and/or side by side, excluding duplexes, patio homes, and townhouses.

DWELLING, PATIO HOME

A dwelling within a group of units, consisting of a minimum of three, but no more than four, independent single dwelling units that are attached side by side by common unpierced party walls such that units are attached by one wall or two walls perpendicular to one another, or a minimum of three to four units attached by party walls parallel to one another where each unit does not exceed one and a half stories in height. This definition shall not otherwise include townhouse dwellings as defined in this Part 2.

DWELLING, SINGLE-FAMILY ATTACHED

Townhouse, duplex, or patio home dwellings.

DWELLING, SINGLE-FAMILY DETACHED

A detached building containing one dwelling unit.

DWELLING, TOWNHOUSE

A dwelling within a group of units, consisting of a minimum of three, but no more than four, independent single dwelling units that are attached side by side by common unpierced party walls where each unit is two or three stories in height above grade. This definition shall not include patio homes.

ESSENTIAL SERVICES

The provision of distribution systems by public utilities regulated by the Pennsylvania Public Utilities Commission (PUC), municipal authorities, Borough or other governmental agencies of underground or overhead water, sanitary sewers, or storm sewers, gas, electrical, telephone, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith and where reasonably necessary for the furnishing of adequate services by such public utilities regulated by the PUC, municipal authorities, Borough, or other governmental agencies or for the public health and safety or general welfare. Specifically excluded from this definition are communications towers, and communications antennas.

FAMILY HOME DAYCARE

A facility where child care is provided for four, five or six children under the age of 16, who are not relatives of the operator, at any one time for part of a twenty-four-hour day and which is licensed by the PA Department of Human Services as a child day-care home. Day care for fewer than four children shall be permitted as a no-impact home-based business.

FORESTRY

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

GROUP CARE FACILITY

A facility or establishment including one or more of the following, as defined:

A. PERSONAL CARE CENTER A premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility, as defined in current state licensing requirements.

B. NURSING HOME A facility licensed by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care and related medical or other health services.

GROUP RESIDENTIAL FACILITY

A structure or structures providing residence for a group of persons with central kitchen, dining and recreational facilities, with separate bedrooms and/or living quarters. A group residential facility shall not include a group home, assisted living facility or dwelling, halfway house, home licensed for juvenile offenders or other facilities where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

HEAVY EQUIPMENT SALES AND RENTAL

Sales or rental of recreational vehicles, aircraft, commercial boats, and those activities classified under NAICS Code 53241, Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing, including sales of such equipment, and NAICS 453930, Manufactured and Mobile Home Dealers.

HOBBY FARM

A lot, with a minimum area of at least one acre but less than five acres, where agricultural activities are conducted by the residents thereof but where such activities are not the principal source of employment or income, in a manner that otherwise meets the standards of this Ordinance.

HOME OCCUPATION

A nonresidential establishment that is accessory to a single-family detached dwelling as specified in 1-1203 of this Ordinance, excluding no-impact home based businesses.

HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL or MOTEL

A building made up of two or more living or sleeping quarters used independently of each other and used principally and commercially for overnight accommodations.

INDOOR ENTERTAINMENT AND RECREATION FACILITIES

A commercial recreation facility in which all principal activities are conducted within a completely enclosed building.

JUNKYARD

Any yard, lot, place, or structure (covered or uncovered, outdoors or in an enclosed building) containing junk and upon which principally 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 two or more junked motor vehicles. This definition shall not include a transfer station, licensed or permitted by the Commonwealth of Pennsylvania, or a recycling center, licensed or permitted by Valencia Borough.

KENNEL

The keeping of four or more household pets that are more than six months old. A kennel is not a home occupation and is not an accessory use to a residential dwelling unless specifically permitted.

LARGE SCALE RETAIL SALES AND SERVICE

A business establishment of more than 5,000 square feet of gross floor area which sells goods or merchandise to the general public for personal, household, or office consumption and renders services customarily incidental and subordinate to the sale of such goods or merchandise. An adult-oriented business shall not be considered retail sales and service.

LIGHT INDUSTRIAL

The manufacture, fabrication, assembly, or processing of goods and materials, excluding heavy industrial establishments.

MASSAGE ESTABLISHMENT

Any establishment or business which provides the personal services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms of physiotherapy, including those operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEDICAL CLINIC

An establishment, excluding a professional office, where human patients receive diagnostic testing, treatment and/or counseling by professionals licensed by the Pennsylvania Department of Health, where patients are not provided with board or room or kept overnight on the premises, provided that all such uses have access only from the interior of the building or structure, including methadone treatment facilities.

MEDICAL OFFICE

A medical, dental, or psychiatric practice offering medical or dental services on an outpatient basis and which may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services, and excluding medical clinics.

MINERAL EXTRACTION

Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource or other element of economic value by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore. Oil and gas extraction, excavation for the purposes of grading a building lot or roadway or the removal of grass or sod for landscaping and the removal of materials from a lot for use on that same lot shall not be considered mineral extraction.

MINOR EQUIPMENT AND AUTOMOTIVE REPAIRS

Small or automotive engine repair or reconditioning, collision and body repair, including straightening and repainting, replacement of parts and incidental services, and repair of appliances of a scale customarily utilized by individuals for noncommercial purposes and by retail or administrative uses.

MOBILE HOME PARK

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

OIL AND GAS OPERATIONS

Oil and Gas Operations shall include the following:

OIL AND GAS WELL SITE DEVELOPMENT

The term includes the following: well location assessment, including seismic operations, well site preparation, construction, drilling, water or fluid storage operations, hydraulic fracturing and site restoration associated with an oil and gas well of any depth. The term includes conventional (vertical) and non-conventional (horizontal) methods of drilling.

NATURAL GAS COMPRESSOR STATION

A facility designed and constructed to compress natural gas that originates from an Oil and Gas Well Site Development or collection of such wells operating as a midstream facility for delivery of natural gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

PERSONAL SERVICES

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, including but not limited to barbers, beauticians, laundry and dry cleaning, massage establishments, tailors, photographers or travel agents.

PLACE OF WORSHIP

An institution of any denomination where people regularly observe, practice or participate in religious or spiritual services, meetings or activities.

PROFESSIONAL OR BUSINESS OFFICE

A use that principally involves administrative, clerical, financial, governmental or professional operations and operations of a similar character, excluding medical offices.

RESTAURANT. An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, general. An establishment that sells food for consumption on or off the premises.

Restaurant, take-out. An establishment that sells food only for consumption off the premises.

SMALL SCALE RETAIL SALES AND SERVICE

A business establishment of 5,000 square feet or less of gross floor area which sells goods or merchandise to the general public for personal, household, or office consumption and renders services customarily incidental and subordinate to the sale of such goods or merchandise. An adult-oriented business shall not be considered retail sales and service.

SCHOOL

Any building or group of buildings, the use of which meets commonwealth requirements for elementary, secondary, or higher education, whether publicly or privately owned, and excluding trade or vocational schools.

SELF-STORAGE FACILITIES

A building or group of buildings in a controlled-access and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled-access rooms, stalls or lockers for the storage of the customer's goods or belongings.

TRADE OR VOCATIONAL SCHOOL

An establishment offering regularly scheduled instruction in professional, technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

VETERINARY OFFICE

A place where animals are given medical care and boarding of animals is limited to short-term care incidental to the veterinary office use.

WAREHOUSE

An establishment for the storage and handling of freight, goods or merchandise, but not including the maintenance or fueling of commercial vehicles.

WHOLESALE USE

An establishment engaged in selling merchandise to retailers or professional business customers or other wholesalers rather than to the general public or acting as a broker for such merchandise sales.

Part 3, Designation of Zoning Districts and Map

1-301. Establishment of districts; Zoning Map

A. The following zoning districts are hereby established in Valencia Borough:

RR Rural Residential District

NR Neighborhood Residential District

IR Institutional Residential District

MU Mixed Use District

LSC Large Scale Commercial District

CC Collector Corridor Overlay

B. The overlay district shall be in addition to, and not a replacement for, the underlying district regulations.

C. The boundaries of the Borough zoning districts hereby established are shown on the Official Borough Zoning Map attached hereto and incorporated herein as Appendix A. These maps and all the notations, references, and other data shown thereon are hereby incorporated by reference into this part and shall be as much a part of this Ordinance as if all were fully described herein.

D. Interpretation of Zoning District Boundaries.

1. District boundary lines, unless otherwise indicated on the map, follow or are parallel to the center line of street or railroad rights of way and streams, and to lot or property lines as they exist on a recorded deed or plan of record in the Butler County Recorder of Deeds office at the time of the adoption of this Ordinance.

2. Where zoning district boundaries indicated on the Zoning Map scale more than twenty feet from property lines or proximate center lines of street or railroad rights of way or streams, the district line shall be interpreted as the location scaled on the Zoning Map.

3. Zoning District Boundaries shall be interpreted to extend to and coincide with the Borough's corporate boundaries.

4. When there is disagreement on the location of a zoning district boundary, a determination shall be made by the Zoning Officer, with appeal from the determination of the Zoning Officer made to the Zoning Hearing Council.

Part 4, Rural Residential District

1-401. Purpose Statement:

The Rural Residential District is established to promote preservation of the Borough's wooded steep slopes, and to provide for an orderly development of those undeveloped or historically agricultural lands adjoining the traditional residential core of the Borough and Three Degree Road.

1-402. Yard and Bulk Requirements

A. Minimum Lot Size: 1.5 Acres

B. Minimum Front Yard: 30 Feet

C. Minimum Side Yard: 20 Feet

D. Minimum Rear Yard: 40 Feet

E. Minimum Lot Frontage: 150 Feet

F. Density: One Dwelling Unit Per Acre.

G. Density and dimensional standards shall be as modified by the mutually exclusive provisions of Part 10, Planned Residential Development.

H. Where yard, lot size, and lot coverage requirements are required by Parts 10, 11, 12 or 16 of this Ordinance and exceed the base yard and bulk requirements of this section, said requirements shall prevail.

I. Maximum Lot Coverage: 40%

J. Maximum Impervious Surface Coverage: 60% or 20,000 square feet, whichever is less.

1-403. Authorized Uses

A. Principal Uses. Those uses authorized in Part 23, Use Authorization Table, subject to the standards referenced therein.

B. Accessory Uses. Those uses set forth in Part 15, Supplemental Standards.

Part 5, Neighborhood Residential District

1-501. Purpose Statement:

The Neighborhood Residential District is established to promote and protect the traditional neighborhood development pattern of the Borough's traditional residential core, including those businesses and institutions of a complementary scale that have historically operated there.

1-502. Yard and Bulk Requirements

A. Minimum Lot Size: 7,250 square feet

B. Minimum Front Yard: 20 Feet

C. Minimum Side Yard: 15 Feet Total, neither less than 5.

D. Minimum Rear Yard: 40 Feet

E. Minimum Lot Frontage: 60 Feet

F. Where yard, lot size, and lot coverage requirements are required by Parts 11, 12, or 16 of this Ordinance and exceed the base yard and bulk requirements of this section, said requirements shall prevail.

G. Maximum Lot Coverage: 60%

H. Maximum Impervious Surface Coverage: 70% or 14,000 square feet, whichever is less.

1-503. Authorized Uses

A. Principal Uses. Those uses authorized in Part 23, Use Authorization Table, subject to the standards referenced therein.

B. Accessory Uses. Those uses set forth in Part 15, Supplemental Standards.

Part 6, Institutional Residential District

1-601. Purpose Statement:

The Institutional Residential District is established to provide for multifamily and various forms of residential dwelling unit types in concert with complementary civic, residential, and health care related institutional uses.

1-602. Yard and Bulk Requirements

A. Minimum Lot Size: 1.5 Acres

B. Minimum Front Yard: 40 Feet

C. Minimum Side Yard: 20 Feet

D. Minimum Rear Yard: 40 Feet

E. Minimum Lot Frontage: 150 Feet

F. Density and dimensional standards shall be as provided for in this section or as modified by the mutually exclusive provisions of Part 10, Planned Residential Development.

G. Where yard, lot size, and lot coverage requirements are required by Parts 10, 11, 12, or 15 of this Ordinance and exceed the base yard and bulk requirements of this section, said requirements shall prevail.

H. Maximum Lot Coverage: 50%

I. Maximum Impervious Surface Coverage: 60%

1-603. Authorized Uses

A. Principal Uses. Those uses authorized in Part 23, Use Authorization Table, subject to the standards referenced therein.

B. Accessory Uses. Those uses set forth in Part 15, Supplemental Standards.

Part 7, Mixed Use District

1-701. Purpose Statement:

The Mixed-Use District is established to provide for the reservation of land within the Borough to provide for small scale retail and service based uses to serve the local community.

1-702. Yard and Bulk Requirements

A. Minimum Lot Size: 7,250 square feet

B. Minimum Front Yard: 10 Feet

C. Minimum Side Yard: 15 Feet Total, neither less than 5; zero if divided by a party wall.

D. Minimum Rear Yard: 40 Feet

E. Minimum Lot Frontage: 50 Feet

F. Where yard, lot size, and lot coverage requirements are required by Parts 11, 12, or 15 of this Ordinance and exceed the base yard and bulk requirements of this section, said requirements shall prevail.

G. Maximum Lot Coverage: 65%

H. Maximum Impervious Surface Coverage: 75%

1-703. Authorized Uses

A. Principal Uses. Those uses authorized in Part 23, Use Authorization Table, subject to the standards referenced therein.

B. Accessory Uses. Those uses set forth in Part 15, Supplemental Standards.

Part 8, Large Scale Commercial

1-801. Purpose Statement:

The Large-Scale Commercial District is to provide for regional commercial and industrial uses within areas of the Borough bearing reasonable access to transportation in a manner distinctly separated from single family neighborhoods within the Borough.

1-802. Yard and Bulk Requirements

A. Minimum Lot Size: Two Acres

B. Minimum Front Yard: 50 Feet

C. Minimum Side Yard: 30 Feet

D. Minimum Rear Yard: 50 Feet

E. Minimum Lot Frontage: 200 Feet

F. Where yard, lot size, and lot coverage requirements are required by Parts 11, 12, or 15 of this Ordinance and exceed the base yard and bulk requirements of this section, said requirements shall prevail.

G. Maximum Lot Coverage: 50%

H. Maximum Impervious Surface Coverage: 60%

1-803. Authorized Uses

A. Principal Uses. Those uses authorized in Part 23, Use Authorization Table, subject to the standards referenced therein.

B. Accessory Uses. Those uses set forth in Part 15, Supplemental Standards.

Part 9, Collector Corridor Overlay

1-901. Purpose Statement: The Collector Corridor Overlay is instituted to promote the function and preservation of the Three Degree Road and Butler Street Corridors as collector roads.

1-902. District Boundaries and Applicability. The boundaries of the Collector Corridor Overlay shall be as shown on the Zoning Map, but more specifically extending 100 feet from the centerline of Three Degree Road and Butler Street.

1-902. Yard and Bulk Requirements.

A. Minimum Front Yard: 50 Feet from a collector road.

B. Minimum Lot Frontage on Collector Road: 200 Feet for any lot created after the effective date of this ordinance, which does not bear vehicular access to and minimum frontage, as required by the base district, on a local street.

C. Access Standards.

1. Residential Driveways. Driveways serving lots entirely or partially located within the CC Overlay that bear access to a local public street shall access solely from that street unless access of a driveway thereto meeting the standards of this Ordinance is infeasible due to terrain or other natural limitations. Where driveway access is authorized, one driveway shall be permitted per lot.

2. Streets and Access Drives. Streets and Access Drives shall be limited to one access drive or street access to an adjacent collector road per major subdivision, planned residential development or land development approved after the effective date of this ordinance.

Part 10, Planned Residential Development

1-1001. Purpose

The purpose of the PRD planned residential development regulations of this Part 10 is to:

A. Motivate developer creativity by encouraging greater variety in type, design and layout of residential dwellings;

B. Conserve open space and green space and encourage a more efficient use of land and public services;

C. Insure increased flexibility of land development regulations;

D. Accommodate changes in land development technology;

E. Provide a procedure to relate the type, design and layout of residential development to the characteristics of a particular lot; and

F. Encourage innovations in residential development to meet the growing demand for housing.

G. Encourage and provide for the housing needs of current and future Borough residents.

1-1002. Statutory authority

The provisions of this Part 10 are enacted pursuant to Article VII of the Municipalities Planning Code, 53 P.S. § 10701 et seq., as amended, the procedures and requirements of which are incorporated herein by reference.

1-1003. General provisions

A. A planned residential development shall be permitted within the specific zoning districts specified in this Ordinance, subject to compliance with the provisions of this Part 10, this Ordinance and all applicable Borough ordinances.

B. The provisions of this Part 10 for approval of a planned residential development plan shall be a modification to and in lieu of procedures for approvals otherwise required in this Ordinance and the Borough Subdivision and Land Development Ordinance. In addition to the requirements of this Part 10, applicants and developers must also apply for and obtain any and all permits required by this Ordinance and any other Borough ordinance. Failure to comply with the provisions of this Part 10 with respect to a recorded development plan shall be deemed to constitute a violation of this Ordinance.

1-1004. Tentative plan application and approval procedure

A. Tentative plan application procedure.

1. An application for tentative plan approval of a PRD shall be filed with the Zoning Officer, on forms as prescribed by the Borough, postmarked or physically delivered to the Borough Building at least 21 calendar days prior to the date of the regular meeting of the Planning Commission. The tentative plan application shall not be considered complete and properly filed unless or until all items required by Subsection B of this section, including the application fee and deposit, have been received by the filing date.

2. The Zoning Officer shall review the application to determine whether all materials required by Subsection B of this section and any other relevant Borough ordinances have been submitted by the applicant.

3. Within 10 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 following entities for review: to the Borough Solicitor; Borough Council, Borough Planning Commission, the Borough Engineer; any Borough professional consultant deemed necessary by the Zoning Officer.

B. Tentative plan application contents.

1. The application for tentative plan approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the Borough, with not fewer than:

   a. Three full-scale copies and 8 half-scale copies of all required plans, maps and drawings.

   b. One electronic version/file of all plans, maps and drawings excluding construction plans., in a Borough-compatible format.

   c. Eleven copies of all other application materials.

2. The application for tentative plan approval shall contain the following:

   a. All information, data, reports and studies required for a preliminary plan as specified in the Subdivision and Land Development Ordinance.

   b. The location, size, existing topography, proposed topography and the nature of the PRD proposed to be developed.

   c. The density of land use to be allocated to parts of the site to be developed.

d. The location and size of the perimeter buffer yard and common open space, the location, size and type of improvements proposed within the perimeter buffer yard and common open space, and the proposed ownership and maintenance arrangements for the common open space.

e. The use and the approximate height, bulk and location of buildings and other structures.

f. The feasibility of proposals for water supply and the disposition of sanitary waste and water.

g. The substance of covenants, grants of easements, rights-of-way or other restrictions proposed to be imposed upon the use of the land, common open space, buildings and structures, including proposed easements or grants for public utilities.

h. The provisions for parking of vehicles and the location and width of proposed streets.

i. The location and design of all screening, buffer yards and landscaping, indicating the type, location and height of all plantings.

j. Renderings of proposed dwellings.

k. The extent to which the proposed development plan deviates from the otherwise applicable Borough land use, zoning and subdivision and land development regulations.

l. In the case of development plans which call for development over a period of years, a phasing plan and a schedule showing the proposed times within which applications for final approval of all phases of the development plan will be filed. This schedule must be updated annually, by the anniversary of its previous approval, until the development is completed and accepted.

m. A written statement submitted by the developer and/or landowner which sets forth:

[1] The reasons why the proposed development plan is in the public interest and is consistent with the purposes and requirements of this Ordinance, this Part 10, the Subdivision and Land Development Ordinance and the Borough's Community Development Objectives.

[2] The disposition of common open space lands and the provisions for their maintenance, ownership and control.

[3] The purpose, location and amount of common open space within the development plan, the reliability of the proposal for maintenance and conservation of such common open space, and the adequacy or inadequacy of the amount and purpose of such common open space land as related to the proposed density and type of development.

n. Documentation of submission of application and applicable review fees to the Butler County Planning Commission.

C. Zoning Officer Review.

1. The Borough Zoning Officer and any other Borough personnel or professional consultant, as directed by the Borough Council or its designee, shall review the tentative plan application documents to determine if they are in compliance with this Part 10, this Ordinance, the Subdivision and Land Development Ordinance, other applicable Borough ordinances, and the Borough's Statement of Community Development Objectives. These personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Borough Council or its designee.

2. The Borough Engineer shall review the application documents to determine compliance with this Part 10, this Ordinance, the Subdivision and Land Development Ordinance, the Borough Stormwater Management Ordinance, and any other applicable Borough ordinances and regulations, and sound engineering practices. The Borough Engineer shall prepare a written report of his/her findings and recommendations, which the Borough Zoning Officer shall provide to the Borough Council, the Planning Commission, the Borough Solicitor and any other Borough personnel or professional consultant as directed by the Borough Council or its designee.

D. Planning Commission review and recommendation.

1. The Planning Commission shall review the tentative plan application and associated documents and forward its recommendation to the Borough Council.

2. If the tentative plan is deemed to have outstanding comments or unaddressed concerns, the developer shall resubmit revised drawings, supporting reports, documents and other similar material for review by the Borough staff, professional consultants and the Borough Planning Commission.

3. The Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the tentative plan application.

E. Public hearing.

1. The Borough Council shall hold a public hearing, pursuant to public notice, on the tentative plan application within the time periods and procedures required by the MPC. The public hearing shall commence within 60 days of the filing of an administratively complete tentative plan application. The public hearing may be continued from time to time; provided, however, that the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

2. Public hearings shall be conducted in accordance with the requirements of Section 908 of the MPC, 53 P.S. § 10908.

F. Tentative plan approval criteria. The Borough Council shall grant tentative approval to a tentative plan if the applicant establishes that each of the following criteria is met:

1. The tentative plan complies with all applicable purposes, standards, criteria and conditions of this Part 10 and this Ordinance and preserves the community development objectives of this Ordinance.

2. Where the tentative plan departs from this Ordinance and the Subdivision and Land Development Ordinance regulations otherwise applicable to the subject property, such departures are in the public interest and promote the public health, safety and welfare.

3. The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space are adequate with respect to the purpose, use and type of proposed residential development.

4. The physical design of the tentative plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment. The tentative plan organizes vehicular ingress, egress and parking to minimize traffic congestion in the surrounding neighborhood.

5. The total environment of the tentative plan is harmonious and consistent with the neighborhood in which it is located. The tentative plan is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds within the development and to the buildings and grounds of adjacent properties. The tentative plan shall, to the fullest extent possible, preserve the scenic, aesthetic and historic features of the landscape.

6. The tentative plan affords a greater degree of protection of natural watercourses, topsoil, trees and other features of the natural environment and the prevention of erosion, landslides, siltation and flooding than if the subject property was developed in accordance with the provisions of this Ordinance and the Subdivision and Land Development Ordinance which would otherwise apply.

7. The tentative plan will be fully served by public utilities, public water systems, and a public sewer system or community sewage system, without reducing the level of service to the remainder of the Borough.

8. The tentative plan shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other lot or persons.

9. In the case of a tentative plan which proposes development over a period of years, the terms and conditions shall be sufficient to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

G. Borough Council action.

1. The Borough Council shall render its decision on the tentative plan application, in writing, by certified mail, within 60 days following the conclusion of the public hearing provided for in this Part 10 or within 180 days after the date of the filing of an administratively complete application, whichever occurs first.

2. The Borough Council shall either:

   a. Grant tentative approval of the development plan as submitted;

   b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

   c. Deny tentative approval to the development plan.

3. The Borough Council shall not act on a tentative plan application unless the Borough has received written review of the application by the Butler County Planning Commission or its designee, or unless at least 30 calendar days have passed since the date of referral to the Butler County Planning Commission.

4. The written decision granting or denying tentative plan approval shall set forth with particularity findings of fact and conclusions of law related to the following:

   a. The manner in which the development plan would or would not be in the public interest.

b. The manner in which the development plan is or is not consistent with the Borough's Community Development Objectives.

c. The extent to which the development plan departs from the requirements of this Ordinance and the Subdivision and Land Development Ordinance otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are not deemed to be in the public interest.

d. The purpose, location and amount of the common open space in the proposed development plan, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

e. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

f. The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established.

g. In the case of a tentative plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

5. In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the written decision the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.

6. The applicant shall accept or reject the conditions attached to the tentative plan approval by giving written notice to the Zoning Officer within 30 calendar days of the date of the Borough Council decision. If the applicant fails to give written notice to the Zoning Officer regarding acceptance or rejection of the conditions attached to preliminary approval within the required 30 calendar days, then the conditions shall be deemed accepted by the applicant.

7. If the Borough Council approves the tentative plan application subject to certain conditions, then the developer shall not file a final plan application until all such conditions are addressed and complied with in a manner acceptable to the Borough.

8. Approval of a tentative plan application shall only constitute authorization to proceed with preparation and filing of a final plan application once all conditions of approval have been addressed and complied with in a manner acceptable to the Borough.

H. Status of plan after tentative approval.

1. Approval of a tentative plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits.

2. In the event that a development plan is given tentative approval and thereafter, prior to final approval, the developer and/or landowner elect to abandon the development plan by written notification to the Borough, or in the event the developer and/or landowner fail to file applications. for final approval within the required time periods., the tentative plan approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been granted shall be subject to the otherwise applicable Borough ordinances.

1-1005. Final plan application and approval procedure

A. Prerequisites to filing final plan application.

(1) An application for final plan approval can be submitted, provided that:

(a) The Borough Council has granted tentative plan approval to the development plan; and

(b) All conditions imposed by the Borough Council on the tentative plan approval have been complied with in a manner acceptable to the Borough.

B. Final plan application procedure.

(1) An application for final plan approval of a PRD shall be filed shall be filed with the Zoning Officer, on forms as prescribed by the Borough, postmarked or physically delivered to the Borough Building at least 21 calendar days prior to the date of the regular meeting of the Planning Commission. The tentative plan application shall not be considered complete and properly filed unless or until all items required by Subsection C of this section, including the application fee and deposit, have been received by the filing date.

(2) The Zoning Officer shall review the application to determine whether all materials required by Subsection C of this section and any other relevant Borough ordinances have been submitted by the applicant.

(3) Within 10 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 following entities for review: the Borough Solicitor; the Borough Council, Borough Planning Commission, the Borough Engineer; any Borough professional consultant deemed necessary by the Zoning Officer; and the Butler County Planning Commission or its designee.

(4) The final plan may be submitted in phases or sections as shown on the approved tentative plan and phasing schedule pursuant to 1-1004 B(2)(l) of this Ordinance.

C. Final plan application content.

(1) The application for final plan approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the Borough, with not fewer than:

(a) Three full-scale copies and 8 half-scale copies of all required plans, maps and drawings.

(b) One electronic version/file of all plans, maps and drawings (excluding construction plans), in a Borough-compatible format.

(c) Eleven copies of all other application materials.

(2) The application for final plan approval shall contain the following:

(a) All information, data, reports and studies required for a final plan as specified in the Subdivision and Land Development Ordinance.

(b) Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open spaces.

(c) The use and number of families to be housed in each structure.

(d) Renderings of proposed dwellings.

(e) Landscaping plan, including the location of sidewalks, trails and buffer yards.

(f) The substance of covenants, grants of easements, rights-of-way or other restrictions proposed to be imposed upon the use of the land, common open space, buildings and structures, including proposed easements or grants for public utilities.

(g) Provisions for the maintenance, ownership and operation of common open spaces and common recreation facilities.

(h) Documentation of submission of application and applicable review fees to the Butler County Planning Commission.

D. Borough staff review.

(1) The Borough Zoning Officer and any other Borough personnel or professional consultant, as directed by the Borough Council or its designee, shall review the final plan application documents to determine if they are in compliance with this Part 10, this Ordinance, the Subdivision and Land Development Ordinance, other applicable Borough ordinances and the Borough planning objectives. These personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Borough Council or its designee.

(2) The Borough Engineer shall review the application documents to determine compliance with this Part 10, this Ordinance, the Subdivision and Land Development Ordinance, the Borough Stormwater Management Ordinance and any other applicable Borough ordinances and regulations, and sound engineering practices. The Borough Engineer shall prepare a written report of his/her findings and recommendations, which the Borough Zoning Officer shall provide to the Borough Council, the Planning Commission, the Borough Solicitor and any other Borough personnel or professional consultant as directed by the Borough Council or its designee.

E. Planning Commission review and recommendation.

(1) The Planning Commission shall review the final plan application and associated documents and forward its recommendation to the Borough Council.

(2) If the final plan is deemed to have outstanding comments or unaddressed concerns, the developer shall resubmit revised drawings, supporting reports, documents and other similar material for review by the Borough staff, professional consultants and the Borough Planning Commission.

(3) The Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the final plan application.

F. Borough Council action.

(1) In the event that an administratively complete application for final plan approval has been filed in accordance with this Part 10 and the relevant tentative plan approval decision letter, the Borough Council shall render its decision on the final plan application, in writing by certified mail, within 45 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application, provided that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said forty-five-day period shall be measured from the 30th day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Borough Engineer shall be made a part of the record at the said Borough Council meeting.

(2) If the development plan as submitted contains variations from the development plan granted tentative approval, the Borough Council may refuse to grant final approval. The Borough Council must forward written notice of such refusal to the landowner and/or developer within 45 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application, provided that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said forty-five-day period shall be measured from the 30th day following the date of filing of the administratively complete application. This written notice of refusal shall set forth the reasons why one or more of the said variations are not in the public interest. In the event of such refusal, the landowner and/or developer may either:

(a) Refile the application for final plan approval without the objected variations; or

(b) File a written request with the Borough Council to hold a public hearing on the application for final approval. This public hearing shall be held within 30 days of the Borough's receipt of the request, and the hearing shall be conducted in accordance with the procedures for hearing on tentative plan applications. Within 30 days after the conclusion of the public hearing, the Borough Council shall issue a written decision either granting or denying final plan approval; said decision shall be in the form required for tentative approval.

(3) Either of these actions shall be taken at any time during which the landowner, applicant and/or developer is entitled to apply for final approval or shall be taken within 30 days of receiving the written notice of refusal if the time for filing the final plan application has already passed. In the event that the landowner and/or developer has failed to take any of these actions within the time specified, he shall be deemed to have abandoned the development plan.

1-1006. Recording of approved final plan

The approved final plan shall be recorded by the developer and/or landowner in accordance with, and the developer and/or landowner shall otherwise comply with, the requirements of the Subdivision and Land Development Ordinance.

1-1007. Abandonment of plan; revocation of approval

The final approval of a development plan shall be revoked if the landowner and/or developer provides the Borough with written notice of his/her intention to abandon the plan, or if the landowner and/or developer fails to commence and carry out the PRD in accordance with the time provisions referenced in Section 508 of the MPC, 53 P.S. § 10508, and/or the final plan approval decision. Upon the occurrence of such a revocation, no further development shall occur on the property that is the subject of the revoked development plan unless a subsequent development plan is approved and such development complies with this Ordinance and the Subdivision and Land Development Ordinance.

1-1008. Improvements

No development plan for a PRD shall be finally approved unless all improvements required by this Part 10 have been installed in strict conformance with this Part 10 and the Subdivision and Land Development Ordinance or a guaranty that the improvements will subsequently be installed by the developer and/or landowner, in the form of financial security which complies with the requirements of the Subdivision and Land Development Ordinance and is from a source and in a form acceptable to the Borough Solicitor. Such financial security shall provide for and secure to the public the completion of all improvements for the development plan and/or relevant phase within a period of two years from the date of the final approval of the development plan and/or relevant phase. The developer and/or landowner shall otherwise comply with the requirements of the Subdivision and Land Development Ordinance.

1-1009. Design Standards

A. All improvements within the proposed PRD shall be designed and constructed in accordance with the requirements of this Ordinance, the Subdivision and Land Development Ordinance, and the Borough's Stormwater Management Ordinance and any other applicable Borough ordinance, except as provided in this Part 10. If the provisions of this Part 10 are inconsistent with any other provision of a Borough ordinance, then the provisions of this Part 10 shall govern.

B. The minimum site area required for a PRD shall be twenty acres.

C. All PRDs shall comply with the following basic design, dimensional and density requirements:

1. Permitted Residential and Accessory Uses. The principal uses permitted on a lot or parcel within a PRD shall be strictly limited to the following:

   a. Single-family detached dwelling.

   b. Duplex dwelling.

   c. Townhouses up to four attached units per group thereof

   d. Patio Homes up to four attached units per group thereof

   e. Clubhouse or community center where services and activities are offered to residents of the PRD and their guests.

   f. Common open space.

   g. Community sewage system.

   h. Essential services.

   i. Noncommercial recreation facility subject to restrictions of 1-1116.

   j. Parks and playgrounds.

   k. Accessory Uses as authorized in the Neighborhood Residential District, including home occupations authorized individually as per 1-1203.

   g. Other uses as may be authorized in the base Zoning District in which the PRD site is located.

2. Permitted Nonresidential Principal Uses.

   a. The total of area nonresidential uses authorized within the PRD shall be limited to 25% of the PRD site, said area to include accessory structures, parking, associated outdoor amenities and lawn area of such that no more than 50% of said area consists of impervious surface.

   b. All nonresidential uses authorized in Zoning District in which the PRD is proposed subject to those standards contained in the respective conditional use, special exception, or supplemental standards required of each use.

   c. All nonresidential uses authorized as permitted as of right within the Mixed Use Zoning District subject to any supplemental standards required of each use.

   d. In instances where a special exception or conditional use is required of a nonresidential use authorized in this section, the use shall be subject to review and approval as permitted as of right within the PRD, but shall remain subject to express criteria set forth within the respective conditional use or special exception.

3. Lot Dimensional Standards, Lots bearing Single Family Detached or Duplex Structures

   a. Minimum Lot Size: Single Family: 7,250 square feet; Duplex, 12,500 Square Feet.

   b. Minimum Front Yard: 20 Feet

   c. Minimum Side Yard: 15 Feet Total, neither less than 5.

   d. Minimum Rear Yard: 40 Feet

   e. Minimum Lot Frontage: Single Family Detached: 50 Feet; Duplex: 75 Feet.

4. Lot Dimensional Standards, Lots bearing Townhouses or Patio Homes

   a. Minimum Lot Size: 3,000 square feet per dwelling unit.

   b. Minimum Front Yard: 20 Feet

   b. Minimum Side Yard: 15 Feet or zero feet at party wall.

   d. Minimum Rear Yard: 40 Feet

   e. Minimum Lot Frontage: 25 Feet per unit, minimum of 105 feet.

f. Building Separation: 30 Feet from other principal structures or as required by the Pennsylvania Uniform Construction Code, whichever is greater.

5. Maximum Lot Coverage per Lot: 50%

6. Maximum Impervious Surface Coverage per Lot: 65%

7. Modified Gross Density:

   a. Single Family and Duplex: One unit per acre.

   b. Townhouse or Patio Home: Two units per acre.

   c. Multi-family, where authorized: Three units per acre.

8. A 75-foot yard shall be retained around the perimeter of the PRD.

9. Access to lots and dwellings within the PRD shall be provided by an internal street or access drive network.

10. Bufferyard. Bufferyard "A" shall be provided around the perimeter of the site in accordance with 1-1514.

11. Building groupings. Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities.

12. Tree and plant preservation. Due to the unique nature of a PRD, the development plan shall maintain and preserve the existing trees and plant cover to the maximum extent. Existing trees shall be maintained beyond 20 feet of all perimeter building walls, except in areas where roads, parking, sewer and waterlines, utility lines, sidewalks, and walking trails are required.

13. Sidewalks shall be provided along the road frontage of all lots in the PRD in accordance with the construction and design requirements of the Borough's Construction Standards.

14. A minimum of 45% of the PRD site shall be dedicated as Common Open Space.

D. Incentive Zoning.

1. The Borough desires to encourage the development of recreational amenities at a scale reflecting the recreational needs of all Borough residents as well as safe pedestrian connections between new and existing residential developments that promote safe and routine access to businesses and institutional uses within the Borough. Where the developer provides for such amenities at rates, proportions and to the standards set forth in this section, Modified Gross Density shall be adjusted as set forth in this section.

2. The developer will provide for a combination of the following at rates applying to every unit proposed within the PRD up to the modified gross density authorized in this section.

   a. 3.5 acres of contiguous land within the open space required by this Part dedicated to the Borough for purposes of and use as a public playground. The land shall bear at least 50 feet of frontage on a street within the plan or an existing street and shall be no more than 5% grade. The playground shall have adequate parking spaces. The Borough and developer may mutually agree on the dedication of such land offsite within the Borough.

   b. If Borough Council does not wish to accept an area for playground use, the developer, with approval from Borough Council, may provide for construction of a public trail network through the open space required within the plan in a manner that provides for a ten-foot-wide public trail easement dedicated to the Borough and which logically connects to adjoining existing public pedestrian, street, and parking areas. The trail head will have adequate street access and parking spaces. Where the developer chooses to provide for trails, trails shall be constructed at least six feet in width and will be paved. The trail will be maintained by the PRD or relevant homeowners' association.

   c. In addition to the above dedications and construction, the developer will contribute $3000 per dwelling unit to the Borough for construction of or acquisition of properties associated with the preceding public amenities. The monies shall be payable at the time of building permit for each dwelling unit or units and shall be deposited in a separate account by the Borough. Monies may be transferred to the general fund if needed and used for whatever the Borough deems appropriate.

3. Adjusted modified Gross Density granted to the developer for contributions

as set forth in this section is as follows:

a. Single Family and Duplex: Three dwelling units per acre.

b. Townhouse or Patio Home: Four dwelling units per acre.

c. Multi-family, where authorized: Six dwelling units per acre.

E. Common Open Space Requirements

1. General requirements. Common open space shall be arranged to take maximum advantage of the natural and physical characteristics of the site, to provide buffer yard provisions for adjacent parcels and to place common open space within easy access and view of a majority of the dwelling units. Common open space shall also be located within the development plan so as to comply with the following standards:

a. At least 15% of the common open space lands shall have an existing slope of 25% or less.

b. Common open space land shall be located so as to serve all residents of the development.

c. Common open space shall be dedicated, preserved and maintained so as to always remain open and available for use by the residents of the development.

d. Common open space land shall be accessible from a road within the development plan or shall adjoin and become part of an existing open space area that is accessible from a road within the development plan. The common open space shall also include and connect with the required perimeter buffer yard.

e. Common open space shall have a minimum width of 50 feet.

f. The common open space land shall be compact and contiguous.

g. Land preserved for common open space (with the exception of playgrounds and noncommercial recreation facilities) shall be maintained in its existing, natural character. The developer shall record restrictive covenants, in a form acceptable to the Borough Solicitor, against the common open space land which provide that the common open space shall not be cleared or logged, except upon both the approval of the Borough Council and strict compliance with the Borough's then-existing standards and requirements for the same.

2. Ownership requirements. The common open space land, including all improvements related thereto, shall be:

   a. Dedicated for public use to a public body which agrees to accept, operate and maintain the dedicated land and facilities for their originally intended use, but no public body is obligated by this Ordinance to accept such dedication; or

   b. Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain the land and facilities for their originally intended use. Such organization shall not be dissolved nor dispose of the common open space, by sale or otherwise, unless the maintenance of the common open space is otherwise guaranteed to the Borough's satisfaction; or

   c. Deeded to a conservation organization agreeing to operate and maintain the dedicated land and facilities for their originally intended use. Such organization shall not be dissolved nor dispose of the common open space, by sale or otherwise, unless the maintenance of the common open space is otherwise guaranteed to the Borough's satisfaction.

3. Maintenance requirements.

   a. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

b. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Borough shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

c. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Borough Council or its designated agency, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough Council or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, then the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

d. The decision of the Borough Council or its designated agency shall be subject to appeal to court in the same manner and within the same time limitation as is provided for zoning appeals by this Ordinance.

e. The cost of such maintenance by the Borough shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on said properties. The Borough at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the Butler County Prothonotary's Office upon the properties affected by the lien within the PRD.

F. Street Standards

1. Roads within the development shall be designed to discourage use as through streets.

2. Where adjacent areas are not subdivided and/or developed, the arrangement of roads in the new development plan shall make provisions for the proper projection of roads. Where a new development plan adjoins undeveloped and/or unsubdivided land susceptible to being subdivided and/or developed, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided and/or developed.

3. Where a new development plan is adjacent to a development where streets are carried to or proposed to be carried to any of the boundaries that abut the parcel to be developed, then the roads within the new development plan shall be extended to or connected to the road location or road in the adjacent development

4. Streets, access drives, and parking so be designed and constructed to the standards of the Borough Subdivision Ordinance and the Borough Construction Standards.

5. All PRD's shall bear frontage on and access to a collector road.

1-1010. Deviations by waiver prior to final plan approval

Prior to final plan approval of the PRD, the Borough Council may approve deviations from the requirements of this Part 10. Requests for deviations from the requirements of this Part 10 shall be subject to the application and approval procedures, requirements and standards for waivers provided for within the Subdivision and Land Development Ordinance.

1-1011. Enforcement and modification of final approved plan

Enforcement and modification of provisions of a final approved PRD plan shall be in accordance with Article VII of the MPC, 53 P.S. § 10701 et seq.

1-1012. Nonseverability

The provisions of Part 10 are not severable. In the event any portion of this Part 10 shall be declared invalid and unenforceable, it is the intention of the Borough that the planned residential development regulations of this Part 10 and this Ordinance be eliminated in their entirety.

Part 11, Conditional Uses

1-1101. General provisions

A. Applications for conditional uses, when listed as permissible by this Ordinance, shall be approved or denied by the Borough Council in accordance with the standards and criteria of this Part 11.

B. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, the Planning Commission shall conduct a review of the location, design, configuration, and potential impact of the proposed use by comparing the proposed use to established development standards and design guidelines.

1-1102. Application and approval procedure

A. Application procedure.

1. An application for conditional use approval shall be filed with the Zoning Officer, on forms prescribed by the Borough, and shall not be considered to be administratively complete until all items required by this Ordinance, 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 Ordinance have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Ordinance that have not been met.

3. The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the Planning Commission.

4. The Planning Commission shall review the application and forward its recommendation to the Borough Council.

5. The Borough Council shall hold a public hearing, pursuant to public notice, within the time periods and procedures required by the MPC. 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 MPC.

6. The 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 and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Ordinance 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 considering the facts found.

7. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the MPC.

8. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date.

9. All development, construction and use shall be in accordance with the approved conditional use decision and 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 the conditions attached by the Borough Council. Any development contrary to the approved conditional use decision and plan shall constitute a violation of this Ordinance.

B. Application content.

1 All applications for conditional use approval shall demonstrate compliance with the general standards and criteria of this Part 11; the applicable express standards and criteria of this Part 11; 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:

a. Three full-scale copies and eight half-scale copies of all required plans, maps and drawings.

b. One electronic version/file of all plans, maps and drawings (excluding construction plans), in a Borough-compatible format.

c. Eight copies of all other application materials.

d. An application for conditional use approval shall not be considered administratively complete until all items required by this Ordinance,

including the application fee and/or deposit, have been received by the Zoning Officer.

3 All applications for conditional use approval shall contain the following:

a. A development plan, as defined by this Ordinance;

b. A legal document verifying applicant's legal interest in the subject property (i.e., deed, sales agreement or lease);

c. The application fee and/or deposit in an amount set from time to time by resolution of the Borough Council;

d. Construction plans, where renovations or modifications of an existing building are immediately contemplated, showing the scope, nature and extent of said renovation or modification; and

e. A narrative which details compliance with 1-1512 Performance standards.

C. Expiration of approval. The grant of a conditional use shall expire two years after the date of the Borough Council 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 a zoning use permit or a zoning occupancy permit, whichever is required first, and has commenced the use which is the subject of the conditional use approval. Expiration of the conditional use approval under this section shall require the applicant to reapply for conditional use approval.

1-1103. General standards and criteria

Before approving a conditional use application, the Borough Council shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this Ordinance for a specific type of use or development:

A. The proposed use will not alter the established character and use of the neighborhood or district in which it is located and will not substantially impair the use or development of adjacent properties.

B. The establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

C. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance (unless a variance to any provision has been granted by the Zoning Hearing Board) and all other applicable federal, state, county, and Borough laws, statutes, ordinances and regulations, including but not

limited to the Borough Subdivision and Land Development Ordinance; Borough Stormwater Management Ordinance; and Borough Floodplain Ordinance.

D. The proposed use is compatible with 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.

E. The proposed site of the conditional use is suitable in terms of topography, soil conditions and size, based on number of projected users and the frequency of use of the proposed use.

F. The proposed use and site provide 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 and efficient internal circulation and sufficient off-street parking and loading.

G. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, stormwater management, solid and toxic waste storage and disposal.

H. The proposed use provides landscaping, screening and buffer areas sufficient to protect the use, enjoyment and development of adjacent properties.

1-1104. Adult-oriented businesses

A. The building and accessory parking on which any adult-oriented business is located shall not be within 300 linear feet of the lot line for property on which the following preexisting uses are located:

1. Schools.
2. Child day-care home.
3. Day-care center.
4. Hospital.
5. Group home.
6. Group care facility.
7. Public park or playground.
8. Place of Worship
9. Establishment licensed to serve or sell alcoholic beverages.

B. The lot line of a property on which an adult-oriented business is located shall not be within 1,000 linear feet of any other lot line of a property on which an existing or proposed adult-oriented business is located.

C. No adult-oriented business shall be open for business before 10:00 a.m., Monday through Saturday, or after 10:00 p.m., Monday through Saturday. Adult oriented businesses shall be closed at all times on Sundays and legal state or federal holidays

D. All activities shall take place within a completely enclosed building.

1-1105. Banquet facilities

A. The banquet facility shall be located on a lot with a minimum of five acres if located in the RR District.

B. The establishment shall directly access a collector street.

C. All parking facilities shall be set back at least 75 feet from all property lines adjacent lots in the RR District.

D. Outside ceremonies and functions shall not occur within 125 feet of any property lines adjacent lots in the RR District and shall be limited from dawn to dusk and shall not exceed the limitations set forth in the performance standards of this Ordinance as set forth in Section 1-1512.

E. Other than incidental outside activities such as wedding ceremonies and similar events customarily occurring at a banquet facility, entertainment and primary dining functions shall occur within a completely enclosed building.

1-1106. Bed-and-breakfasts

A. The minimum lot area shall be one acre in the RR District.

B. All rooms and related facilities provided for transient guests shall be regular, integral components of the principal dwelling.

C. The operator of the bed-and-breakfast must own at least a twenty-five-percent interest in the real property upon which the bed-and-breakfast use is operated and shall be a full-time resident of that property.

D. No more than six guest sleeping rooms shall be available and/or utilized at any one time for the transient guests.

E. Each guest sleeping room shall be a minimum of 100 square feet in area, excluding closets.

F. No meals, other than breakfast, shall be served on the premises, nor shall breakfast be served to groups or individuals who are not guests of the facility.

G. One off-street parking space shall be provided on the lot or parcel for each guest sleeping room, plus two additional parking spaces shall be provided for the owner/resident. Parking spaces shall not be placed within the required rear or side yard setbacks. The parking spaces shall be screened from adjacent properties by a compact hedge or fence six feet in height.

H. Sharp cutoff luminaries shall be used for all exterior lighting, except that decorative seasonal lighting shall be exempt from this requirement.

I. The applicant shall document the capacity of on-lot sewage treatment and/or adequacy.

J. As part of the conditional use application process, the facility shall be inspected by the Zoning Officer and Fire Marshal (or agent thereof) to evaluate egress, fire hazard potential, fire escape provisions and fire escape routes for the guests. Each guest room and each hallway of the facility shall be equipped with a smoke detector and fire alarm device. No certificate of occupancy for the facility shall be issued until the respective officers have given approval of the fire provisions and fire warning devices. Each room shall also be posted with a fire excavation route.

1-1107. Billboards

A. Number permitted: one billboard per lot.

B. Yard requirements: 50 feet for all yards, 100 feet from residential district boundaries.

C. Separation between billboards. No such billboards shall be located within 1,500 feet in any direction of any other existing or approved billboard.

D. Maximum sign area. Per billboard. The area of a billboard shall not exceed 100 square feet, with only single-face signs permitted.

E. Maximum height. The height of a billboard shall not exceed 20 feet to the top of the sign.

F. Design. All billboards shall be attached to the ground by a single vertical metal or concrete post, pillar, pole, or column.

G. Illumination. Illumination of billboards shall be by external illumination only, but no direct ray of light shall extend beyond the face of the sign.

H. Owner identification. All billboards shall be identified on the structure with the name and address of the owner of such sign.

I. Animated or digital signs are prohibited.

J. Landscaping requirements.

1. A decorative landscaped strip shall be located immediately adjoining the supporting structure of the billboard and extending a minimum of five feet from the sign in all directions.

2. A hedge or other durable planting of at least two feet in height shall extend the entire length and breadth of the required landscaped strip.

3. The rear side of a single-faced billboard shall be of one color and screened by existing or natural landscaping materials or by a planting of evergreen trees at least six feet tall.

4. Two flowering trees a minimum of six feet in height shall be planted within the required landscaped strip.

1-1108. Cluster Option

A. Purpose. The Cluster Option is instituted in order to provide for flexibility and ingenuity of development in a manner that acts to preserve environmentally sensitive areas and woodlands.

B. Lots shall bear frontage on and sole vehicular access to a local street.

C. Lot Use and Dimensional Requirements:

1. Permitted Principal Uses: Single Family Detached
2. Minimum Lot Size: 15,000 square feet
3. Minimum Front Yard: 25 Feet
4. Minimum Side Yard: 10 Feet
5. Minimum Rear Yard: 40 Feet
6. Minimum Lot Frontage: 80 Feet
7. Density: One Dwelling Unit Per Acre of Site Area.

D. All structures shall be set back a minimum of 60 feet from the boundaries of the site.

E. Open Space and Conservation Area. A minimum of 35% of the site shall be preserved within a conservation easement in favor of the Borough or as a separate open space parcel owned and preserved by a homeowner's association, nonprofit conservancy, or the Borough. Such area shall be contiguous and bear legal access from a street. Open space requirements may be met, in part of whole, by the creation of an estate lot, for which covenants shall be recorded limiting further subdivision of the lot and use of the lot limited to single family residential, accessory uses authorized within the RR District, and/or normal agricultural operations. Proportions of the following features shall be preserved through conservation easements:

1. Woodlands: 30%
2. Steep Slopes: 40%
3. All jurisdictional wetlands on the site.
4. 50-foot buffer from centerline of streams on the site.

F. All covenants and easements cited in this section shall be recorded and set forth as reviewed and approved by the Borough Solicitor and shall run in favor of the Borough.

G. The frontage of the site shall be screened with Bufferyard "A" as per Section 1-1514.

1-1109. Commercial Recreation Facilities

A. Commercial recreation facility uses are specifically limited to the following:

1. Bowling alley.
2. Golf course.
3. Golf driving range.
4. Miniature golf.
5. Baseball/softball batting cages.
6. Baseball/softball fields.
7. Soccer fields.
8. Football fields.
9. Basketball courts.
10. Street hockey rink.
11. Ice hockey rink.
12. Ice- or roller-skating rink.
13. Gymnastics/tumbling center.
14. Health and fitness facility.
15. Swimming club and pool.
16. Tennis club and courts.
17. Racquet/handball club and courts.
18. Indoor shooting range.
19. Amusement establishment.

B. Commercial recreation facilities authorized in the RR District shall be limited to golf courses and driving ranges.

C. Any such use shall comply with the requirements of the Subdivision and Land Development Ordinance.

D. Lighting shall be oriented away from adjacent properties and shall not exceed one footcandle of illumination at the property lot line. The maximum height of freestanding exterior lighting standards shall not exceed 20 feet.

E. No such use shall generate noise in excess of 75 dB(A) at the lot line between the hours of 10:00 p.m. and 7:00 a.m., prevailing time. For purposes of this section, this noise reduction shall be measured from any lot line of property owned by a person or entity other than the owner of the subject recreation facility. Further, outdoor speakers shall not be permitted if there are dwellings located within 500 feet of the subject property in any direction. If outdoor speakers are permitted, the volume and direction of the speakers shall be regulated to minimize impact on adjacent properties.

F. In addition to the requirements of the underlying zoning district in which the recreation facility is proposed to be located, a recreation facility shall also comply with the Performance Standards of this Ordinance.

G. The use shall have frontage on and direct vehicular access to a collector road.

H. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.

I. Adequate sanitary facilities shall be provided that are available for public use.

J. The location of buildings and facilities, traffic circulation on the site and parking areas shall be designed to provide adequate access for emergency vehicles.

K. Any outdoor facility within 300 feet of an existing dwelling shall cease operations by no later than 10:00 p.m., prevailing time, unless an earlier time is established by the Borough Council as part of its conditional use decision.

L. Any use which includes eating or drinking facilities shall be subject to the parking requirements of that use in addition to the parking requirements of the commercial recreation use.

M. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

1-1110. Communications Towers and Facilities

A. Purpose. By enacting the following standards for Communications Towers and Facilities, the Borough intends to:

(1) Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision for necessary services;

(2) Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;

(3) Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Borough, including facilities both inside and outside the public rights-of-way;

(4) Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities;

(5) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate their commercial communications antennas and related facilities on existing towers;

(6) Promote the health, safety and welfare of the Borough's residents and businesses with respect to wireless communication facilities;

(7) Protect the Borough's residents and businesses from the potential adverse impacts of wireless communication facilities and to preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

(8) Ensure compliance with federal and state regulation.

B. The following definitions shall apply to this section 1-1110:

Accessory Equipment: Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

Antenna: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services. An antenna shall not include private residence-mounted satellite dishes or television

antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Base Station: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the Borough under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the Borough under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Distributed antenna systems (DAS): a network of spatially separated antenna site connected to a common source that provides wireless service with in a geographic area of structure.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Emergency: A condition that (i) constitutes a clear and immediate danger to the health, welfare, or safety of the public or (ii) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

Equipment Compound: An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

Ft. Worth Attachment: A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

Height, Wireless Communications Facility (WCF): The vertical measurement from the mean level of the ground surrounding the WCF if ground-mounted, or the higher of a roof or parapet if building-mounted, to the highest part of the WCF, Monopole, Tower or other Wireless Support Structure.

Modification or Modify: The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Monopole: A tower which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

Non-Tower Wireless Communications Facilities (Non-Tower WCF): Wireless communications facilities other than Tower-Based Wireless Communications Facilities.

Replacement: The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Right-of-Way (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to

that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Small Cell Facility(ies): DAS mounted on structures 50 feet or less in height including their antennas; facilities that are mounted on structures no more than 10 percent taller than other adjacent structures; or facilities that do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater. Deployment of facilities: Each antenna associated with the deployment, excluding the associated equipment, is no more than three cubic feet in volume; and all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume. The preceding shall be limited to the extent that such limitations do not exceed the definition criteria specifically set forth by the Federal Communications Commission.

Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Substantial Change OR Substantially Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site.

Tower: Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A Ft. Worth Attachment shall not be considered a tower,

Tower-Based Wireless Communications Facilities (Tower-Based WCF): Wireless communications facilities that include the installation of a new tower to support the transmission equipment.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

WBCA: The Pennsylvania Wireless Broadband Collocation Act (Act 191), 53 P.S. § 11702.1

Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

Wireless Communications Facility (WCF): The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

Wireless Support Structure: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

C. Permitted Uses for Wireless Communication Facilities.

1. Tower-Based WCFs not located within a right-of way are prohibited in the following districts: RR Rural Residential, NR Neighborhood Residential and MU Mixed Use District.

2. Tower-Based WCFs not located within a right-of-way, are permitted by Conditional Use, subject to the requirements of Section D and Section H, in the following districts: IR, Institutional Residential and LSC, Large Scale Commercial Districts.

3. Tower-Based WCFs located within a right-of-way are permitted by Conditional Use in the following districts: IR, Institutional Residential and LSC, Large Scale Commercial, subject to the requirements of Section D and Section I.

4. Non-Tower WCFs are permitted by right in all zoning districts and within a right-of-way subject to the requirements of Section D and the applicable permit requirements of Section H. Non-Tower WCF's located within a right-of-way in a residential district or residential area shall be located to the greatest extent possible so that the WCF is not seen directly from any residence.

5. Eligible Facilities Requests that do not substantially change the tower or base station are permitted by right in all zoning districts and within a right-of-way without regard to the other requirements of this section, Section D, or Section I.

D. Bulk and Area Requirements, Tower Based

Location:		WCF out of ROW	WCF in ROW
Height		If permitted in the zoning district, Tower-Based WCFs shall be designed to minimum functional height but not to exceed 150 feet. Applicants must submit documentation justifying the total height.	If permitted in the zoning district, Tower-Based WCFs shall be designed to minimum functional height, not to exceed 40 feet on a new tower or 45 feet on an existing tower, in the IR District, and 60 feet in LSC District. Applicants must submit documentation justifying the total height.
Lot size	Only use on lot:	Subject to underlying zoning district.	Not Applicable.
	Combined with another use on lot:	Area needed to accommodate the WCF and guy wires (if approved), equipment building or cabinets, security fence, and buffer planting.	Not Applicable.
Setbacks	Towers:	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not Applicable.
	Equipment buildings/cabinets:	Subject to applicable minimum building setback in the underlying zoning district.	Not Applicable.

D. Bulk and Area Requirements, Non-Tower Based

		WCF out of ROW	WCF in ROW
Height	On building or similar structure:	WCF shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a Conditional Use under Section I.	Not Applicable.
	On electrical transmission towers, street lights, utility poles, traffic signals, signs and similar structures:	WCF shall not exceed a height of 5 feet above the electrical transmission tower, street light, utility pole, traffic signal, sign and similar structure, unless the SCF obtains a Conditional Use under Section I.	WCF located above the surface grade shall consist of equipment components designed at the minimum functional height.
Setbacks	Mounted antenna:	Not Applicable.	Not Applicable.
	Equipment buildings/cabinets:	WCF Equipment buildings/cabinets shall comply with the applicable minimum building setback requirements in the underlying zoning district.	Not Applicable.
Lot size	Subject to applicable minimum lot size in the underlying zoning district.		Not Applicable.

E. Design, Construction and Operations

1. All WCFs shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable federal and state technical and safety codes.

2. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communication services.

3. Collocation. Tower-based WCFs outside of the right-of-way shall be designed to accommodate both the WCF applicant's antennas and comparable antennas for future users. As a condition of approval for all tower-based WCFs, the WCF applicant shall agree to allow other service providers to collocate antennas on tower-based WCFs where technically and economically feasible.

4. Signage. Tower-based WCFs not located within the right of way shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Borough and is limited to a maximum size of two (2) square feet. Tower-based WCF's located within the right of way shall have the same sign or label affixed to either the tower or the WCF, limited to the maximum size necessary to legibly provide the required information. Such signage shall not protrude from the tower or the WCF and is subject to approval by the Borough.

5. Lighting. A tower shall not be artificially lighted beyond what is required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

6. Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by state law and not to exceed 45 dBA as measured from the nearest property line on which the attached wireless communications facility is located except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis. The use of generators for WCFs within the rights-of-way is prohibited.

7. Access.

   (a) An access drive and one off-street parking space shall be provided to ensure adequate emergency and service access to tower-based WCFs outside of the right-of-way.

(b) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

(c) Where possible, access drive construction shall at all times minimize ground disturbance and the cutting of vegetation.

(d) Access drive grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

(e) Where applicable, the WCF owner shall present documentation to Borough that the property owner has granted an easement for the proposed facility and maintenance responsibilities.

(f) The access easement shall be a minimum of 20 feet in width and the access drive shall be improved with a dust-free, all weather surface to a width of at least 10 feet throughout its entire length.

(g) Vehicular access to the WCF shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot. However, where appropriate and available, existing parking for the principal use may be utilized.

8 Fencing. A security fence with a minimum height of eight (8) feet shall surround any Tower-based WCF located outside a right-of-way, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the Council where in the opinion of the Council the fence would not be appropriate or feasible. All fencing must be in accordance with the provisions of the Borough Code.

9. Mounting. Any applicant proposing a non-tower WCF to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure for review by the Borough building codes office and/or the Borough Engineer for compliance with the building code.

10. Safety in Rights-of-Way.

(a) Schedule of operations. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the right-of-way based on public safety, traffic management, physical burden on the right-of-way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

(b) Emergency. Within 60 days following written notice from the Borough, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:

(1) The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way.

(2) The operations of the Borough or other governmental entity in the right-of-way.

(3) Vacation of a street or road or the release of a utility easement.

(4) An emergency as determined by the Borough.

(5) No permit is required for such removal, relocation, change or alteration ordered by the Borough.

11. Visual obstruction. All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Borough. When feasible, all equipment shall be pole mounted prior to ground mounting the equipment. For WCFs located within the right-of-way, no ground-mounted equipment may extend or protrude past the associated tower to the edge of the curb or cartway.

12. Maintenance. The WCF applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.

13. Soil report. A soil report complying with the standards of geotechnical investigations of the Electronics Industry Association and Telecommunications Industry Association, shall be submitted to the Borough Engineer prior to construction to document and verify the design specifications of the foundation for the wireless support structure and anchors for the guy wires, if used.

14. Interference. All WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication

services enjoyed by occupants of nearby properties. In the event that the WCF causes interference with the radio or television reception within the Borough, the WCF applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

15. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

16. Inspections.

    (a) A copy of any inspection report shall be provided to the Borough following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Borough.

    (b) In accordance with and subject to existing law, the Borough reserves the right to inspect any WCF to ensure compliance with the provisions of the Chapter and any other provisions found within the Borough code, state, or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

17. Historic buildings or districts. A WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.

F. Aesthetics, Landscaping, Screening, and Related Standards

1. Stealth Technology. The WCF shall employ the most current stealth technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. All utility buildings and accessory structures shall be designed to blend into the environment in which they are situated. All proposed Tower-Based WCFs must provide documentation detailing the proposed stealth technology which shall meet, but not be limited to the following standards:

    (a) The WCF shall employ the most-current camouflaging methods available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Generally, where WCF's lie within or near wooded or natural vegetation, consistent camouflaging methods shall be used. The application of the camouflaging methods chosen by the WCF applicant shall be subject to the approval of the Borough.

(b) Where the proposed site abuts a residential zoning district, tower-based WCFs shall be permitted only where they are disguised by attaching them to an existing tall structure where the proposed tower-based WCF does not increase the height of the existing structure or by disguising the tower-based WCF so it resembles a tree, a silo, or a church steeple so that it will fit in with the residential character of the community.

2. Landscaping Design. Tower-based WCF located outside the right-of-way shall submit a landscape design describing the following:

(a) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

(b) An evergreen screen shall be created by planting trees (a minimum of six feet [6'] tall at planting that will grow to a minimum of fifteen feet [15'] tall at maturity) on ten-foot (10') centers maximum around the perimeter of the security fence.

(c) Ground mounted equipment associated with, or connected to, a tower-based WCF shall be screened from public view using landscaping and/or screening, as described above.

(d) In lieu of an evergreen screen, the Borough Council may instead approve the use of an artificial screen, topography, walls, decorative fences or other features. Furthermore, the requirement for evergreen screening may be waived by the Borough Council where in the opinion of Council, the evergreen screening would not be appropriate or feasible.

3. Any graffiti on the tower or on any related equipment shall be immediately removed at the sole expense of the WCF owner.

4. Scale and Design Standards for Small Cell Facilities

(a) Antenna. Antenna shall be mounted to existing poles, wherever feasible. Antenna shall be mounted at the top of the pole and shall not increase the height of the pole by more than five (5') feet. Antenna positioning and concealment shall also meet the following standards:

(1) Diameter of the shroud shall not exceed twenty-four (24") inches.

(2) Mounting hardware shall be concealed by the inclusion of a tapered concealment shroud connecting the base of the radio shroud to the pole.

(3) Cabling traversing the pole shall be covered using minimum two (2") inches in diameter U-guard of steel or aluminum construction.

(4) Color of shroud and mounting equipment shall be made to match the existing pole color or shall otherwise meet the standards of this part 1-1110.

(b) Radio Equipment

(1) Radio Shroud shall be mounted no lower than fifteen (15') feet above ground level (AGL)

(2) Radio shroud dimensions shall not exceed eleven (11ft3) cubic feet.

(3) Cabling entering and exiting the radio shroud must be adjacent to the pole.

(4) Cabling traversing the pole shall be covered using minimum two (2") inches in diameter U-guard of steel or aluminum construction.

(5) Color of shroud and mounting equipment shall be made to match the existing pole color or shall otherwise meet the standards of this part 1-1110.

(c) Color. New poles or equipment shall be black in color, using Gloss Black #17038 per Federal Standard 595, unless located within or near wooded areas or natural vegetation, whereby Council may require use of traditional camouflage.

G. Replacement, Collocation, or Modification

1. Notwithstanding the requirements for Tower-Based WCF and Non-Tower Based WCFs, as set forth in this sub-part, an application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility shall be reviewed for conformance with the Borough building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved towers shall not be subject to the issuance of new zoning or land use approvals, provided that there is no substantial change.

2. Replacement, collocation or modification of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the applicant obtaining a zoning permit from the Borough.

3. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, resulting in any increase in the overall height of such WCF, Monopole, Tower or other Wireless Support Structure, shall first obtain all necessary permits and approvals from the Borough. Non-routine modifications shall be prohibited without prior approval from the Borough.

H. Conditional Use and Permit Requirements

1. A permit from the Borough shall be required for the construction, erection, modification, replacement or installation of all WCFs and wireless support structures. Within sixty (60) calendar days of the date that a fully completed application for a WCF is received by the Borough, the Borough shall review the application and advise the applicant if a permit will be issued.

2. In addition to all other permit requirements under this Chapter, a permit application for a WCF shall not be approved or considered complete unless the Borough finds that the applicant has complied with all of the following conditions, as applicable:

(a) Collocation. An application for a new Tower-Based WCF outside of the right-of-way shall not be approved unless the Borough finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be collocated on an existing or approved structure or building within a one (1) mile radius of the proposed tower-based WCF location to achieve the coverage or capacity objectives of the applicant.

(b) Gap in Coverage, Lack of Adequate Capacity, and Lack of Alternatives. An applicant for a Tower-Based WCF where required must demonstrate that a significant gap in wireless coverage exists or lack of adequate capacity is likely to exist within six (6) months of the filing of its application with respect to the WCF applicant in the area. It shall be incumbent upon the applicant to prove to the reasonable satisfaction of Council that the applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.

(c) Authorization. An applicant for all WCFs shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed facility on the subject property.

(d) Licensing and applicable regulations. When applicable, an applicant must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses, including the name, address, and emergency telephone number for the operator of the facility.

(e) Emissions. The applicant shall demonstrate that the proposed WCF, by itself or in conjunction with other WCFs, complies with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.

(f) Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.

(g) Engineer Inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Borough a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional use hearing or, at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

(h) Additional Antennas. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennas without obtaining the prior written approval of the Borough.

3. Conditional Use Authorization. Prior to Council's approval of a conditional use authorizing the construction and installation of a Tower-Based WCF, the applicant must provide the following along with a conditional use application:

(a) A propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.

(b) Documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety and designed to withstand the effects of wind according to the standard designed by the American National Standards Institute.

(c) Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to Council that the owner of the property has granted an easement for the proposed WTF and that vehicular access will be provided to the facility, as set forth in this Chapter.

(d) Documentation and other evidence demonstrating that the proposed Tower-Based WCF complies with all applicable provisions in this Chapter including but not limited to height requirements, design, construction and operation requirements, safety requirements, and aesthetic, landscaping, and screening requirements.

4. Conditional Use Approval for Tower-Based WCFs in Right-of-Way. In addition to the requirements in Section 4, Tower-Based WCFs located within a right-of- and permitted by Conditional Use are permitted unless the primary components of utilities, including but not limited to the main utility lines, are located underground within one hundred feet (100') of the proposed tower or base station. Documentation evidencing the location of surrounding utilities shall be provided by the applicant with the conditional use application.

5. Permit and Conditional Use Fees. The Borough may assess appropriate and reasonable permit and conditional use fees directly related to the actual costs of experts and staff for reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and related costs. The amount of this fee may not be in excess of the actual reasonable costs of such actions.

6. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every Tower-Based WCF in a right-of-way is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use

and occupancy of the right-of-way. Such compensation for the right-of-way use shall be directly related to the Borough's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Borough. The owner of each Tower-Based WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.

7. Guy Wires Approval. Guy wires may only be used for WCFs upon conditional use approval for the use of guy wires. Documentation evidencing the need for the guy wires and a description of the guy wire installation must be provided by the applicant with the conditional use application.

8. Borough Planning Commission Review. Council may elect to receive comment, recommendations, and feedback from the Valencia Borough Planning Commission to assist with Council's conditional use decisions.

9. Borough Standards for Conditional Use Approval. In addition to demonstrating compliance with all requirements of this Article, an applicant seeking conditional use approval must also fulfill all requirements and standards for conditional use approval set forth under 1-1103, Conditional Uses.

I. Discontinuation, Abandonment and Removal

1. Nonconforming WCFs. Any nonconforming WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Chapter.

2. Discontinuation. In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

   (a) All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.

   (b) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the municipality, the WCF and accessory

facilities and equipment may be removed by the municipality and the cost of removal assessed against the legal or equitable owner of the WCF.

(c) Any unused portions of WCFs, including antennas, shall be removed within six (6) months of the time of cessation of operations. The Borough must approve all replacements of portions of a Tower-Based WCF previously removed.

3. Bonding. The facility owner or operator shall post and maintain funds for removal of all structures associated with the WCF in an amount equal to the identified removal costs, as adjusted over time. The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Borough. An independent and certified Professional Engineer shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the Borough after the first year of operation and every five (5) years thereafter.

J. Permit Processing Time Frames.

1. For a Non-Tower Based WCF:

(a) Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Borough, the 'Borough shall notify the applicant in writing of any information that may be required to complete such application.

(b) Upon submission to the Borough of the additional required information, the Borough shall within ten (10) days notify the applicant if the application is now complete.

(c) For those applications for Non-Tower Based WCF's that do not Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within sixty (60) days the Borough shall make its final decision on whether to approve the application.

(d) For those applications for Non-Tower Based WCF's that do Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within ninety (90) days the Borough shall make its final decision on whether to approve the application.

(e) The decision of the Borough shall be made in writing and provided to the applicant.

(f) If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough s sixty (60) or ninety (90) day review periods, as applicable. These timing requirements in this section shall only apply to proposed facilities that fall under the WBCA.

2. For a Tower-Based WCF:

(a) Within thirty (30) calendar days of the date that an application for a new Tower-Based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application.

(b) Upon submission to the Borough of the additional required information, the Borough shall within ten (10) days notify the applicant if the application is now complete.

(c) All applications for Tower-Based WCF's shall be acted upon within one- hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Borough shall advise the applicant in writing of its decision.

(d) If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

3. For Small Cell Facilities

(a) Within thirty (30) calendar days of the date that an application for a new Tower-Based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application.

(b) Upon submission to the Borough of the additional required information, the Borough shall within ten (10) days notify the applicant if the application is now complete.

(c) All applications for Tower-Based WCF's shall be acted upon within ninety (90) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Borough shall advise the applicant in writing of its decision.

(d) All applications for Non-Tower-Based WCF's shall be acted upon within sixty (60) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Borough shall advise the applicant in writing of its decision.

(e) If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the above review periods.

1-1111. Large-scale retail or service

A. Minimum site acreage: three acres.

B. Maximum impervious coverage: 60%.

C. Access to the retail center shall be limited to one point of ingress and/or egress on a collector or arterial street.

1-1112. Medical clinics

A. The facility shall have access directly from a collector or arterial street as classified by the Subdivision and Land Development Ordinance.

B. Parking shall be provided at the rate of one space for each 200 square feet of floor area, and parking areas shall not be located between the front wall of the building and the street right-of-way line.

C. The facility and use shall be licensed by the appropriate departments and/or agencies of the Commonwealth of Pennsylvania. Said valid license and all appropriate documentation shall be submitted to the Borough.

D. The facility and use shall be conducted in a manner that does not violate any provisions of this Ordinance or any other federal, state, county or Borough statute, law, regulations, ordinance and/or resolution. The facility should have similar architectural features and incorporate similar materials as that of residential structures in the zoning districts where permitted.

E. The facility and use shall be staffed during all hours of operation by personnel licensed by the Pennsylvania Department of Health.

F. The applicant shall provide a community impact analysis consisting of the following information:

1. Hours of operation.

2. Patient treatment capacity.

3. Average daily patient visits.

4. Average number of daily vehicle trips estimated to be generated by the facility, with peak-hour vehicle trip ends identified.

5. Any and all public transportation connections that may serve the facility.

6. Estimated level of emergency police, fire, ambulance, etc. calls on a monthly basis generated by the facility.

7. Documentation concerning all personnel, licensed by the Pennsylvania Department of Health. Any change in this information to any such approved use shall be reported to the Borough within 30 days.

8. Any and all security measures to be instituted within the facility.

9. Any and all security measures to be instituted on the lot or parcel.

1-1113. Mineral extraction

A. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Borough that all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP) are met.

B. There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).

C. Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a wilderness trout stream, by the Pennsylvania Department of Environmental Protection (DEP) as part of the scenic rivers system or designated under the Federal Wild and Scenic Rivers Act.

D. No mineral removal shall be conducted within 300 feet of any public or private building, school, church, community or institutional building, commercial building, public park or private recreational area.

E. No mineral removal shall be conducted within 100 feet of the outside street right-of-way line of any public or private street, except where access roads or haulage roads join the street right-of-way line and where the appropriate state or federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with the law.

F. No mineral removal shall be conducted which will adversely affect any publicly owned park or place included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

G. No mineral removal shall be conducted within 100 feet of a cemetery.

H. No mineral removal shall be conducted within 300 feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.

I. The applicant shall present expert testimony to demonstrate that the proposed mineral action will not adversely affect any of the following:

(1) Lawful existing or permitted use of adjacent properties.

(2) The quality or adequacy of any public or private water supply source.

(3) Any flood-prone or landslide-prone areas within the Borough.

J. The applicant shall present a detailed study for review by the Borough Engineer as well as expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.

K. If blasting is to be undertaken, seismographs shall be placed on the site of the operation as required by the Pennsylvania Department of Environmental Protection during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Borough and whose fee is paid by the applicant.

L. The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

M. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on state, county and Borough streets and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Borough. The designated hauling route shall be subject to approval by the Borough. In order to exceed the Borough's street and/or bridge weight limits, the applicant must provide financial security for the streets and/or bridges included in the designated hauling route and execute a road maintenance agreement, as prepared by the Borough Solicitor.

N. The operator shall post a bond in favor of the Borough and in a form and amount acceptable to the Borough prior to beginning operations to guarantee restoration of Borough streets which may be damaged during the mineral removal operations.

O. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

P. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operation. Any suspension or revocation of the required state or federal permits shall constitute a violation of this Ordinance.

Q. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six months of the date of approval of the conditional use application by the Borough Council, unless the applicant submits a written request for an extension prior to the expiration of the six months after the date of approval.

R. Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one year from the date of conditional use approval by the Borough Council. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required federal and state permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.

S. During the mineral removal operation, the Borough Engineer may inspect the site at the request of the Borough Council to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Borough Engineer shall be borne by the operator.

1-1114. Multi-Family Dwellings

A. Unless otherwise set forth below, the structure shall adhere to the dimensional standards of the underlying zoning district.

B. Minimum side and rear yard: 60 feet, plus 25 feet per story above three.

C. Minimum distance between principal buildings: 50 feet.

D. The dwellings and establishments shall be served by public water and public sewer.

E. Maximum Height: Two- and one-half stories.

F. Minimum Site Area shall be five acres.

1-1115. Natural Gas Compressor Station/Natural Gas Processing Plant

A. Natural Gas Compressor Station or Natural Gas Processing Plant shall meet the location restrictions established by the Commonwealth, its regulatory agencies and found in those Environmental Acts.

B. No Natural Gas Compressor Station or Natural Gas Processing Plant shall be located closer than 1,000 feet from any dwelling, occupied structure, library, school, place of worship, or recreation use areas on adjacent properties unless a written waiver is submitted by the owner of such structures or properties.

C. A Natural Gas Compressor Station or Natural Gas Processing Plant shall only be permitted to be located on property that is a minimum of ten (10) acres or larger. Multiple properties may be combined to meet the ten (10) acre minimum.

D. The Applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The Applicant shall notify the Borough immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Borough-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

E. First Responders shall have on-site orientation and be provided with adequate awareness information. Upon request from the Borough, Applicant will, prior to operations, make available at its sole cost and expense, an approximate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Applicant anticipates operations in the Borough.

F. Noise standards for Natural Gas Compressor Stations and Natural Gas Processing Plant shall meet the Performance Standards of 1-1512. In the event that an Applicant is unable to meet the aforementioned requirements the Applicant may either:

   1. Utilize appropriate noise mitigation measures that may include sound barriers or such technology or devices that will allow the Applicant to meet said noise requirements; or

   2. Obtain a release waiver of said noise requirements from the owners/renters of those properties which would be affected by noise conditions in excess of that allowed.

G. The Applicant shall take the necessary safeguards to ensure that the paved Borough roads utilized shall remain free of dirt, mud, chemicals, and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud, and/or debris occur.

H. Applicant shall take necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associate with development, Applicant will provide flag persons or other alternative and approved safety mechanisms to ensure the safety of children at or near schools or school bus stops and include adequate sign and/or warning measure for truck traffic and vehicular traffic. Applicant will coordinate its efforts with affected school districts to as to minimize heavy truck traffic during the hours school busses are pick up or dropping off children.

I. A copy of Highway Occupancy Permits and other permits already obtained at the time of the application submission. If no such permit has been obtained, the Applicant shall provide a copy of its application for the HOP and with an approved permit when obtained. A driveway permit shall be required if the entrance to the site is on a Borough road.

J. The access drive off the public road to the Natural Gas Compressor Station or Natural Gas Processing Plant site shall be gated at the entrance to prevent illegal access.

K. Fencing of at least six (6) feet in height shall be installed around all Natural Gas Compressor Stations and natural Gas Processing Plants.

L. Site lighting shall be directed downward and inward toward the Natural Gas Compressor Station or Natural Gas Processing Plant so as to minimize glare on public roads and adjacent building and properties.

1-1116. Noncommercial recreation facilities

A. Noncommercial recreation facility uses are specifically limited to the following:

1. Baseball/softball fields.
2. Soccer fields.
3. Football fields.
4. Basketball courts.
5. Tennis courts.
6. Hiking and bicycle trails.

B. Accessory uses to the noncommercial recreation facility are specifically limited to the following:

1. Restrooms.

2. Concession stand limited to a maximum gross floor area of 500 square feet. See Subsection C below.

3. Fences.

4. Safety/security lighting. See Subsection F below.

5. Off-street parking areas.

6. Trash collection facilities.

C. The use shall not include any retail sales and service establishment, except for the sale of food and beverages from an enclosed concession stand that has a maximum gross floor area of 500 square feet.

D. The use shall not include any permanent spectator seats or bleachers.

E. The use shall comply with the requirements of the Subdivision and Land Development Ordinance.

F. The use shall not include outdoor lighting, except for safety/security lighting which shall be a maximum of 1/2 footcandle measured at three feet above ground level and shall not spill over onto adjacent properties. The maximum height of freestanding exterior safety/security lighting standards shall not exceed 20 feet.

G. The use shall not include outdoor speakers.

H. The use shall not generate noise in excess of 75 dBA. at the lot line between the hours of 10:00 p.m. and 7:00 a.m., prevailing time. For purposes of this section, this noise reduction shall be measured from any lot line of property owned by a person or entity other than the owner of the subject recreation facility.

I. In addition to the requirements of the underlying zoning district in which the recreation facility is proposed to be located, a recreation facility shall also comply with the requirements of Part 15, Supplemental Regulations Applicable to All Districts; Part 14, Off-Street Parking and Loading; and Part 13, Signs.

J. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

1-1117. Oil and Gas Well Operations

A. A company, entity or person desiring to engage in Oil and Gas Well Site Development shall obtain a Zoning Certificate from the Borough.

B. Application Requirements. The Application must include the following information:

1. A written narrative signed and dated by the applicant, describing the proposed use outlining an approximate time line for the proposed development.

2. Written authorization from the property owners. who has legal or equitable title in and to the surface of the proposed Development. A copy of the oil and gas, mineral or other subsurface lease agreement or similar document vesting legal or equitable title to the surface will constitute written authorization.

3. The name and address of each property owner for each property within 1,000 feet of the proposed well, as well as all abutting property owners.

4. A copy of the Applicant's Erosion and Sediment Control Plan ESCGP-2. and Post-Construction Stormwater Management Plan if said plans have been prepared by a licensed professional e.g. engineer, surveyor, geologist or landscape architect. who is registered in Pennsylvania and who has attended up-to-date training provided by Pennsylvania Department of Environmental Protection, Office of Oil and Gas Management on erosion and sediment control and post construction stormwater management for oil and gas activities.

5. A road access plan showing both temporary and permanent access routes and identifying all ingress and egress points.

6. If any weight-restricted Borough roads will be used by Applicant for any oil and gas development or operations, Applicant shall comply with any applicable Borough ordinances, PennDOT regulations, Borough road bonding requirements and provide proof of bonding of said roads and enter into a road maintenance agreement with the Borough. In lieu of road bonding, the Borough and Applicant may mutually agree to other terms to provide for restoration of the affected roads.

7. A copy of Highway Occupancy Permits and other permits already obtained at the time of the application submission. If no such permit has been obtained, the Applicant shall provide a copy of its application for the HOP and with an approved permit when obtained. A driveway permit shall be required if the entrance to the site is on a Borough road.

8. A copy of the Applicant's Preparedness, Prevention and Contingency Plan.

9. The name of an individual or individuals and their emergency contact information for the Borough or residents to report emergencies 24 hours a day for each day of the week.

10. Fee reimbursement. The applicant agrees to reimburse the Borough for all fees permitted under Section 617.3e. of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10617.3e.

C. Minimum Lot Requirement. Oil and gas well site development shall only be permitted to be located on property that is a minimum of ten (10) acres or larger. Multiple properties may be combined to meet the ten (10) acre minimum.

D. State and Federal Compliance. The Applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The Applicant shall notify the Borough immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Borough-issued permits will herby be deemed suspended or revoked until state and/or federal compliance is reached.

E. Access roads. Access to any well site shall be arranged to minimize danger to traffic and nuisance to surrounding properties and to maintain the integrity of Borough roads. The following shall apply:

1. The access road to the well site, beginning with its intersection with a Borough road, shall be paved for the first 50 feet and shall be improved with gravel or limestone for the remaining length in a manner that would reasonably minimize water, sediment, or debris carried onto any public road. This shall be in place prior to the commencement of drilling operations.

2. All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, Sulphur water, or water in mixture with any type of hydrocarbon be used for dust abatement.

F. Traffic. The Applicant shall take necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associate with development, Applicant will provide flag persons or other alternative and approved safety mechanisms to ensure the safety of children at or near schools or school bus stops and include adequate sign and/or warning measure for truck traffic and vehicular traffic. Applicant will coordinate its efforts with affected school districts to as to minimize heavy truck traffic during the hours school busses are pick up or dropping off children.

G. Site Orientation. Before drilling, First Responders shall have on-site orientation and be provided with adequate awareness information. Upon request from the Borough, Applicant will, prior to drilling of an oil or gas well, make available at its sole cost and expense, an approximate site orientation for First Responders. Such

site orientation shall be made available at least annually during the period when the Applicant anticipates drilling activities in the Borough.

H. Noise standards for Oil and Gas Well Site Development shall meet the performance standards of this Ordinance In the event that an Applicant is unable to meet the aforementioned requirements the Applicant may either:

1. Utilize appropriate noise mitigation measures that may include sound barriers or such technology or devices that will allow the Applicant to meet said noise requirements; or

2. Obtain a release waiver of said noise requirements from the owners/renters of those properties which would be affected by noise conditions in excess of that allowed.

I. Lights. No Applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on public road, protected use, adjacent property, or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

J. Water Storage. Temporary water storage tanks or impoundments are permitted on the same lot provided the applicant shall adhere to the following:

1. Impoundment must be 200 feet from property lines;

2. A copy of the Pennsylvania Department of Environmental Protection permits., if applicable, must be provided at the time of application or when available;

3. Chain-link fencing must be installed around any impoundment and shall be at least eight feet in heights; and

4. The impoundment must be reclaimed in accordance with Department of Environmental Protection's rules and regulations after all of the proposed wells have been completed, or after each well is completed in the event that no additional wells are to be drilled within three months.

K. Operating times. All site preparation and pre-production activities on the site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities shall be permitted only on Mondays through Saturdays (with the exception of federal and/or state holidays) between the hours of 7:00 am and 5:00 pm, prevailing time, or as otherwise authorized by the Borough Council. The active drilling and completion phases are exempt from the limitations of this paragraph.

L. Signage, site identification. All signage must comply with Pennsylvania Department of Environmental Protection's "Unconventional Well 911 Emergency Response Information" Regulations, 35 Pa. C.S. § 7321(a)(4) and Pa. Code § 78.55(e), as may be amended.

1-1118. Place of Worship

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

B. Lot and impervious surface coverage: 75%.

1-1119. Uses not expressly listed in any zoning district

A use not expressly listed as a permitted use, conditional use or special exception may be permitted as a conditional use in the LSC District upon the applicant demonstrating that the proposed use satisfies the general standards and criteria referenced in 1-1103 and the following requirements:

A. The proposed use will not endanger the public health, safety or welfare if located where proposed, and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

B. The proposed use meets all applicable dimensional and lot and yard regulations for the LSC District, all other expressed standards and criteria for comparable uses, and any requirements of this chapter for the LSC District.

C. The proposed use is in general conformity with the Borough's Community Development Objectives and in harmony with the area in which it is proposed.

D. The proposed use is an appropriate use on the proposed site.

E. The proposed use is in compliance with all other standards of this chapter, the Borough Subdivision and Land Development Ordinance, and all other Borough ordinances.

Part 12, Special Exceptions

1-1201. General provisions

A. Applications for special exceptions, when listed as permissible by this Ordinance, shall be approved or denied by the Zoning Hearing Board in accordance with the standards and criteria of Part 18.

1-1202. Family child care home

A. The facility shall be licensed by the Department of Human Services. Proof of this valid license shall be provided to the Borough prior to the Borough's issuance of a zoning occupancy permit for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible Police Department and Borough Fire Departments.

B. A minimum area for indoor play shall be provided at a ratio of 40 square feet per child.

C. A minimum area for outdoor play shall be provided at a ratio of 65 square feet per child using the outdoor play area. Long, linear configurations shall be avoided to assure the functionality of the space as an outdoor play area. The outdoor play area shall also:

1. Not be less than 20 feet in width at any point.
2. Adjoin the building where the facility is located.
3. Not be located less than 30 feet from any street right-of-way.
4. Not be located less than 10 feet from any property line.
5. Be completely enclosed by a safe, secure and adequate fence or wall a minimum of four feet in height, unless a greater height is required by the Borough Council. Any outdoor play area potentially susceptible to encountering vehicles leaving a street, travel lanes or accessways shall be protected by a barrier capable of preventing the vehicle from entering the outdoor play area.
6. Contain appropriate yielding surfaces underneath any permanent play equipment.

D. Safe vehicular access and areas for discharging and picking up children shall be provided.

E. Minimum Lot Area: 20,000 square feet.

1-1203. Home occupations

A. The home occupation shall be carried on by a member or members of the family residing in the dwelling unit. No additional employees shall work onsite unless authorized by Table 1-1203-L.

B. Whether operated within the principal residential or an accessory structure, the area in which the home occupation is operated shall not exceed 25% of the gross floor area of the principal dwelling.

C. There shall be no exterior product displays or signs, either on or off the premises, other than a small identification sign as authorized in Part 13, Signs.

D. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.

E. The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.

F. There shall be no use of materials or equipment except that of similar power and type customarily used in a residential dwelling for domestic or household purposes.

G. The use shall not cause substantial increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.

H. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises greater than that customarily expected to a single family detached dwelling. Commercial vehicles shall not be parked on the premises unless authorized in Table 1-1203-L. Commercial vehicles delivering shall not exceed the weight limits established on the street(s) serving the home occupation.

I. There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.

J. Parking shall be furnished with a minimum of two inches of gravel or slag and maintained in a mud- and dust-free manner.

K. The Home Occupation shall meet the performance standards of 1-1512.

L. Permitted home occupations shall be limited to the following uses as accessory uses to a single family detached dwelling with the conditions set forth in the following Table:

Uses/Districts	Number of Employees Permitted	Off-street Parking Requirements	Performance Standards
Catering Service	1		Catering service shall occur only off premises.
			The contractor's yard may accompany an onsite office subject to the performance standards of this Table. The area occupied by the contractor's yard shall be screened by an opaque wooden or vinyl fence as Bufferyard "B", as per 1-1514. The yard shall not be located within the required yards of principal structures within the Zoning District in which it is located and shall not locate within the front yard. Storage of materials shall occur on surface meeting the requirements of 1-1605.
Minor Equipment or			All repair activities and storage of equipment, vehicles, and materials shall occur within a completely enclosed building, except that up to one vehicle may be stored within the parking area on separate dedicated spaces where such is stored for a period not exceeding 48 hours
Medical Office		1	No more than two patient exam rooms or tables shall be permitted.
Personal Service		1	No more than two patient exam rooms or tables shall be permitted.
Professional Office	1		Commercial vehicles associated with the business shall be parked in an approved parking area and not on the street.

Uses/Districts	Number of Employees Permitted	Off-street Parking Requirements	Performance Standards
			On-site sale of retail articles shall be limited to those produced onsite, consisting principally of custom-made handicrafts, furniture, or similar products. Display of sample merchandise shall be limited to a scale and location consistent with the display of furniture and items customarily visible within a residential neighborhood.

Part 13, Signs

1-1301. General Requirements

A. Sign location and Type. Only those signs expressly authorized in this section shall be permitted. No sign shall be located in such a position that it will cause a hazard by obstructing visibility. No sign shall interfere with minimum sight distance required by PennDOT standards from access drives to a street. No sign, other than official traffic signs and off-premises directional signs placed by a government agency, shall hang over or be erected within the right-of-way of any street.

B. Maintenance and inspection. All signs shall be constructed of a durable material and maintained in good condition. All signs, other than those constructed of decay-resistant wood, shall bear a protective treatment to guard against rust or decay. Signs using removable paper or other materials and general signs bearing protective coatings such as paint shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging or falling from the structure.

C. Any abandoned or obsolete sign or any sign found to be in an unsafe or poorly maintained condition upon inspection shall be declared to be a public nuisance, and the Zoning Officer shall give notice to the owner in writing, in accordance with Part 20 of this Ordinance, 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.

D. Externally illuminated signs.

1. Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjacent properties or streets.

    a. Flashing or oscillating signs shall not be permitted.

    b. Lighting shall be stationary and constant in intensity and color at all times.

    c. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not exceed a maximum of 1.0 footcandle at the property line.

    d. External light bulb fixtures shall project no colors.

    e. Lighting emitted by signage shall be subject to lighting standards otherwise applicable to the property.

2. The following shall apply to all internally illuminated signs:

a. Signs may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 250 cd/m2 or NITS, regardless of the method of illumination.

b. All illuminated signs must comply with the maximum luminance level of 250 cd/m2 or NITS at least 1/2 hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

c. Luminance levels of internally illuminated signs shall not otherwise exceed 5,000 NITS.

E. Exempt Signs. The following signs shall be exempt from the permitting requirements of this Section and the balance of sections of this Part 13.

1. Official notices authorized by a court, public body or public safety official.

2. Directional, warning or information signs authorized by federal, state or municipal governments.

3. Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.

4. The flag of a government or noncommercial institution, such as a school.

5. Religious symbols and seasonal decorations within the appropriate public holiday season.

6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.

7. Street address signs and combination nameplate and street address signs that contain no advertising copy and that do not exceed 6 square feet in area.

8. Real estate signs advertising the sale of property posted on the premises of the property for sale.

F. Permit requirements. Each application for a sign permit shall be accompanied by a drawing to scale showing the design which is being proposed, the size, character and color of letter, lines and symbols, method of illumination, the exact location of the sign in relation to the building and property and construction details. The

application shall be accompanied by the permit fee, as designated in the Borough fee resolution.

G. Permit expiration. Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

H. Existing nonconforming signs. Every sign or other advertising structure lawfully in existence on the effective date of this Ordinance may not be replaced, altered or relocated, unless it is made to comply with this section. A change in wording of the sign message does not constitute replacement, alteration or relocation and, as such, shall be permitted.

I. There is no setback requirement for signs whose area does not exceed two square feet, except that no private sign is permitted in any street right-of-way, unless otherwise provided by this Ordinance.

J. All setbacks specified within this Ordinance shall apply to the entirety of the sign, including elements that overhang or extend from the supporting structure.

K. Prohibited Signs. The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

2. Except as provided for elsewhere in the Borough's code, signs encroaching on or overhanging public right-of-way. Signs shall not be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

3. Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

4. Portable signs except as allowed for temporary signs.

5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

   a. The primary purpose of such a vehicle or trailer is not the display of signs.

   b. The signs are magnetic, decals or painted on an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.

d. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

e. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event as otherwise authorized in this Part.

f. Any and all other sign types not expressly authorized by this Ordinance.

g. Obscene signs are prohibited. No sign shall utilize sexually explicit or suggestive language or graphics, nor any illustration of specified sexual activities or specified anatomical areas as defined in this Ordinance, and/or bear language deemed obscene by Ordinance 59, Public Indecency, of the Pennsylvania Crimes Code.

L. Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs shall not exceed a height of five feet nor an area of 20 square feet.

2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.

3. Such signs shall not be placed in any public right-of way or obstruct traffic visibility.

1-1302. Temporary Signs

A. Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts.

B. Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for

nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front.

2. Such signs shall be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected not more than 5 days prior to the event or grand opening and shall be removed not more than 1 day after the event or grand opening.

3. The total area of all such signs shall not exceed 50 square feet.

1-1303. Signs in Residential Districts

A. One Freestanding Sign for a home occupations shall be permitted to identify the name, address, and business hours of a home occupation. The sign shall not exceed five feet in height and 12 square feet. The sign shall not be internally illuminated.

B. One monument sign per access drive or street entering the development site, for one such access of the subdivision or planned residential development plan or multifamily land development are permitted subject to the standards of this section.

1. Monument signs shall not exceed 15 square feet in sign area.

2. Monument signs shall not exceed six feet in height.

3. The sign may only be illuminated by external lighting. The lighting may not exceed 0.5 footcandle as measured at the face of the sign.

4. Signs shall bear only the name and/or the address of the subject plan or development.

5. Each sign shall be set back at least five feet from the right-of-way line and shall not obstruct required sight distance.

6. Signs shall be accompanied by low-level landscaping with at least five low-level landscaping plantings in the immediate vicinity of each sign.

7. The signs shall be set back at least 10 feet from property lines and at least 25 feet from side or rear property lines adjacent to residentially zoned building lots.

C. Nonresidential Principal Uses authorized in Residential Districts

1. A monument sign is authorized subject to the standards of preceding subsection B, and as modified by this Subsection C.

2. The monument sign shall not exceed 15 square feet of sign area.

3. Up to 75% of the sign area may be comprised of a changeable sign.

1-1304. Signs in the MU and LSC Districts

A. One wall sign not exceeding 50 square feet in the MU District and 75 square feet in the LSC District. On corner lots, an additional sign shall be authorized on the wall facing the secondary frontage, wherein the primary frontage shall be determined by the location of the primary entrance to the building. Said sign shall not exceed 30 square feet.

B. In the LSC District, one onsite freestanding sign per lot not to exceed eight feet in height and 50 square feet. The sign shall be set back at least 10 feet from property lines and at least 25 feet from side or rear property lines adjacent to residentially zoned building lots.

Part 14, Parking

1-1401. Scope of Requirements

Off-street parking shall be provided in compliance with this Ordinance where any building is erected, altered, enlarged, converted or increased in size or capacity.

1-1402. Number of Spaces Required

A. The number of off-street parking spaces shall be provided in accordance with the following table:

Use	NUMBER OF PARKING SPACES REQUIRED
Assembly	1 per 300 gross square feet
Dwelling unit	2 per dwelling unit
Dwelling unit, Multi-Family	1.5 per dwelling unit
Personal Service	1 per 100 gross square feet
Hotel/motel	1 per sleeping unit plus 1 per 500 square feet of common area
Industry	1 per 500 square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Warehouse	1 per 500 gross square feet

B. Combination of uses. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.

C. Modification of Parking Schedule. The Number of Spaces Required may be modified by conditional use by the Borough Council in accordance with Part 11 and as follows: The applicant shall submit a parking study, using studies of similar uses or the latest edition of Parking Generation, published by the Institute of Transportation Engineers, in a manner acceptable to the Borough Engineer. The study shall demonstrate that the proposed modified schedule will meet the short and long-term parking needs of the establishment(s) which it proposes to serve.

1-1403. Parking Dimensions and Locations

A. Location of lot. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than 500 linear feet from the subject lot within the same zoning district.

B. Accessible spaces. Americans With Disabilities Act requirements shall dictate the number and design of handicap spaces.

C. Parking stall dimension. Parking stall dimensions shall be in accordance with the following:

1. Minimum Parking Stall Width: 9 Feet

2. Minimum Parking Stall Length: 20 Feet

D. Driveway width. Every parking facility shall be provided with one or more access drives, the widths of which shall be the following:

1. Driveways to dwelling units (except multi-family units) not less than 9 feet with street openings no greater than 24 feet. (2743 mm).

2. Commercial driveways: Twelve feet for one-way enter/ exit and twenty-four feet for two-way enter/exit with no street opening greater than 28 feet.

E. Driveway and ramp slopes. The maximum slope of any driveway or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the Zoning Officer and the Borough Engineer.

F. Stall access. Each required parking stall shall be individually and easily accessed. Automobiles shall not be required to back onto any public street or sidewalk to leave any parking stall where such stalls serve more than two dwelling units or other than residential uses. Portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

G. Screening and Setbacks. A 3-foot-high hedgerow shall be installed and maintained along any street for all parking areas of five or more parking spaces, which shall be set back a minimum of five feet from any street.

H. Striping. Parking stalls shall be striped. Exception: A private garage or parking area for the exclusive use of a single-family dwelling.

I. Lighting. Lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

J. The ground surface of off-street parking and loading areas, except driveways serving single family dwellings, shall be paved with bituminous, brick, concrete or stone block paving material to protect adjacent properties from appropriate dust and other disturbances.

H. Where an establishment requires routine delivery by commercial vehicles, loading facilities shall be provided in accordance with the Subdivision and Land Development Ordinance.

Part 15, Supplemental Standards

1-1501. General regulations

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

B. All construction and/or development shall meet all regulations of each zoning district and the following supplemental regulations as applicable.

C. A one-acre (43,560 square feet) minimum lot size shall be required in all zoning districts, unless otherwise stated, where the proposed lot does not have both public water and public sanitary sewerage.

D. The use or occupation of any building, land area, or water area, or part thereof, which is not specifically permitted by any rule or regulation of this Ordinance, is a violation of this Ordinance.

E. The maximum height of any building in all districts shall be two- and one-half stories, unless otherwise permitted within this Ordinance.

1-1502. One principal use per lot permitted; exceptions

Every use, building, and/or structure hereafter erected or structurally altered shall be situated so that in no case shall more than one principal building, structure, or use be located on one lot, except as specifically provided for herein and in the Subdivision and Land Development Ordinance. Said exceptions include multiple-use retail centers, condominium developments, conditional uses or special exceptions in the residential districts that accompany a single-family detached dwelling on the same parcel, multiple-use residential land developments and mixed-use, multiple-structure developments where permitted.

A. More than one principal use. Where a lot, parcel or tract is used for a nonresidential purpose, more than one principal use, building, or structure may be located upon the lot, parcel, or tract, but only such uses, buildings, or structures that conform to all off-street parking, open space and yard requirements for the district wherein said development is proposed. A principal structure shall be a minimum of 30 feet from any other principal structure on the same lot or tract unless affixed by way of adjoining walls.

B. Condominium developments. Residential subdivisions and land developments with multiple uses and/or structures may be developed in conformance with the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., where such uses are permitted, as per the following provisions:

1. Said development shall be approved as a land development.

2. The maximum density established for each residential zoning district shall not be exceeded.

3. While individual lot or property lines are optional, residential structures shall be located such that re-subdivision may occur in compliance with area and dimensional standards for lots in the zoning district where the condominium development is located. The entire development must comply with applicable setback requirements; however, where individual units are sold as a condominium, such units must comply with applicable setback requirements, excluding minimum lot size, minimum lot width and internal setback side yard.

4. All occupants of dwelling units in a condominium development shall belong to an established condominium association.

5. Condominium developments shall be served by public water and sanitary sewerage systems.

1-1503. Supplemental yard, lot and area requirements

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

1. Steps not exceeding 36 square feet of area.

2. Bay windows not exceeding 36 inches.

3. Eaves, cornices, and belt courses not exceeding 24 inches.

4. Open fire escapes not exceeding 54 inches.

5. Chimneys not exceeding 36 inches.

B. The minimum setback allowable for any structure within any zoning district shall be measured from that part of the structure which is closest to the lot line or street right-of-way line from which the setback is being measured.

1-1504. Temporary Uses and Structures

A. Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided that a special approval is received from the Zoning Officer for a limited period of time based on the temporary use authorized. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

B. Temporary use permits.

1. Permit required. A temporary use permit shall be required prior to the initiation of a permitted, temporary use of a structure, land, or water body for the following:

   a. The periodic sale of crafts such as leather goods, furniture or art from a vehicle.

   b. The sale of special event T-shirts, clothing items, or sports-related items from a vehicle.

   c. Temporary structures and construction trailers, excepting those customarily associated with residential dwelling units as an accessory use.

   d. Carnivals.

   e. Circuses.

   f. Commercial motion pictures being made by any analog or digital recording device.

2. Application for permit.

   a. All requests for temporary permits shall be made in writing on a form furnished by the Borough and shall include a full description of the type of use for which such permit is being sought and the dates during which this use shall be in existence.

   b. It shall be the duty of the Zoning Officer to review the application for completeness within seven days of initial submission to determine and inform the applicant whether the application is administratively complete.

   c. Unless such requirement is waived by the Borough Council, all applications for a temporary permit shall be accompanied by a fee, in the amount set from time to time by resolution of the Borough Council.

3. Action on temporary permits.

   a. Upon approval of the request for a temporary permit, one copy of this permit shall be given to the applicant. This copy of the permit must be publicly displayed at the site of the temporary use during the

existence of this use. One copy of the permit shall be kept on file in the Borough office.

b. In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial.

c. Temporary permits are valid for one week to four weeks during any one calendar year. For roadside stands, said permit is valid for one year, renewable upon reapplication.

d. No temporary permit shall be issued for any temporary use where said use would violate any of the provisions of this Ordinance.

C. Inspection of Temporary Uses and Structures

1. The Zoning Officer, or his duly appointed representative, the Borough Emergency Management Coordinator and/or the Borough Fire Marshal may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use, or in the event a renewal of the permit is requested, during the time the use is in existence.

2. In the event of such inspection, a record shall be made indicating the time and date of the inspection, the findings of the Zoning Officer in regard to conformance with this Ordinance, and other Borough ordinances, and the opinion of the Zoning Officer in regard to the suitability of the site for this use.

D. It shall be unlawful for any person, firm, business, association, partnership or corporation to temporarily use any land, building or other structure or waterway or watercourse without having first obtained a permit from the Zoning Officer.

1-1505. Dwellings on small lots of record

Nothing in the district regulations shall be held to prohibit the erection of a single-family detached dwelling in a district where permitted upon a lot that bears a lot size less than the minimum lot size of the district in which the lot is located, provided that such lot on the effective date of this Ordinance:

A. Was held under separate ownership from the adjacent lots; and

B. Is a lot in a recorded plan which complies with all district regulations for building setback lines and yard requirements, except lot area requirements.

1-1506. Fences, hedges and walls

A. Fences, hedges or other plantings, structures or walls shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to three feet within the clear sight triangle.

B. Barbed wire or other sharp pointed material shall not be used in the construction of a fence unless said material is at least eight feet above the ground level and supported by fencing across its entire length, except where used to contain livestock.

C. A permit under this Ordinance shall not be required to construct, maintain or alter a fence. If a fence is erected up to the property line, the Borough shall not be responsible for determining the location of the property line. The owner of the subject property shall be responsible for determining the location of his property line, and any claims which arise out of the erection of a fence shall be the responsibility of the person who erected the fence.

D. A fence or wall may be built or a hedgerow planted along a property line, provided that any fence, wall or hedge is not constructed or maintained at a height exceeding four feet along the front lot line or along the side lot line between the front lot line (street right-of-way line) and the front building setback line, or at a height not exceeding six feet along all other lot lines. The height limitations set forth in this subsection shall not apply to any fence erected pursuant to this section.

1-1507. Mobile homes on individual lots

A. A lot on which a mobile home is installed shall conform to the minimum dimensional requirements of the district for single-family dwellings.

B. Mobile homes shall be anchored to poured-in-place concrete footers.

C. The mobile home base shall be enclosed entirely by materials compatible to the design.

D. Mobile homes shall have pitched and shingled roof and siding comparable to the materials in use in the district.

E. The application for a zoning use permit shall include a sketch indicating location site of mobile home, size of mobile or modular home, materials used for enclosure and external finish of mobile or modular home, and proposed anchorage. Anchorage shall meet minimum standards of the Mobile Home Manufacturers Association recommendations.

F. A mobile home shall be eligible to be installed if it is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and was issued an insignia of approval by the United States Department of Housing and Urban Development and has not been altered in violation of applicable codes.

G. All electrical, gas, water, and drain connections shall be made permanent. Gas shutoff valves, meters, and regulators shall not be located beneath the manufactured home.

H. The delivery system consisting of wheels, tires, axles, and towing hitch shall be removed within 30 days of placement or stored in an enclosed structure.

1-1508. Refuse and waste collection areas

A. Refuse, including recyclables, and waste collection areas of adequate size to serve all uses on a specific parcel, shall be visually screened from adjacent properties and any public or private street by an opaque vinyl or wooden fence.

B. Adequate provisions shall be made for access to the refuse and waste collection area by disposal agency equipment.

C. No person shall create any refuse and waste collection area unless such area complies with these provisions.

D. These requirements shall not apply to single-family detached residential dwellings.

E. Single family detached dwellings shall not be served by commercial dumpsters except that such dumpsters may be used temporarily for onsite construction and renovation purposes.

1-1509. Swimming pools

Swimming pools are permitted in all districts as accessory uses to principal residential uses and principal recreation facility uses, provided that they comply with the following conditions and requirements:

A. The pool is intended and is to be used for the enjoyment of the occupants using the principal use of the property on which it is located.

B. The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.

C. The pool paved areas and accessory structures adjacent thereto shall not be located closer than 10 feet to any property line of the property on which it is located.

D. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected and secured as required by the Pennsylvania Uniform Construction Code as adopted by the Borough.

1-1510. Vegetation and woodland preservation

A. General. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted only when in conformance with the provisions of this Ordinance, the Code of Valencia Borough, Butler County, Pennsylvania, as amended, and any other Borough ordinance regulating subdivisions, land developments, logging and

forestry activities. Grubbing activity shall be permitted with expressed approval of the Zoning Officer.

1. A landscape plan complying with this Ordinance, the Subdivision and Land Development Ordinance and any other applicable Borough ordinance shall be prepared and submitted at the time of submission of an application for preliminary and/or final subdivision and/or land development plan approval, or at the time of submission of a zoning use permit application if the project does not constitute a subdivision or land development.

2. This landscape plan requirement shall not apply to:

   a. The construction of a single-family dwellings, additions thereto, accessory structures thereof that does not constitute a land development as defined in this Ordinance, if the area of earth disturbance associated with the construction activity;

   b. Applications for minor subdivisions as defined by the Subdivision and Land Development Ordinance;

B. Mature woodlands preservation. Not more than 40% of the total area of mature woodlands on a development site shall be removed in conjunction with a subdivision or land development. The remaining woodlands shall be protected as open space. No area of any existing woodland shall be removed prior to the granting of final approval of the proposed subdivision or land development.

1. Priority in woodland preservation shall be given to woodlands in one-hundred-year floodplains, wetlands, stream valley corridors, steep slopes and landslide-prone areas.

2. A greater percentage of woodland area may be cleared if new replacement woodlands are provided elsewhere on the site or an approved off-site mitigation area. The minimum area of the replacement woodland shall be at least 125% of the woodland area cleared in excess of the areas allowed in this subsection. The replacement woodland shall be prepared, planted and maintained in accordance with a plan prepared by a forester or other qualified professional and approved by the Borough and made subject to a conservation easement in favor of the Borough approved by the Borough Solicitor.

C. Required landscape plan. The landscape plan required by this section shall include a delineation of the woodland area, as defined herein, and the location and species of all existing trees 12 inches in diameter at breast height ("DBH"). In cases where the wooded area on the property is greater than one acre, the applicant may locate trees 12 inches or greater in DBH from a representative wooded area on the subject property that is 100 feet by 100 feet in area and utilize that representative sample to determine the number of trees 12 inches or greater in DBH on the

remaining wooded portion of the property. This information may be shown on a sheet recorded with the final plan where a land development or subdivision is associated with the application.

1-1511. Outdoor storage in nonresidential districts

Except for nurseries, garden supply, building supply and similar businesses which customarily require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six feet in height. All other commercial activities shall take place within a completely enclosed building.

A. Temporary display and sales on the site of an existing commercial business shall be subject to the requirements of Part 13 of this Ordinance.

B. All organic rubbish and discarded materials shall be contained in airtight, vermin-proof containers which shall be fully enclosed on four sides and shall be screened from public view by an opaque fence or hedge which is at least six feet in height.

1-1512. Performance standards

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

B. Environmental performance standards. The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the standards of the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance, where applicable, for environmental protection. Site alterations, erosion and sedimentation control, regrading, filling, the clearing of vegetation or timbering and forestry activities prior to review and approval of the plans for development by the Borough Council shall be a violation of this Part.

C. Odor. Those standards for the control of odorous emissions established by the Department of Environmental Protection (DEP) shall be applied in all zoning districts. Where an odor is deemed offensive, a duly authorized Borough representative shall refer the matter to the Department of Environmental Protection where it has jurisdiction relative to an established air shed.

D. Air pollution. No emission at any point from any chimney or otherwise of visible smoke in excess of that permitted by the agency with jurisdiction shall be permitted.

E. Dust, fumes, vapors, and gases. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

F. Glare (exterior illumination). No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or employ unshielded illumination sources beyond its lot lines or onto any public or private street. Lighting shall not exceed 1/2 footcandle measured at three feet above ground level and shall not spill over onto adjacent properties, unless otherwise required by a Borough ordinance. Where private lampposts are utilized in residential developments in lieu of streetlighting, such lighting shall not exceed two footcandles measured at three feet above ground level and shall not spill over onto adjacent properties.

G. Vibrations. No use shall cause earth vibrations, or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction activity.

H. Discharge. No discharge at any point into any private sewage disposal system or stream or into the ground of any materials in such a way or in such manner or temperature as can contaminate any public or private water supply or otherwise cause the emission of dangerous, noxious or objectionable elements, or the accumulation of solid wastes conducive to the breeding of rodents or insects, is permitted.

I. Heat, cold, dampness or movement of air. No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.

J. Noise.

1. No use in any zoning district which by the nature of its use, operation or activity produces noise of objectionable character or volume as prescribed below will be permitted as measured from a lot line of the subject property. For purposes of this Ordinance, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighting network corresponding to the A-scale on a standard sound level meter.

2. The following shall apply RR and MU Districts and activities on site areas fronting adjacent streets or lots within the RR or MU Districts: At no point on or beyond the boundary of any lot containing a residential use shall the

exterior noise level located on such lot exceed 60 dBA for more than two hours during a twenty-four-hour period.

3. At no point on or beyond the boundary of any lot or site area within the LSC District shall the exterior noise level located on such lot or site area exceed 65 dBA for more than two hours during a twenty-four-hour period.

4. Noise resulting from alarms, sirens, emergency work, normal lawn and landscaping care, traffic and agricultural use shall be exempt from the requirements of this section. Noise from construction or maintenance activities shall be exempt from the requirements of this section provided that the activities occur during the hours established by the Borough Uniform Construction Code.

5. No noise from recordings, loudspeakers or public-address systems shall be allowed which interferes with the reasonable enjoyment of adjacent residential properties.

6. Sound levels shall be measured with a sound level meter or sound level octave band analyzer that conforms to the standards and specifications published by the American Standards Association. Noise incapable of being so measured, such as those of an irregular intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

K. Electrical disturbance or radioactivity. No activities which emit dangerous radioactivity or continuous cumulative low-level radiation at any point are permitted, and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

L. Vehicle and equipment maintenance.

1. In industrial and commercially zoned areas, all vehicles and movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.

2. In residentially zoned areas, minor vehicle maintenance activities on vehicles owned by the occupant may be conducted in driveways, but in no case shall repairs be made on vehicles and movable equipment which would result in the storage of said vehicles or movable equipment on the exterior of the lot for more than 48 hours.

1-1513. Clear sight triangle

In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure, building, earthen bank or vegetation exceeding three feet in

height above the finished paved area at the center of the street shall be allowed within the clear sight triangle.

1-1514. Bufferyards and Screening

A. No structure or uses shall be permitted in the bufferyard, other than stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the bufferyard and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required bufferyard include, but are not limited to, buildings, accessory structures, parking spaces and lighting devices.

B. Openings for driveways and Borough required access drives shall be permitted to cross a required bufferyard. Plantings in the bufferyard shall be located so as to not obstruct vision for traffic entering and exiting the site.

C. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required bufferyard to screen the buildings, activities and parking areas from adjoining residential properties, the Borough Engineer, upon recommendation by the Planning Commission may determine that existing topography and/or vegetation constitutes all or part of the required bufferyard. If such a determination is made and the size of the bufferyard warrants it, the applicant may be required to record a conservation easement of the depth specified by the Borough Council to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved bufferyard.

D. None of the plantings in the required bufferyard shall encroach across any property line. All plantings shall be located a minimum of 2 1/2 feet from the property line which constitutes the exterior boundary of the bufferyard.

E. Bufferyard "A."

(1) Purpose. Bufferyard "A" is designed to provide for adequate screening between uses and districts exhibiting the greatest potential conflict in terms of density and intensity.

(2) Depth of bufferyard: 40 feet.

(3) Base planting standards. Plantings in groupings or planted evenly along the perimeter shall be installed at a rate of one high-level planting for every 50 feet or one ornamental tree for every 30 feet.

(4) In addition to the base planting standards, plantings and screening shall be furnished through a combination of the following to provide a solid visual screening:

(a) A planted mound of at least three feet in height from the elevation of the adjoining property with a row of low-level plantings sufficient to provide screening to a level of six feet.

(b) Two staggered rows of evergreen trees of at least six feet in height at planting which, at planting, provide continuous both screening and are spaced in a manner which best ensures long-term survival.

(c) An opaque fence of six feet in height located on the side of the landscaping buffer facing the principal structure(s) on the interior of the site or where multiple rows of plantings are utilized, at a location where an equal number of plantings are dispersed on each side of the fence. The fence shall be constructed of vinyl, brick, masonry with finished surfaces, or similar maintenance-free material; it may be located on the side of the buffering directly facing the property line. The colors of fence materials shall be consistent or in harmony with the housing and fence materials of the block on which the lot is located. The fence shall be set back at least four feet from the abutting property line.

F. Bufferyard "B."

(1) Purpose. Bufferyard "B" is designed to provide visual screening between varied uses in mixed use and transitional neighborhoods and between varied uses that possess minimal, yet potential, conflicts with respect to the density and intensity of use.

(2) Depth of bufferyard: 10 feet.

(3) Bufferyard "B" shall be comprised of a continuous, compact evergreen hedge combined with decorative fencing as specified under Bufferyard "A" or mounding in a manner that provides six feet in height of screening; or a line of high-level plantings as evergreen trees that will grow together when mature.

G. Where landscaping is required by and installed in accordance with plans approved under the SALDO, said landscaping shall be maintained in accordance with the approved landscaping plan.

Part 16, Supplemental Standards, Specific Uses

1-1601. Agricultural Operations

A. Storage of manure, odor or dust-producing substances shall be located at least 100 feet from any property line.

B. Any building used for the keeping, raising or feeding of livestock and poultry shall be located at least 50 feet from any street and from any adjacent landowner's well or dwelling and not less than 50 feet from the landowner's well or property line.

C. Commercial greenhouses are authorized as accessory uses to the agricultural operation, provided that commercial greenhouse heating plants shall be at least 100 feet from any property line and that the retail sales area for a greenhouse shall not exceed 1,200 square feet. (The growing area shall not be considered sales area.)

D. The minimum lot size for keeping large livestock or farm animals shall be five acres. More than five large livestock animals, as defined by this Ordinance, shall require an additional 1/2 acre per animal.

E. All grazing and pasture areas shall be adequately fenced.

F. Retail sales of agricultural products, including garden nursery or greenhouse sales, shall be permitted accessory to a farm, subject to the following regulations.

G. Sales shall be conducted on the premises of a farm, as defined and regulated by this Ordinance.

H. Products sold shall include products raised, grown or produced on the farm.

I. All permanent structures shall comply with the yard requirements for principal structures in the RR District.

J. Seasonal roadside stands shall be located no closer than 15 feet to any street right-of-way or property line and shall be removed at the end of each growing season.

K. Buildings used for retail sales of agricultural products shall not exceed 1,000 square feet of sales floor area for every 10 acres of land farmed. No building used for agricultural products shall exceed 5,000 square feet of sales area.

1-1602. Automobile Sales and Rental, Automobile Service

A. All repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

B. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.

C. All vehicles awaiting repair shall be stored on the lot in an approved storage area and in no case shall said vehicles be stored on or obstruct access to a public or private right-of-way.

D. Where supplemental retail service is proposed, off-street parking shall be provided as required for retail in addition to service station standards.

E. Supplemental retail service space shall not exceed 2,000 square feet.

F. Gasoline pump islands shall be set back in accordance with the dimensional standards of the LSC District.

G. All fuel, oil and similar substances shall be stored at least 50 feet from any property line.

H. The handling, storage and disposal of motor oil, battery acid 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 DEP permits shall be a violation of this Part and shall be subject to the enforcement provisions of this Ordinance.

1-1603. Car Wash

Car wash facilities, whether as a supplement to other automobile service facilities or as stand-alone business facilities, shall be subject to the following requirements in addition to the above requirements:

A. Stacking lanes with a minimum capacity for up to five vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per bay for self-service car washes. For the purpose of this requirement, the size of a vehicle shall be equal to the size of the parking stall required by this Ordinance. The Borough may require the submittal of a traffic analysis to determine the minimum required stacking lane length.

B. Parked or waiting vehicles may not block sidewalks, internal access drives, ingress or egress points, or extend to adjacent streets.

C. No storage or repair of vehicles shall be allowed within the car washing facility.

D. A concrete straight curb of at least eight inches in height shall be installed around the entire perimeter of the paved area to prevent vehicles from being driven onto, or parked with any part of, the abutting grass, landscaped areas, sidewalks, streets, buildings, or adjacent property.

E, Buildings shall be oriented so that open bays, particularly for self-service car washes, do not face onto adjacent streets unless screened from view or sufficient

landscaping is provided to prevent overspray from blowing onto the street right-of-way.

F. All washing activities shall be carried on within the building.

G. Self-service vacuuming facilities (if provided) shall be provided at the entrances to each bay for use by the stacked vehicles. If additional self-service vacuum, shampoo, fragrance, or other such facilities are provided, they shall be located in areas outside stacking lanes and areas needed for access to other facilities within the site. An area the size of the parking stall required by this Ordinance shall be reserved adjacent to each station. All vacuuming stations shall include an integrated or adjacent trash receptacle and shall be located at least 100 feet from adjacent residentially zoned or used property.

H. Sufficient space shall be provided on the subject lot so that vehicles do not enter or exit the car wash building directly from an adjacent street. All maneuvering areas, stacking lanes, and exit aprons shall be located on the same parcel as the car wash building or facility. A sufficient distance shall be maintained between the exit door of the car wash building to the nearest exit driveway to permit adequate time for excess water to drip off the vehicle prior to exiting to street rights-of-way. Additional devices, such as rumble strips, mechanical dryers, etc., may be proposed to lessen the required distance, upon approval by the Borough. Under no circumstances shall the use be permitted to cause or contribute to icing problems on adjacent streets.

1-1604. Contractor's Storage Yard

A. The contractor's yard shall be screened from the adjacent public street by an opaque fence of landscaping sufficient to obscure the materials and equipment stored therein.

C. The yard shall be paved with a minimum of two inches of gravel or slag and maintained in a dust-free manner.

D. The yard shall be set back a minimum of 50 feet from any property bearing a single-family detached dwelling.

1-1605. Daycare Centers

A. The facility shall be licensed by the Department of Human Services, or other appropriate state agency. Proof of this valid license shall be provided to the Borough prior to the Borough's issuance of a zoning occupancy permit for the use. Copies of this valid license shall also accompany the annual operating report to be filed with the responsible Police Department and Borough Fire Departments.

B. A facility which provides child care shall provide a minimum area for indoor play at a ratio of 40 square feet per child. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with a self-latching gate.

C. A facility which provides child care shall provide a minimum area for outdoor play at a ratio of 65 square feet per child using the outdoor play area. Long, linear configurations shall be avoided to assure the functionality of the space as an outdoor play area. The outdoor play area shall also:

1. Not be less than 20 feet in width at any point.
2. Adjoin the building where the facility is located.
3. Not be located less than 30 feet from any street right-of-way.
4. Not be located less than 10 feet from any property line.
5. Be completely enclosed by a safe, secure and adequate fence or wall a minimum of four feet in height, unless a greater height is required by the Borough Council. Any outdoor play area potentially susceptible to encountering vehicles leaving a street, travel lanes or accessways shall be protected by a barrier capable of preventing the vehicle from entering the outdoor play area.
6. Contain appropriate yielding surfaces underneath any permanent play equipment.

D. Outdoor play areas shall be set back a minimum of 40 feet from adjacent lot lines bearing a single-family detached dwelling.

E. The general safety of the property proposed for child care shall meet the needs of small children.

F. Safe vehicular access and areas for discharging and picking up facility attendees shall be provided.

G. Minimum lot size: half acre.

1-1606. Distribution and Transportation

A. Goods for sale at wholesale shall be limited to those listed under principal permitted uses or closely similar goods.

B. An interior circulation plan shall be approved by the Zoning Officer so that no truck or truck and trailer combination must maneuver off site in order to park, load or unload.

D. The site shall have access directly from an arterial or collector street.

E. All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent properties.

F. No shipping or receiving shall be permitted within 100 feet of a property line which adjoins a residential use or zoning district between the hours of 6:00 p.m. and 8:00 a.m.

1-1607. Heavy Equipment Sales and Rental

A. Service of equipment, tools, and appliances shall occur within a completely enclosed building.

B. No display or storage of rental merchandise may occur within required setbacks of the district.

C. An outdoor display area for the visible display of merchandise intended for viewing by the motoring public is authorized to occupy an area of up to 25,000 square feet.

D. Access drives serving the establishment and the outdoor storage and display areas installed shall be paved with a minimum of two inches of slag or stone.

1-1608. Hobby Farms

A. Livestock kept on the site shall not include cows, horses, and similarly sized animals, but may include livestock typically weighing 500 pounds or less at maturity.

B. All livestock shall be kept within a suitably fenced in area that otherwise meets the requirements of this ordinance, but is set back at least twenty feet from all property lines.

1-1609. Self-storage units

A. A minimum site area of two acres is required.

B. All storage unit structures shall be set back a minimum of 75 feet from the front lot lines.

C. The property shall be gated with controlled customer access.

D. Exterior storage shall be limited to an area enclosed by an opaque fence of at least six feet in height. The area shall be paved with bituminous or concrete material.

E. All one-way driveways shall have a minimum of one ten-foot parking lane plus one fifteen-foot travel lane. All two-way driveways shall provide a minimum of one ten-foot parking lane plus two twelve-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.

F. The site on which the premises are located shall bear frontage on an arterial road.

G. No principal use of a commercial or industrial nature other than self-storage shall occupy the premises.

H. The maximum size of each individual storage unit shall be 800 square feet.

Part 17, Nonconforming Uses

1-1701. Nonconforming uses

The following provisions shall apply to all nonconforming uses:

A. Continuation and change. A nonconforming use may be sold or otherwise transferred to other owners and may be continued but shall not be changed in use unless to a conforming use or as otherwise set forth in this Part.

B. Enlargement or expansion. A nonconforming use may be expanded or enlarged upon approval by the Zoning Hearing Board as a use by special exception and subject to compliance with the following criteria:

(1) The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.

(2) The extension does not encroach upon the lot area requirements and the maximum building height and other dimensional requirements of the zoning district in which the nonconforming use is presently located.

(3) The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Ordinance or amendment thereto which caused the use to become nonconforming.

(4) Such extension does not result in an increase in total floor area or lot use area of more than 50% of the total building lot coverage legally occupied on or before the effective date of this Ordinance.

(5) A nonconforming use may not increase in volume if such expansion will displace a conforming use.

(6) The expansion of a nonconforming use shall comply with the setback dimensions of the zoning district in which it is located.

(7) Adequate parking can be provided in conformance with this Ordinance to serve both the original plus expanded use.

(8) Such expansion does not present a threat to the health or safety of the community or its residents.

(9) This subsection shall not apply to signs.

(10) If a nonconforming use is a conditional use in the district where it is located, its expansion shall meet the criteria applied to that conditional use by Part 11 of this Ordinance.

C. Change of nonconforming use. A nonconforming use shall not be changed unless to a conforming use, except as permitted by approval of the Borough Council as a conditional use in accordance with Part 11 of this Ordinance, and subject to compliance with the following criteria:

1. The proposed use shall be reasonably similar in terms of overall function.
2. The proposed use shall be reasonably similar or have more limited hours of operation.
3. The proposed use shall be reasonably similar or have less trips generated.
4. The proposed use shall be similar or have less overall impact.
5. The proposed use shall not add trips, additional outside storage, noise, or any other adverse impact.

D. Damage and reconstruction.

1. Any structure which houses a nonconforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and diligently pursued within 12 months of such casualty and if the restored structure has no greater lot coverage and contains no greater cubic content that before such casualty.
2. Where the nonconforming use is a billboard and the associated billboard structure is demolished by more than 50% of the sign area, said billboard shall not be reconstructed.
3. Abandonment. In the event that any nonconforming use conducted in a structure or on a lot is abandoned for a period of 12 consecutive months or longer, such nonconforming use shall be deemed to be abandoned and shall not be resumed. Once the nonconforming use is abandoned, the building or structure and/or lot shall not be used except in conformance with the regulations of the zoning district in which it is located.

1-1702. Nonconforming structures

The following provisions shall apply to all nonconforming structures, as defined by this Ordinance, in all zoning districts:

A. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its nonconformity. Additions to existing nonconforming structures may encroach into the required yard no farther than the nonconforming structure, provided no that further nonconformities are created.

B. Damage or destruction. If a nonconforming structure is partially or completely damaged or destroyed by fire, collapse, explosion or other disaster, it may be reconstructed or repaired, provided that the reconstruction and repair activities for the structure commence within one year of the date that the original structure was

damaged or destroyed and are completed within two years of the date that the original structure was damaged or destroyed. However, reconstruction or repair shall not make the structure more nonconforming, in any respect, than it was prior to damage or destruction.

C. Moving. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.

D. Signs.

1. 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 their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.

2. Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

E. Repair or maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the populace.

1-1703. Nonconforming lots

The following regulations shall apply to all nonconforming lots, as defined by this Ordinance, in any zoning district:

A. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Ordinance. No division of any lot shall be made which does not comply with the requirements of this Ordinance. Any change in lot lines, necessary to meet the minimum requirements of this Ordinance, shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Subdivision and Land Development Ordinance.

B. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjacent lots may be developed in accordance with the requirements of the zoning district of the lot of record.

C. Where structures exist on adjacent nonconforming lots of record which 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 of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot. Private garages, storage sheds, swimming pools and similar structures shall be located to the rear of the permitted principal structure and may be permitted in the rear yard, provided that they are no closer than 10 feet from the rear lot line and are not located on any easements or rights-of-way.

1-1704. Continuation of nonconforming uses, structures or lots

Subject to the provisions of this Part, a nonconforming lot, nonconforming building or structure or nonconforming use may be continued even though such does not conform to the provisions of these regulations for the district in which it is located. The Zoning Officer may keep and maintain a list of all nonconforming lots, buildings and structures or uses existing at the time of the passage of this Ordinance, its predecessors or amendments thereto, and which may come to exist in the future.

Part 18, Zoning Hearing Board

1-1801. Creation; membership; vacancies; removal

A. The Borough Council hereby appoints a Zoning Hearing Board.

B. The membership shall consist of three residents of the Borough appointed by the Borough Council.

1. The terms of office for a three-member Board shall be three years and shall be so fixed that the term of office of one member shall expire each year.

2. If a three-member Board is changed to a five-member Board, the members of the existing three-member board shall continue in office until their term of office would expire under prior law and ordinances.

3. The Borough Council may appoint, by resolution, up to three residents to serve as alternate members of the Zoning Hearing Board. The membership of alternate members shall be governed by Section 903(b) of the MPC.

C. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies on the Zoning Hearing Board shall be only for the unexpired portion of the term.

D. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received 15 days' advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

1-1802. Officers; quorum; procedure; records

A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

B. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board.

C. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Section 908 of the MPC and this Ordinance.

D. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania.

E. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a year.

1-1803. Expenditures for services; compensation

A. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

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

1-1804. 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. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC. The Zoning Hearing Board shall comply with all requirements of Article IX of the MPC regarding conduct of hearings.

1-1805. Decisions

A. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a 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. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance, or any other land use ordinance, rule or regulation or any provision of the MPC 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.

B. A copy of the final decision or, when 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.

1-1806. Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the MPC.

B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

C. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

D. Applications for variances from the terms of this Ordinance, a flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the MPC.

E. Applications for special exceptions under this Ordinance or a floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC.

F. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.

G. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC.

H. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

1-1807. Requests for relief

An application for relief from the Zoning Hearing Board shall be filed with the Zoning Officer on a form prescribed by the Borough. The Zoning Officer shall forward the application to the Zoning Hearing Board, which shall determine a time and place of the hearing. The application shall not be considered to be administratively complete until all items required by this Ordinance and the application form, including the application fee and/or deposit, have been received by the Borough.

1-1808. Variances

A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant.

B. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

(1) That the unnecessary hardship is due to the 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 Ordinance in the neighborhood or district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the appellant.

(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, not be detrimental to the public welfare, nor will violate the spirit and intent of this Ordinance and its community development goals and objectives.

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

C. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC.

1-1809. Special exceptions

A. Where the Borough has permitted special exception uses in this Ordinance, to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with the following standards and criteria enumerated herein:

(1) The use will not endanger the public health, safety or welfare if located where proposed, and will not deteriorate the environment or generate nuisance conditions.

(2) The use can be accommodated on the site with no variances required.

(3) The use is compatible with or will support the uses in the neighborhood of the site.

(4) The use does not require extensive earthmoving or revision of drainage patterns or create substantial increase in stormwater flow.

(5) The use will not create excessive traffic congestion, and adequate off-street parking is provided on the same property as the use.

(6) Areas of the property not to be covered by buildings or paved are to be landscaped and maintained.

(7) Primary access points to the property not to be covered by buildings or paved are to be landscaped and maintained.

B. The Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed herein to implement the purposes of this Ordinance.

C. The landowner's application shall include all maps, plans and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance.

D. The grant of a special exception shall expire two years after the date of the Zoning Hearing Board written decision, unless the applicant has applied for and obtained a building permit and commenced construction; or in a case where the use by special exception does not require the issuance of a building permit, the applicant has applied for and obtained a zoning use permit or a zoning occupancy permit, whichever is required first, and has commenced the use which is the subject of the special exception approval. Expiration of the special exception approval under this section shall require the applicant to reapply for special exception approval.

1-1810. Parties appellant before Board

Appeals under 1-1806 may be filed with the Zoning Hearing Board in writing by the landowner affected, by any officer or agency of the Borough or any person aggrieved. Request for a variance under 1-1808 may be filed with the Zoning Hearing Board only by a landowner or any tenant with the permission of such landowner.

1-1811. Time limitations

A. No person shall be allowed to file any proceeding with the Zoning Hearing 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.

B. 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 Ordinance or Zoning Map pursuant to Section 916.2 of the MPC 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.

C. 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 the receipt of the enforcement notice.

1-1812. Stay of proceedings

Upon filing of any proceeding referred to in 1-1806 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.

Part 19, Amendments

1-1901. Amendment procedure

Amendments of this Ordinance may be initiated by the Borough Council, by the Planning Commission, or by a petition of a landowner within the Borough in accordance with the following provisions:

A. Petitions for amendment by landowners, other than curative amendments under 1-1902 of this Ordinance, 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 the Borough Council.

B. 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.

C. 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 Butler County Planning Commission at least 45 days prior to the public hearing in accordance with the requirements of the MPC.

D. If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the 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. The Borough Council shall act on a proposed amendment to this Ordinance 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 act within the said ninety-day period, then the proposed amendment shall be deemed denied.

H. Within 30 days after enactment, a certified copy of the amendment to this Ordinance shall be forwarded to the Butler County Planning Commission.

I. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.

1-1902. Landowner curative amendments

A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance, or the Official Zoning Map, or any provision hereof, which prohibits or restricts the use or development of land in which he/she has an interest may submit a curative amendment to the Borough Council with a written request that his/her challenge and proposed amendment(s) be heard and decided.

B. Petitions.

1. Petitions for a curative amendment shall be filed with the Zoning Officer. Such petition may be submitted at any time, but if an application for a permit or approval is denied under this Ordinance, the request shall be made not later than 30 days after notification of such denial.

2. The landowner curative amendment request shall be in writing and shall contain the following:

a. A short statement reasonably informing the Borough Council of the matters that are in issue and the grounds for the challenge.

b. Plans and other explanatory material reasonably describing the use or development proposed by the landowner in lieu of the use or development permitted by this Ordinance or the Official Zoning Map and sufficient enough to evaluate the challenge.

c. An amendment or amendments to this Ordinance proposed by the landowner to cure the alleged defects specified in the challenge.

C. Review procedure. The Zoning Officer, upon receipt of the complete petition, shall submit the petition to the Borough Planning Commission and the Butler County Planning Commission at least 30 days prior to the public hearing to provide the Planning Commission an opportunity to submit recommendations.

D. Public hearing.

1. The Borough Council shall hold a public hearing on the challenge and proposed amendment. The hearing shall commence not later than 60 days after the challenge was filed unless the landowner requests or consents to

an extension of time. The hearing may be postponed or continued at the request of the landowner or by mutual consent of the parties.

2. The public notice of the hearing shall, in addition to the requirements for advertisement for any amendment, indicate that the validity of this Ordinance or Zoning Map is in question and shall indicate the place where and times when a copy of the landowner's petition, including all plans submitted and the proposed amendment(s) may be examined by the public.

3. The public hearing shall be conducted within the following guidelines:

   a. The Chairman or Vice Chairman of the Borough Council presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

   b. The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

   c. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

   d. The Borough Council shall keep a stenographic record of the proceedings, and a transcript of the proceedings, as well as copies of graphic or written material received in evidence, shall be made available to any party at cost.

   e. The Borough Council shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representatives unless all parties are given an opportunity to be present.

E. Rendering the decision.

1. The vote and decision shall be held during a regular or special meeting of the Borough Council.

2. Approval of the proposed amendment shall be granted by an affirmative, majority vote of a quorum of the Borough Council.

3. The landowner's request for a curative amendment shall be considered denied when:

   a. The Borough Council notifies the landowner that it will not adopt the amendment.

   b. The Borough Council adopts another amendment which is unacceptable to the landowner.

   c. The Borough Council fails to act on the landowner's request within 45 days of the close of the last hearing, unless the time is extended by mutual consent of the landowner and the Borough.

1-1903. Municipal curative amendments

A. The Borough, by formal action, may declare this Ordinance or portions thereof or declare the Official Zoning Map or portions thereof substantively invalid and propose a curative amendment to overcome such invalidity.

B. Within 30 days following the declaration and proposal, the Borough Council shall, by resolution, make specific findings that set forth the declared invalidity of this Ordinance or the Official Zoning Map. The resolution may include:

   1. Reference to specific uses which are either not permitted or not permitted in sufficient quantity.

   2. References to a class of use or uses which require revision.

   3. Reference the entire ordinance which requires revisions.

C. Within 30 days following the declaration and proposal, the Borough Council shall begin to prepare and consider a curative amendment to this Ordinance and/or the Official Zoning Map to correct the declared invalidity.

D. Within 180 days from the date of the declaration and proposal, the Borough Council shall enact a curative amendment to validate or reaffirm the validity of this Ordinance and/or the Official Zoning Map pursuant to the provisions of this section in order to cure the declared invalidity.

E. After initiation of the procedure set forth in Subsection A, the Borough shall not be required to entertain or consider any landowner's curative amendment, nor shall the Zoning Hearing Board be required to give a report requested in regard to a challenge to the validity of this Ordinance or the Official Zoning Map when such curative amendment or appeal is based upon grounds identical or substantially similar to those specified in the resolution required in Subsection B. Upon completion of the procedures for a municipal curative amendment, no rights to a cure shall from the date of the declaration and proposal accrue to any landowner on the basis of the substantive invalidity of this unamended Ordinance or the

unamended Official Zoning Map for which there has been a municipal curative amendment.

F. The Borough after having utilized the municipal curative amendment procedure may not again utilize the municipal curative amendment procedure for a thirty-six-month period following the date of the enactment of a municipal curative amendment or reaffirmation of the validity of this Ordinance and the Official Zoning Map through the municipal curative amendment process; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation.

Part 20 Enforcement Remedies

1-2001. Actions in equity

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

1-2002. Enforcement notice

A. If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Borough intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 10 days of receipt of such notice in accordance with procedures set forth in Part 18.

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 the sanctions clearly described.

D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

E. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

1-2003. Violations and penalties

Any persons, partnership, firm, association or corporation who violates the provisions of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, shall 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 payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.

Part 21 Validity

1-2101. Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared invalid has never been a part thereof.

Part 22 Fees

1-2221. Fees established

The Borough Council shall establish, from time to time, by resolution, fees and charges for all permits and applications required by this Ordinance.

Part 23 Use Authorization Table

1-2301. Table Use

The Table in this Part 23 indicates uses authorized in each district with the standards set forth in the referenced section. Authorizations by each zoning district are indicated as follows:

P = Permitted Use

C = Conditional Use

S = Special Exception

A = Accessory Use

1-2302. Use Authorization Table

Uses/Districts	RR	NR	IR	MU	LSC	Section
Adult Oriented Business					C	1-1104
Agricultural Operation	P					1-1601
Automobile Sales and Rental					P	1-1602
Automobile Service				P	P	1-1602
Bank				P	P	
Banquet Facility	C					1-1105
Bed and Breakfast				C		1-1106
Billboard					C	1-1107
Borough Facilities	P	P	P	P	P	
Car Wash					P	1-1603
Catering Service				P	P	
Cemetery			P			
Cluster Option (Single Family Dwellings)	C	C	C			1-1108
Commercial Recreation Facility	C					1-1109
Communications Antennae	A	A	A	A	A	As set forth in 1-1110
Communications Towers and Facilities						As set forth in 1-1110
Contractor's Yard					P	1-1604
Day Care Center				P	P	1-1605
Distribution and Transportation					P	1-1606
Dwelling, Duplex			P			Authorized in Part 10, PRD
Dwelling, Multi-Family			C			1-1114
Dwelling, Patio Home						Authorized in Part 10, PRD

Uses/Districts	RR	NR	IR	MU	LSC	Section
Dwelling, Single Family Detached	P	P	P	P		
Dwelling, Townhouse						Authorized in Part 10, PRD
Essential Services						
Family Home Daycare	S	S		S		1-1202
Forestry	P	P	P	P	P	
Group Care Facility			P			
Group Residential Facility			P			
Heavy Equipment Sales and Rental					P	1-1607
Heavy Industrial					P	
Home Occupation		S				1-1203
Hospital					P	
Hobby Farm	A	A				1-1608
Hotel					P	
Indoor Entertainment Recreation Facility				P	P	
Junkyard					P	
Kennel					P	
Large Scale Retail					C	1-1111
Light Industrial					P	
Massage Establishment				P	P	
Medical Office				P	P	
Medical Clinic					C	1-1112
Mineral Extraction and Mining			C		C	1-1113
Mini-warehouse Self Storage					P	
Minor Equipment and Automotive Repair					P	
Mobilehome Park					P	SALDO
Natural Gas Processing Plant					C	1-1115
Natural Cas Compressor Station			C		C	1-1115
No Impact Home Based Business	A	A	A	A	A	
Noncommercial Recreation Facility	C		C		C	1-1116
Oil and Gas Operations					C	1-1117
Personal Care Facility			P			
Personal Service				P	P	
Place of Worship		C	C			1-1118
Planned Residential Development	P		P			Part 10
Professional Office			P	P	P	
Restaurant				P	P	
Schools	C	C	C	C	C	
Small Scale Retail				P	P	
Self-Storage Units					P	1-1609

Uses/Districts	RR	NR	IR	MU	LSC	Section
Trade or Vocational School					P	
Veterinary Office					P	
Warehousing and Storage					P	
Wholesale Use					P	
Uses not expressly listed in any zoning district					C	1-1119

ORDAINED AND ENACTED into an Ordinance at a regular meeting of Valencia Borough Council, Butler County, Pennsylvania, this_____day of_____, 2019.

ATTEST:

_____
Secretary

(SEAL)

VALENCIA BOROUGH COUNCIL:

_____
President

_____
Vice-President

_____
Council Member

Approved by me this

_____day of_____, 2019

_____
Mayor of Valencia Borough

ORDAINED AND ENACTED into an Ordinance at a regular meeting of Valencia Borough Council, Butler County, Pennsylvania, this 13th day of November, 2023.

ATTEST:

Secretary

(SEAL)

VALENCIA BOROUGH COUNCIL:

President

Vice-President

Council Member

Approved this

13 day of November, 2023

APPENDIX "A": ZONING MAP

