The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 210
Development Code

[HISTORY: Adopted by the Borough Council of the Borough of Dormont 6-7-2021 by Ord. No. 1641. Amendments noted where applicable.]

Article I
Introduction; Using Code

§ 210-101 **Title.**
The official title of this chapter is the "Dormont Development Code," and it is adopted by virtue of the authority granted to the Borough by the commonwealth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (53 P.S. § 10101 et seq., as may be amended from time to time). It shall be referred to herein as the/this "Code" or the/this "Development Code."

§ 210-102 **Community development objectives.**
This Code is in furtherance of the development objectives set forth in the Borough's Comprehensive Plan, as amended from time to time, and the following general development objectives:

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 planned community growth and development;

C. To facilitate the provision of public utilities and public services;

D. To protect the character and maintain the stability of the residential and commercial areas within the Borough;

E. To provide adequate light, air, amenities and access to properties;

F. To guide development in order to provide adequate and economical community facilities and utilities;

G. To divide the Borough into various zoning districts, restricting and regulating therein the location, construction, alteration and use of buildings, structures and land;

H. To prevent the incompatible development or use of land and to prevent blighting conditions and hazards in travel and transportation;

I. To conserve and stabilize property values through encouragement of the most appropriate use of land in relation to adjacent land uses;

J. To promote conservation of the environment and other natural and historic features; and

K. To implement the Borough's Comprehensive Plan.

§ 210-103 **Applicability.**

A. In their interpretation and application, the provisions of this code shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, planned prosperity and general welfare.

B. All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect. This code shall become effective on the date of passage and adoption by Borough Council as provided by law.

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

D. All existing buildings or structures at the time of the adoption of this code shall be deemed to be legal nonconforming buildings or structures and shall comply with all provisions of this code from that date forward.

E. The provisions of this code are not intended to nullify, abolish or repeal any easement, covenant or other private agreement or restriction.

§ 210-104 **Saving provision for pending enforcement actions.**

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

A. Nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision ordinance;

B. Discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or ordinance;

C. Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or ordinance;

D. Waive any right of the Borough under any section or provision of any prior zoning code or ordinance; or

E. Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Borough under, or by virtue of, any prior zoning code or ordinance.

§ 210-105 **Severability.**

Should any section or provision of this code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

§ 210-106 **Zoning Map.**

The Zoning Map together with all explanatory matter thereon is adopted by reference and declared to be a part of this code. A copy of the Zoning Map shall be maintained on file in the Borough offices and updated on the Borough's official website http://boro.dormont.pa.us/. No changes of any nature shall be made to the Zoning Map or any part thereof except in conformity with the procedures set forth in this code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this code.

§ 210-107 **Interpretation of district boundaries.**

Where uncertainty exists as to the boundaries of zoning districts shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Borough limits shall be construed as following such Borough limits.

D. Boundaries indicated as following rail lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as parallel to or extensions of features listed above shall be so construed.

F. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered herein, the Borough Manager or their designee shall interpret the district boundaries.

H. Where a district boundary line divides a lot that was in single ownership at the time of passage of this code, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the zoning district line into the remaining portion of the lot.

§ 210-108 **Rules of measurement and calculation.**

A. Height measurement.

(1) Building height is measured as the distance between a horizontal line at the average grade directly beside the structure and the highest point of any of the following, as applicable:

(a) The coping of a flat roof;

(b) The top of a mansard roof;

(c) The midpoint of any pitched gable, hip or the upper portion of a gambrel roof; or

(d) As measured between the top floor ceiling and the peak of the roof on an A-framed structure.

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

[Image]

B. Calculating yards, open space, and parking. Unless otherwise permitted herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

§ 210-109 **Rules of interpretation.**

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

B. All references to other regulations or manuals in this code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, code requirements for compliance are no longer in effect.

C. Illustrations, diagrams, and flowcharts are included in this code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.

D. Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.

E. The language of this code shall be interpreted as follows:

(1) The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.

(3) The word "shall" is mandatory, the word "may" is permissive.

(4) The words "used" or "occupied" include the words "intended," "designed," "constructed, "altered," or "arranged" to be used or occupied.

(5) The word "lot" includes the words "plot," "tract," or "parcel."

(6) The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.

F. Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.

G. Where a regulation involves two or more items, conditions, provisions, or events that are connected by a conjunction, "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) "Either . . . or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

H. In the case of any conflict or inconsistency between two or more provisions of this code or any other Borough ordinance, law, rule, or regulation, the provision that imposes the greater, higher, or more restrictive requirement or standard of performance shall control.

§ 210-110 **Navigation of provisions.**

A.

[Image]

Locate your property and applicable zoning district on the Zoning Map in Article **II**.

B. Locate the applicable zoning district regulations in Article **II**.

C. Determine if any generally applicable regulations apply in Article **III**, **IV**, or **V**, as applicable.

D. Determine if any nonconformities exist and how to address them in Article **VI**.

E. Determine if any approvals are necessary and how to apply for them in Article **VII**.

F. Defined terms are grouped in Article **VIII** by use terms, non-use terms, and floodplain terms.

Article II
Zoning Districts

§ 210-201 **Establishment of districts; Zoning Map.**

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

Zoning District	Abbreviation
Residential - Alley-Loaded	R-A
Residential - Street-Loaded	R-S
Residential - Collector Streets	R-C
Commercial District	C
Transit-Oriented District	TO
Public Amenity	PA

B. The Planned Residential Development District (PRD) is no longer included in the menu of zoning districts in this code. All property previously designated as a PRD that is not assigned a different zoning district concurrently with the adoption of this code shall remain a PRD and may continue to function under the established standards of each specific PRD ordinance previously adopted. Any project within the same geographic boundaries of an existing PRD may be redeveloped under the same provisions that were previously adopted for that district or according to an appropriate zoning district herein.

C. Zoning Map.

[Image]

§ 210-202 **Diagram of standards.**

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

[Image]

Lot Dimensions	
D	Lot depth (feet)
W	Lot width (feet)
Lot Setbacks	
F	Front yard setback (feet)
S	Side street yard setback (feet)
S	Side yard setback (feet)
R	Rear yard setback (feet)
Height and Coverage	
H	Number of stories

§ 210-203 **Classification of uses.**

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

Symbol	Definition
P	Permitted principal use: A use is permitted in the zoning district as a principal use. The use is also subject to all other applicable requirements of this code.
PC	Permitted principal use with conditions: Certain permitted principal uses are permitted subject to applicable specific requirements.
SE	Special exception use: A principal use is permitted by special exception only where approved by the Zoning Hearing Board in accordance with a hearing to determine whether it meets the special exception standards for approval set forth herein.
PA	Permitted accessory use: An accessory use may be permitted as an accessory use to a principal use. Permitted accessory uses are subject to all other applicable requirements of this code.
PAC	Permitted accessory use with conditions: Certain permitted accessory uses are permitted subject to applicable specific requirements.
(Blank)	Use not permitted: A use is not permitted in the district. Uses not listed as a permitted principal use (P), permitted principal use with conditions (PC), permitted accessory use (PA), conditional principal use (C), conditional accessory use (CA), or special exception (SE) are prohibited in the applicable zoning district.

§ 210-204 **Similar use determinations.**

A. The Borough will occasionally receive an application for approval of a use that is not expressly listed in the use table. In such instances, the Zoning Officer or their designee will determine if a proposed use is similar to a listed use based on the following factors:

(1) Whether the proposed use is consistent with the Comprehensive Plan or area plan and the purpose and intent of the zoning district;

(2) Whether the use has similar impacts on the surrounding neighborhood, such as traffic, noise, lighting, or similar considerations; and

(3) Whether the use has the same characteristics as a listed use in terms of building and site arrangement, site area or floor space, equipment devoted to the activity, customer type, number of employees in each activity, hours of operation, vehicles used and parking requirements, number of vehicle trips generated, signs, and how the use is advertised.

B. If it is determined that a proposed use is similar to a listed use, the regulations governing the similar listed use apply to the unlisted use.

C. If it is determined that a proposed use is not similar to a listed use, then the proposed use shall be prohibited. The decision of the Borough Manager or their designee is appealable to the Zoning Hearing Board as set forth herein below.

§ 210-205 **Summary Use Table.**

Uses	Zoning District Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded (R-A)	Residential Street-Loaded (R-S)	Residential Collector Streets (R-C)	Public Amenities (PA)
Key	P = Permitted Use; PC = Permitted Use with Conditions	SE = Special Exception	PA = Permitted Accessory Use	CA = Conditional Accessory Use	PAC = Permitted Accessory Use with Conditions	Blank = Not Permitted
Residential Uses						
Group care facility	SE		SE	SE	SE	
Group home	SE		SE	SE	SE	
Nursing home		SE			SE	
Personal care boarding home			SE	SE	SE	
Residential (1-2 units)			P	P	PC (not permitted on corner lots)	
Residential (2-5 units)	PC (on upper floors only)	PC (on upper floors only)	PC (on corner lots only)	PC (on corner lots only)	P	
Residential (6+ units)	PC (whole building use permitted where 24 or more units)	PC (on upper floors only)			P	
Senior independent-living facility	SE	SE			P	
Senior assisted-living facility	SE	SE			SE	
Skilled-care	SE	SE			SE	

Uses	Zoning District Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded (R-A)	Residential Street-Loaded (R-S)	Residential Collector Streets (R-C)	Public Amenities (PA)
facility						
Transitional dwelling	SE	SE	SE	SE	SE	
Commercial Uses						
Adult entertainment business		SE				
Antique shop		P			PC (ground floor only)	
Art studio	P	P	PAC (accessory structure only)	PAC (accessory structure only)	PC (ground floor only)	
Artisan manufacturing	PA	PA	PAC (accessory structure only)	PAC (accessory structure only)	PAC (accessory structure only)	
Beverage sales, liquor, beer or wine store	P	P				
Beverage, brewing and distilling	PC	PC				
Beverage, distribution	P	P				
Beverage, nonalcoholic production	P	P				
Car wash		SE				
Clinic, veterinary	SE	P			PAC (ground floor only)	
Drugstore	PAC (on first floor of mixed-use building only; no standalone drugstore buildings permitted)	PAC (on first floor of mixed-use building only; no standalone drugstore buildings permitted)				
Financial institution	P	P				
Food sales, large grocery	PAC (on first floor of mixed-use building only; no standalone grocery buildings permitted)	PAC (on first floor of mixed-use building only; no standalone grocery buildings permitted)				

Uses	Zoning District Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded (R-A)	Residential Street-Loaded (R-S)	Residential Collector Streets (R-C)	Public Amenities (PA)
Food sales, small grocery	P	P			PC (permitted on first floor of mixed-use building only; convenience stores not permitted unless 10% of sales are fresh produce/fruit)	
Food service, commissary/bakery	P	P			PC (permitted on first floor of mixed-use building only)	
Food service, deli	P	P			PC (permitted on first floor of mixed-use building only)	
Funeral home	SE	SE				
Garden center		SE				
Indoor storage facility	SE	SE				
Kennel		SE				
Light manufacturing		SE				
Motorcycle sales and service		SE				
Offices, business and professional	P	P	PAC (home occupation only; public appointments in accessory structure or separate entrance only)	PAC (home occupation only; public appointments in accessory structure or separate entrance only)	PAC (home occupation only; public appointments in accessory structure or separate entrance only)	
Outdoor storage facility						
Overnight lodging, bed-and-breakfast		P	SE	SE	P	
Overnight lodging, boutique hotel	SE	P				
Overnight lodging, hotel	P	P				
Overnight lodging, private transient occupancies	P	P	PAC (limited to not more than 25% of	PAC (limited to not more than 25% of	PAC (limited to not more than 25% of	

Uses	Zoning District Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded (R-A)	Residential Street-Loaded (R-S)	Residential Collector Streets (R-C)	Public Amenities (PA)
			calendar year)	calendar year)	calendar year)	
Personal services	P	P	PAC (home occupation only; public appointments in accessory structure only)	PAC (home occupation only; public appointments in accessory structure only)	PAC (home occupation only; public appointments in accessory structure only)	
Research/laboratory facility	P	P				
Restaurant, full service	P	P			PC (permitted on first floor of mixed-use building only)	
Restaurant, limited service	P	P			PC (permitted on first floor of mixed-use building only)	
Restaurant, quick service	P	P			PC (permitted on first floor of mixed-use building only)	
Retail gasoline and convenience	SE	SE				
Retail store	P	P			PC (permitted on first floor of mixed-use building only)	
Vehicle repair garage		SE				
Vehicle sales and service	SE	SE				
Warehouse		SE				
Wholesale sales		P				
Health and Wellness						
Clinic	P	P	PAC (home occupation only; public appointments in accessory structure only)	PAC (home occupation only; public appointments in accessory structure only)	PAC (home occupation only; public appointments on first floor of mixed-use building only)	
Fitness facility/gym	P	P				PA

Uses	Zoning District Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded (R-A)	Residential Street-Loaded (R-S)	Residential Collector Streets (R-C)	Public Amenities (PA)
Hospital	SE					
Message and physical therapy	P	P			PAC (home occupation only; public appointments on first floor of mixed-use building only)	
Standalone emergency facility	SE					
Urgent care	P	P				
Public Uses						
Cemetery		SE				
Collection and recycling facility		SE				
Government administration	P	P				P
Park	P	P	P	P	P	P
Public parking garage	P	P				
Public parking lot	P (interior of lot only; none directly adjacent to existing right-of-way)	P				PA
Public safety facility	P	P				P
Public utility building	P	P				P
Utility generation facility	SE	SE				
Congregate Uses						
Arts center	P	P			P	P
Community center	P	P			P	P
Event center	P	P				P
Library	P	P			P	P
Private club	P	P			SE	P
Religious assembly	SE	PC (standalone buildings only with on-site parking for at least 10 personal vehicles)			PC (standalone buildings only with on-site parking for at least 10 personal vehicles)	
Theater	P	P				P
Recreation						
Commercial	SE	SE				

Uses	Zoning District Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded (R-A)	Residential Street-Loaded (R-S)	Residential Collector Streets (R-C)	Public Amenities (PA)
recreation, indoor						
Commercial recreation, outdoor					SE	
Community park	P	P	P	P	P	P
Education and Childcare						
Commercial college	P	P				
Day-care center	P	PC (first floor of mixed-use building only)			PC (first floor of mixed-use building only)	P
Day-care home	PAC (home occupation only)	PAC (home occupation only)	PAC (home occupation only)	PAC (home occupation only)	PAC (home occupation only)	
Nursery school	PC (first floor of mixed-use building only)	PC (first floor of mixed-use building only)			PC (first floor of mixed-use building only)	P
School					P	P
School, college/university					P	P
Accessories						
Accessory dwelling unit (ADU)	P		P	P	P	
No-impact home-based business	PA	PA	PA	PA	PA	
Private garage	P	P	P	P	P	
Private parking lot	PC (structured parking only)	PC (rear yard only)	PC (rear yard only)	PC (rear yard only)	PC (rear yard only)	
Small farm animal keeping			PAC (rear yard only; fully fenced yard only; no roosters)	PAC (rear yard only; fully fenced yard only; no roosters)	PAC (rear yard only; fully fenced yard only; no roosters)	P
Solar facility	PC (rooftop only)	PC (rooftop only)	PC (rooftop only)	PC (rooftop only)	PC (rooftop only)	P
Swimming pool	P	P	P	P	P	P
Walk-up/bike-up window	PC (front or side elevation only; one 1 square foot menu board per window)	PC (front or side, elevation only; one 1 square foot menu board per window)			PC (front or side elevation only; one 1 square foot menu board per window)	PC (front or side elevation only; one 1 square foot menu board per window)
Communications Facilities						
Essential communications	SE	SE				

Uses	Zoning District Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded (R-A)	Residential Street-Loaded (R-S)	Residential Collector Streets (R-C)	Public Amenities (PA)
facility						
Temporary Uses						
Construction trailer	PC (for duration of active construction only; rear yard only)	PC (for duration of active construction only; rear yard only)	PC (for duration of active construction only; rear yard only)	PC (for duration of active construction only; rear yard only)	PC (for duration of active construction only; rear yard only)	P
Farmers' market	PC (outdoor only April through October; not more than 2 days per week. Indoor allowed November through March)	PC (outdoor only April through October; not more than 2 days per week. Indoor allowed November through March)			PC (outdoor only April through October; not more than 2 days per week. Indoor allowed November through March)	PC (outdoor only April through October; not more than 2 days per week. Indoor allowed November through March)

§ 210-206 **Transit-Oriented District (TO).**

[Image]

A.

[Image]

Intent. The Transit-Oriented (TO) District recognizes that Dormont's three rail transit stations are valuable assets and amenities for the Borough and desires to leverage them by creating a vibrant mixed-use locus around each station. Development around transit promotes transit usage, walkability, and reduces automobile dependence and traffic congestion.

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

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C. Site development standards.

[Image]

Lot Setbacks		Minimum	Maximum
F	Front yard setback (feet)	—	15, with outdoor dining
R	Rear yard setback (feet)	7	—
Height and Coverage		**Minimum**	**Maximum**
H	Number of stories	2	8
C	Commercial ground floor	20%	—
Surface Parking			
P	Location	Rear or side yard	

D. General Transit-Oriented District design standards.

(1) Building design.

Ground Floor, Street Facing	
Height (feet)(minimum/maximum)	12/20
Openings	Minimum of 40% transparency for residential; 75% for commercial
Facade materials	Finish-quality wood, fiber cement board, brick, stone, polished concrete, cast iron or similar metal
Upper Floors, Street Facing	
Openings	Required
Facade materials	Fiber cement board, brick, stone, cast iron or similar metal
Facade articulation	No facade shall be longer than 180 feet without a plane change of 3 or more feet

(2) Landscape design.

Fences, Walls and Gates (Permitted in rear and side yards for residential properties)	
Height (maximum)	6 (side and rear yards)
Opacity	75% (side and rear yards)
Materials	Chain-link (vinyl coated), iron; wood , synthetic (vinyl), metal (non-chain-link) with split rail fence only
Landscaping Required	
Plan required	Yes
Front yard tree	Yes, 3 feet or closer to the right-of-way line if front yard setback is greater than 10 feet
Foundation plantings	Yes
Service Area Screening	
Height (feet)(minimum/maximum)	6/8
Location	Rear yard
Setback (minimum)	5 feet from any lot line
Materials	Treated and stained or painted wood or brick
Clear area (minimum)	10 feet in front of enclosure doors
Dumpsters (maximum)	2 per principal building

(3) Parking design.

General Criteria	
Drive aisle size (feet)(minimum/maximum)	12/14
Connection to other parking facilities	Permitted
Maximum number of curb cuts per frontage	1
Service and loading	Rear of building
Drive-throughs	Not permitted
Lighting and Landscape	
Lighting locations	Interior and edge required
Curbs	Required
Edge landscape	Required
Interior landscaping	Permitted (curb required)
Parking Structures	
Front yard setback (minimum)	40 feet
Side and rear yard setbacks (minimum)	40 feet
Height (maximum)	6 stories; not taller than immediately surrounding building
Facade articulation	No facade shall be longer than 180 feet without a plane change of 3 or more feet
Design standards	Facade of natural materials similar in design and materials to majority of buildings in development or neighborhood within 300-foot radius of parking structure

(4) Permitted sign types (See Article **V** for specific requirements.): wall (including marquee); projecting; roof; window; painted mural; sandwich board; awning; temporary; access; entranceway.

Note: Inclusionary zoning requirements apply to new construction of 15 or more dwelling units in the TO District. (See Article **V** for specific requirements.)

§ 210-207 **Commercial District (C).**

[Image]

A.

[Image]

Intent. The Commercial (C) District is located along the main commercial corridors of West Liberty Avenue and Potomac Avenue.

B. Development pattern. The predominant development pattern and building form in these districts should promote a diversity of commercial uses on the ground floor with residential uses on the upper floors. Buildings should be vertical and of two to six stories with little to no setbacks, off-street parking located in the rear, if at all, and buildings designed and oriented toward the street to promote a walkable environment of small-footprint retail, services, food and entertainment uses.

C. Uses. The mix of uses in the C District is intended to promote Dormont as a twenty-minute neighborhood where most essential neighborhood amenities are no more than a twenty-minute walk from any part of the Borough.

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D. Site development standards.

[Image]

Lot Setbacks		Minimum	Maximum
F	Front yard setback (feet)	—	15, with outdoor dining
SY	Side yard setback (aggregate) (feet)		12
R	Rear yard setback (feet)		7
Accessory Building			
	Location	Rear yard; minimum setback is 3 feet from rear/side lot line	
	Number of stories (maximum)	2	
Height and Coverage		**Minimum**	**Maximum**
H	Number of stories	1	6
C	Commercial ground floor	75%	—
Surface Parking			
P	Location	Rear yard	

E. General Commercial District design standards.

(1) Building design.

Ground Floor, Street Facing	
Height (feet)(minimum/maximum)	12/20
Openings	Minimum of 75% transparency
Facade materials	Finish-quality wood, fiber cement board, brick, stone, polished concrete, cast iron or similar metal
Upper Floors, Street Facing	
Openings	Required
Materials	Fiber cement board, brick, stone, cast iron or similar metal
Facade articulation	No facade shall be longer than 180 feet without a plane change of 3 or more feet

(2) Landscape design.

Fences, Walls and Gates	
Height (maximum)	8 feet (side and rear yards)
Opacity	100%
Materials	Iron, wood, metal (non-chain-link) with split rail fence only
Landscaping Required	
Plan required	Yes
Front yard tree	Yes, 3 feet or closer to the right-of-way line

Foundation plantings	Yes
Service Area Screening	
Height (feet)(minimum/maximum)	6/8
Location	Rear
Setback (minimum)	5 feet
Materials	Wood or brick
Clear area (minimum)	10 feet
Dumpsters (maximum)	1
Retaining walls	Plan required

(3) Parking design.

General Criteria	
Drive aisle size (feet)(minimum/maximum)	12/14
Connection to other parking facilities	Permitted
Maximum number of curb cuts per frontage	1
Service and loading	Rear of building
Drive-throughs	Not permitted
Lighting and Landscape	
Lighting locations	Interior required, edge not permitted
Materials	Asphalt, pervious pavers, concrete
Curbs	Required
Edge landscape	Required
Interior landscaping	Permitted (curb required)
Parking Structures	
Front yard setback (minimum)	40 feet
Side and rear yard setbacks (minimum)	40 feet
Height (maximum)	4 stories
Facade articulation	No facade shall be longer than 180 feet without a plane change of 3 or more feet
Design standards	Facade of natural materials similar in design and materials to majority of buildings in development or neighborhood within 300-foot radius of parking structure

(4) Permitted sign types (See Article **V** for specific requirements.): wall (including marquee); projecting; roof; window; painted mural; sandwich board; awning; temporary; access; entranceway.

§ 210-208 **Residential Collector District (R-C).**

[Image]

A.

[Image]

Intent. The Residential Collector (R-C) District is located along highly traveled residential corridors.

B. Development pattern. The predominant development pattern and building form along these corridors is intended to promote a mix of high- and medium-intensity building forms and uses. Corner buildings are intended to be situated and designed to create nodes of ground floor commercial uses with residential

uses above.

[Image] [Image]

[Image]

[Image] [Image] [Image]

[Image] [Image] [Image]

C. Site development standards.

[Image]

Lot Dimensions		Minimum	Maximum
A	Lot size (square feet)	—	27,500
W	Lot width (feet)	—	60
Height and Coverage		**Minimum**	**Maximum**
H	Number of stories	2	4
L	Lot coverage (aggregate)	—	60% for lots of widths 30 feet or greater; 90% for lot widths less than 30 feet
L	Lot coverage (building only)	—	40% for lots of widths 30 feet or greater; 60% for lot widths less than 30 feet
Lot Setbacks		**Minimum**	**Maximum**
F	Front yard setback (feet)		15
SY	Side yard setback (aggregate) (feet)		8
Accessory Building			
	Location	Rear yard; minimum setback is either 3 feet from right-of-way line or 26 feet from the closest structure across alley	
	Number of stories (maximum)	2	
Surface Parking			
P	Location	Rear or side yard	

D. General Residential Collector District design standards.

(1) Building design.

Ground Floor, Street Facing	
Height (feet)(minimum/maximum)	11/16
Openings	Minimum of 40% transparency for residential; 60% for commercial
Facade materials	Finish-quality wood, fiber cement board, brick, stone
Upper Floors, Street Facing	
Openings	Required
Facade materials	Fiber cement board, brick, stone

Facade articulation	No facade shall be longer than 120 feet without a plane change of 3 or more feet

(2) Landscape design.

Fences, Walls and Gates	
Height (maximum)	6 (side and rear yards)
Opacity	75% (side and rear yards)
Materials	Chain-link (vinyl coated), iron; wood, synthetic (vinyl), metal (non-chain-link) with split rail fence only
Landscaping Required	
Plan required	Yes
Front yard tree	Yes, 3 feet or closer to the right-of-way line
Foundation plantings	Yes
Service Area Screening	
Height (feet)(minimum/maximum)	6/8
Location	Rear
Setback (minimum)	5 feet
Materials	Wood or brick
Clear area (maximum)	10 feet (minimum)
Dumpsters (maximum)	1
Retaining walls	Plan required

(3) Parking design.

General Criteria	
Driveway width (feet)(minimum/maximum)	10/14; 8 maximum at curb
Connection to other parking facilities	Yes
Maximum number of curb cuts per frontage	1
Service and loading	Rear of building
Drive-throughs	Not permitted
Lighting and Landscape	
Lighting locations	Interior
Materials	Asphalt, pervious pavers, concrete
Curbs	Required
Edge landscape	Required
Interior landscaping	Permitted (curb required)

(4) Permitted sign types (See Article **V** for specific requirements.): freestanding (monument, with site plan only); wall (including marquee); projecting; painted mural; sandwich board; awning; entranceway.

§ 210-209 **Alley-Loaded Residential District (R-A).**

[Image]

A.

[Image]

Intent. The Alley-Loaded Residential (R-A) District is established for residential properties with vehicular access by way of rear alleys.

B. Development pattern.

(1) The predominant development pattern and building form in this district is two- and three-story, residential single- and-two-unit buildings with a small side yard setback and direct pedestrian access via a front walk leading to a front porch or stoop.

(2) Rear yards may contain garages or other accessory structures oriented toward the alley and providing a secondary means of access to the property. Properties have small front yards and larger rear yards between the primary structure and the rear yard accessory structure.

[Image] [Image]

[Image]

[Image] [Image] [Image]

[Image] [Image] [Image] [Image]

C. Site development standards.

[Image]

Lot Dimensions		**Minimum**	**Maximum**
A	Lot size (square feet)	—	9,000
W	Lot width (feet)	—	40
Height and Coverage		**Minimum**	**Maximum**
H	Number of stories	2	3
L	Lot coverage (aggregate)	—	60% for lots widths 30 feet or greater; 90% for lot widths less than 30 feet
L	Lot coverage (building only)	—	40% for lots of widths 30 feet or greater; 60% for lot widths less than 30 feet
Lot Setbacks		**Minimum**	**Maximum**
F	Front yard setback (feet)	Average of front yard setback of buildings on either side	10
SY	Side yard setback (aggregate) (feet)		8
Accessory Building			
Location		Rear yard; minimum setback is either 3 feet from right-of-way line or 26 feet from the closest structure across alley	
Number of stories (maximum)		2	
Surface Parking			
P	Location	Rear yard	

D. General Alley-Loaded Residential District design standards.

(1) Building design.

Ground Floor, Street Facing	
Height (feet)(minimum/maximum)	10/14
Openings	Doors and windows required for each unit
Materials	Finish-quality wood, fiber cement board, brick, stone
Upper Floors, Street Facing	
Openings	Required
Materials	Fiber cement board, brick, stone
Facade articulation	No facade shall be longer than 44 feet without a plane change of 3 or more feet

(2) Landscape design.

Fences, Walls and Gates	
Height (maximum)	6 (side and rear yards)
Opacity	75% (side and rear yards)
Materials	Chain-link (vinyl coated), iron, wood, synthetic (vinyl), metal (non-chain-link) with split rail fence only
Landscaping Required	
Plan required	Yes
Front yard tree	No
Foundation planting	Yes
Service Area Screening	
Height (feet)(minimum/maximum)	6/8
Dumpsters (maximum)	Not permitted

(3) Parking design.

General Criteria	
Driveway width (feet)(minimum/maximum)	10/12; 8 maximum at curb
Connection to other parking facilities	Permitted
Maximum number of curb cuts per frontage	1 (curb cut on alley frontage only)
Lighting and Landscape	
Materials	Asphalt, pervious pavers, concrete

(4) Permitted sign types. (See Article **V** for specific requirements.): wall (including marquee, with conditions); entranceway.

§ 210-210 **Street-Loaded Residential District (R-S).**

[Image]

A.

[Image]

Intent. The Street-Loaded Residential (R-S) District includes residential properties with vehicular access by way of side yard drives, if at all.

B. Development pattern. The predominant development pattern and building form in these districts is two- and three-story, residential single- and-two-unit buildings with a small or no side yard setback in one side yard and a more substantial side yard setback in the other side yard to accommodate a one-car-wide driveway. Front yards are relatively small, and rear yards may accommodate a detached accessory

structure at the terminus of the driveway.

[Image] [Image]

[Image]

[Image] [Image] [Image]

[Image] [Image] [Image] [Image]

C. Site development standards.

[Image]

Lot Dimensions		Minimum	Maximum
A	Lot size (square feet)	—	12,000
W	Lot width (feet)	—	50
Height and Coverage		**Minimum**	**Maximum**
H	Number of stories	2	3
L	Lot coverage (aggregate)	—	60% for lots widths 30 feet or greater; 90% for lot widths less than 30 feet
L	Lot coverage (building only)	—	40% for lots of widths 30 feet or greater; 60% for lot widths less than 30 feet
Lot Setbacks		**Minimum**	**Maximum**
F	Front yard setback (feet)	Average of front yard setback of buildings on either side	15
SY	Side yard setback (aggregate) (feet)		12
Accessory Building			
Location		Rear yard; minimum setback is either 3 feet from rear lot line or 18 feet from front lot line; side yard setback minimum is 3 feet	
Number of stories (maximum)		2	
Surface Parking			
P	Location	Rear or side yard	

D. General Street-Loaded Residential District design standards.

(1) Building design.

Ground Floor, Street Facing	
Height (feet)(minimum/maximum)	10/14
Openings	Doors and windows required for each unit
Facade materials	Finish-quality wood, fiber cement board, brick, stone
Upper Floors, Street Facing	
Openings	Required
Facade materials	Fiber cement board, brick, stone

Facade articulation	No facade shall be longer than 44 feet without a plane change of 3 or more feet

(2) Landscape design.

Fences, Walls and Gates	
Height (maximum)	6 feet (side and rear yard)
Opacity	100% (minimum, side and rear yard)
Materials	Chain-link (vinyl coated), iron, wood, synthetic (vinyl), metal (non-chain-link) with split rail fence only
Landscaping Required	
Plan required	Yes
Front yard tree	No
Foundation plantings	Yes
Service Area Screening	
Height (feet)(minimum/maximum)	6/8
Dumpsters (maximum)	Not permitted

(3) Parking design.

General Criteria	
Driveway width (feet)(minimum/maximum)	10/12; 8 maximum at curb
Connection to other parking facilities	Permitted
Maximum number of curb cuts per frontage	1
Lighting and Landscape	
Materials	Asphalt, pervious pavers, concrete

(4) Permitted sign types (See Article **V** for specific requirements.): sandwich board; entranceway.

§ 210-211 **Public Amenity District (PA).**

[Image]

A.

[Image]

Intent. The Public Amenity (PA) District includes publicly owned facilities, such as parks, recreation facilities, schools, life and safety services, and government offices.

B. Development pattern. Properties in the PA District are largely open space; however, where there are buildings, they should be oriented in such a way to maximize pedestrian connectivity within the community. This district contains no building standards.

C. Permitted sign types (See Article **V** for specific requirements): freestanding (monument); projecting; sandwich board; temporary; access; entranceway.

Article III
Specific Use Regulations

§ 210-301 **Permitted uses with conditions (PC).**

Certain uses in the above use tables are designated as permitted uses with conditions (PC). These uses are permitted as of right as long as the Zoning Officer determines that the use as proposed meets all of the

conditions set forth herein.

§ 210-302 **Uses by special exception (SE).**
Certain uses in the above use tables are designated as use by special exception. These uses are not permitted as of right and require a determination that they satisfy the following general standards and comply with the standards specific to each use herein. The application and review procedures are set forth in Article VII below.

A. A use by special exception shall comply with and satisfy all of the following general standards:

(1) The use shall not endanger the public health, safety or welfare nor deteriorate the environment, if it is located on the property where it is proposed;

(2) The use shall comply with the performance standards and all generally applicable regulations in Article **VI** below;

(3) Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets; and

(4) For all uses that are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.

B. A use by special exception shall comply with and satisfy all standards applicable to that use.

§ 210-303 **Adult businesses (SE).**
A. Adult businesses are not permitted in any zoning district other than the C Commercial District and, within that zoning district, shall not be located within 500 feet of a religious assembly use; public or private pre-elementary, elementary or secondary school; public library; child-care facility or nursery school; or public park, as measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.

B. An adult business shall not be located within 1,000 feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.

C. No more than one adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.

D. An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit of a religious assembly; public or private pre-elementary, elementary or secondary school; public library; child-care facility or nursery school; or public park within 500 feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.

E. Any adult business, other than an adult motel, that exhibits on the premises, in a viewing room (a separate compartment or cubicle) of less than 150 square feet of floor space, a film or videocassette or

other video or image production or reproduction that depicts nudity or sexual conduct, as defined herein, shall comply with the following:

(1) At least one employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.

(2) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.

(3) It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.

(4) No viewing room shall be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.

(5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.

(6) If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area, and the viewing area shall not be accessible to the performers, and the performers shall not have easy access to the viewers present.

(7) Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.

(8) The applicant shall agree to renew the certificate of occupancy in accordance with the requirements for annual renewal as set forth in the Code of the Borough.

§ 210-304 **Human and animal care uses.**

A. Hospital, clinic or nursing home (SE).

(1) The minimum lot area required for a hospital shall be five acres. The minimum lot area required for a clinic or nursing home shall be one acre.

(2) The property shall be served by public water and public storm and sanitary sewers.

(3) All hospitals and nursing homes shall be licensed by the commonwealth.

(4) Water pressure and volume shall be adequate for fire protection.

(5) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.

(6) The parking and circulation plan shall be referred to the local Police Department and fire company for comments regarding traffic safety and emergency access.

(7) Nursing homes shall have a bed capacity of at least 20 beds, but no more than 200 beds.

(8) All property lines adjoining a residential use or any zoning district that has a residential use as a listed permitted use shall be buffered.

(9) A private use helipad for air ambulances shall not be permitted as part of a hospital.

(10) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PADEP) and the United States Environmental Protection Agency (EPA).

B. Kennel or veterinary clinic (PC).

(1) The minimum lot area required shall be 6,000 square feet.

(2) Outdoor kennels or runs shall not be permitted.

(3) Overnight boarding of animals, other than for medical supervision, shall not be permitted.

(4) Kennels shall be licensed by the commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this article and shall be subject to the enforcement provisions of this code.

(5) Odors shall be controlled so as to comply with the performance standards of this code.

C. Funeral home (SE).

(1) The minimum lot area shall be 20,000 square feet.

(2) The site shall have frontage on and direct vehicular access to an arterial or collector street.

(3) All off-street parking areas that adjoin property in any zoning district that has a residential use as a listed permitted use shall be screened by a minimum four-foot-high, compact evergreen hedge.

(4) Traffic circulation on the lot shall be designed to minimize congestion and provide for the queuing of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

§ 210-305 **Institutional and public uses (SE).**

A. The minimum lot area required for any school shall be one acre; provided, however, that the minimum lot area for a college shall be 10 acres.

B. Not more than 10 persons shall reside in a residential facility (such as a convent or monastery) that is accessory to a religious assembly use.

C. A dwelling (such as a manse or parsonage) may be located on the same lot with a religious assembly use, provided that all requirements of this article for one-unit dwellings in the zoning district can be met in addition to the minimum lot area, lot width and yard requirements applicable to the religious assembly use on the lot.

D. If a school includes dormitories, the dormitories shall be buffered along any property line adjoining one-unit dwelling or any zoning district that has a residential use as a listed permitted use.

E. Ingress and egress to and from police and fire stations shall be located so to maximize sight distance along adjacent public streets and to enhance safety for vehicles exiting the property.

F. Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.

§ 210-306 **Outdoor displays (PC).**

A. Outdoor display of retail goods, wares and merchandise are permitted accessory uses in the C Zoning District.

B. Such outdoor display must be customarily incidental to a principal use in the district in which the outdoor display is permitted.

C. Such outdoor display is permitted in any yard, subject to a minimum setback of 20 feet from an adjoining property line.

D. All outdoor displays must be located on the same zoning lot as the principal use.

E. Areas used for such display shall be furnished with an all-weather, hard surface of a material such as bituminous or portland cement, concrete or permeable pavement.

F. Areas designated for required off-street loading, parking and handicap parking shall not be used for such outdoor display.

G. Such display shall not violate applicable federal, state, or local laws specific to the use of solid, liquid and gaseous chemicals, materials or products.

§ 210-307 **Recreation uses.**

A. Commercial recreation, outdoor (SE).

(1) The minimum lot area required for outdoor recreation facilities shall be one acre. All indoor facilities shall meet the minimum lot area required for the zoning district in which the property is located.

(2) The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this code.

(3) The property shall be served by public water and public storm and sanitary sewers.

(4) Adequate sanitary facilities available to the public shall be provided.

(5) Outdoor speakers shall not be permitted if there are dwellings within 500 feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.

(6) Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and firefighting equipment.

(7) Any outdoor facility shall be completely enclosed by a fence that is at least six feet in height with one or more locking gates that shall remain secured when the facility is not in use.

(8) Any outdoor facility located within 200 feet of a residential use shall cease operations no later than 11:00 p.m.

(9) Any use that includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

(10) Maintenance vehicles shall be stored within a completely enclosed building.

(11) Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six-foot-high fence with locking gate and is screened by one-hundred-percent opaque screening material placed in the fencing or by a six-foot-high, compact, dense evergreen hedge.

(12) Any area of the building that is used for business offices shall comply with the parking requirements of Article IV of this chapter for that use. Any area of the building that is used for storage of material, vehicles or other equipment shall provide one parking space for each 1,500 square feet of gross floor area devoted to that use.

B. Indoor and outdoor courts and other recreational facilities, batting cages, picnic areas and playgrounds (SE).

(1) The use shall comply with the performance standards of this code.

(2) Any outdoor facility located within 200 feet of a residential use shall cease operations at 11:00 p.m.

(3) The volume and direction of outdoor speakers shall be designed to minimize the impact on adjoining properties. Outdoor speakers shall not be used after 10:00 p.m., Sunday through Thursday, and shall not be used after 11:00 p.m. on Friday and Saturday.

(4) The location of buildings and structures shall be designed to minimize the impact on adjoining residential uses.

(5) A buffer shall be provided along all property lines adjoining property in the R-A and R-S Districts where structures or parking related to the authorized conditional uses in the public park are located

within 100 feet of the property line.

C. Noncommercial recreation (PC).

(1) All principal structures shall be located at least 30 feet from any property line.

(2) A buffer shall be provided along all property lines adjoining a residential use or any zoning district that has a residential use as a listed permitted use.

(3) The use shall comply with the performance standards of this code.

(4) All lighting shall be shielded away from adjoining streets and properties.

(5) Any outdoor facility located within 200 feet of a residential use shall cease operations at 11:00 p.m.

§ 210-308 **Residential uses.**

A. Conversion of one-unit, two-unit and multi-unit dwellings (PC).

(1) No additional dwelling units shall be created in any existing one-unit or two-unit dwelling except for the establishment of an ADU.

(2) Additional dwelling units may be established in multi-unit dwellings as long as such additional units are at least 600 square feet.

B. Group care facility, personal care boarding home or transitional dwelling (SE).

(1) In the R-C District, a group care facility or personal care boarding home shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this code.

(2) In the R-C District, the maximum number of residents permitted in a group care facility or personal care boarding home shall be 10 residents.

(3) No group care facility, personal care boarding home or transitional dwelling shall be located within 1,000 feet of another existing or proposed group care facility, personal care boarding home or transitional dwelling.

(4) Adequate provisions shall be made for access for emergency medical and firefighting vehicles.

(5) Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency.

(6) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs, and the area shall be secured by a fence with self-latching gate.

(7) Where applicable under Pennsylvania law, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy, and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

C. Home occupations (PAC).

(1) The home occupation shall be carried out by a member of the household residing in the dwelling unit, and no one who is not a resident of the dwelling unit shall be employed in the dwelling unit in association with the home occupation.

(2) No more than 20% of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.

(3) There shall not be in-person pickup of goods.

(4) There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for delivery off the premises.

(5) Exterior displays or signs, other than those permitted by § 210-506B of this chapter, exterior storage of material, variation from the residential character of the principal structure or any other exterior indication of the home occupation shall not be permitted.

(6) The use shall not require internal or external alterations or construction features that are not customary to a dwelling or that change the fire rating of the structure.

(7) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the performance standards of this code.

(8) The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.

(9) There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.

(10) The use shall not cause an increase in the use of water, sewerage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.

(11) Any home occupation where customers, clients or students routinely visit the premises shall provide a paved, off-street parking area in accordance with the requirements for the specific use.

(12) There shall be no storage of materials that could pose a threat to public health or safety, such as large quantities of explosive, unstable, or flammable substances.

(13) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception:

(a) Beauty shops or barbershops containing more than one chair.

(b) Clinics, hospitals or nursing homes.

(c) Funeral homes.

(d) Group care facility, personal care boarding home or transitional dwelling.

(e) Kennels, veterinary offices and clinics.

(f) Private clubs.

(g) Private instruction to more than two students at a time.

(h) Restaurants.

(i) Tourist or boarding home, other than bed-and-breakfast.

(j) Vehicle or equipment rental, repair or sales.

(k) Vehicle repair garages.

D. Family day-care home (PC).

(1) An adequate outdoor play area shall be provided and shall be secured by a fence with a self-latching gate. Such play area shall be screened from adjoining residential dwellings by a minimum four-foot-high, compact, dense evergreen hedge or opaque fence.

(2) A safe area shall be provided for dropping off and picking up children that does not obstruct the free flow of traffic on any public street.

(3) The family day-care home shall be licensed or registered by the commonwealth, as required by the laws of the commonwealth, and the continued compliance with the license or registration and all applicable laws of the commonwealth shall be maintained throughout the operation of the family day-care home.

(4) All applicable criteria herein for a home occupation shall be met.

E. Day-care center, preschool or nursery school (SE).

(1) The facility shall be registered with or licensed by the commonwealth, if applicable.

(2) In any zoning district that has a residential use as a listed permitted use, the facility shall be permitted to be located only in a religious assembly use or school.

(3) Outdoor play areas shall be provided that shall have a minimum area of 65 square feet per child and that shall be secured by a fence with self-latching gate.

(4) Outdoor play areas that adjoin residential uses shall be buffered.

(5) The general safety of the property proposed for a day-care center, nursery school or preschool facility shall meet the needs of small children.

(6) Off-street parking shall be provided in accordance with the requirements of Article IV of this chapter.

F. Boardinghouse (SE).

(1) Each sleeping unit shall contain a minimum of 200 square feet of gross area.

(2) Each sleeping unit shall have a separate entrance, either directly from the outside or from a common corridor inside the dwelling.

(3) One and one-half off-street parking spaces shall be provided for each sleeping unit. The paving and design of the off-street parking spaces shall be in accordance with the requirements of Article IV of this chapter.

(4) Where three or more off-street parking spaces are provided, the parking area shall be screened from adjoining residential properties by a four-foot-high, compact, dense evergreen hedge.

(5) All sleeping units shall comply with all applicable requirements of the Pennsylvania Department of Labor and Industry and the Borough of Dormont Building Code.

§ 210-309 **Temporary uses or structures other than construction trailers (PC).**

A. Temporary uses, such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization, shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided that the Zoning Officer determines compliance with the standards of this section as a condition of issuing a certificate of occupancy.

B. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than 30 days shall not be subject to the provisions of this section. Any such activity that exceeds 30 days in duration shall be subject to approval under this section.

C. A transient merchant license as required by Chapter **155** of the Borough Code shall be obtained.

D. In the C Zoning District, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:

(1) The preparation and serving of food that is part of a special event that does not exceed 72 consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this section; however, an occupancy permit shall be obtained from the Borough Zoning Officer subject to the applicant demonstrating compliance with the applicable standards and criteria herein.

(2) All applicable requirements of the Allegheny County Health Department shall be met.

(3) The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.

(4) The area used for preparing and serving the food shall not obstruct any sidewalk or public right-of-way, nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five feet of unobstructed width for the passage of pedestrians, and in the case where there is parallel parking permitted along such sidewalk, a minimum of four feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five feet wide along the curb.

(5) No noise or odor shall emanate from such outdoor area where food is prepared and/or served that adversely affects any adjoining property with residential uses within 300 feet of the outdoor area.

(6) The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.

(7) The activity shall comply with all applicable requirements of the Uniform Construction Code.

(8) The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities that will be available to the public visiting the temporary use.

(9) The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Borough with a certificate of insurance, in an amount at least equal to $2,000,000 per occurrence and $3,000,000 aggregate, indemnifying the Borough against any liability resulting from such use.

E. Approval of temporary uses or structures shall be granted for a specific time period not to exceed six months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided that all conditions of the original approval are maintained.

F. All temporary uses or structures shall be removed within 48 hours of the expiration of the specific period for which the structure or use is approved.

G. All temporary uses or structures that are proposed to be accessible to the public shall provide off-street parking in accordance with this code.

H. Vehicular access for all temporary uses or structures that are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.

I. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the zoning district in which they are located. All temporary uses or structures that are proposed to be used as accessory uses or structures shall comply with the requirements of the zoning district for accessory structures. No temporary use or structure shall be located in any public right-of-way.

J. Temporary uses or structures that are proposed as principal uses or structures and that are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot and are available to the customers or patrons of the temporary use or structure.

§ 210-310 **Vehicular uses (SE).**

A. Car washes.

(1) All automated washing facilities shall be in a completely enclosed building. All other car washing facilities shall be under a roofed structure that has at least two walls.

(2) Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets, alleys or adjacent property.

(3) Standing spaces shall be provided in accordance with the requirements specified herein for drive-in businesses.

(4) The facility will be connected to public sanitary sewers. No drainage will be permitted to infiltrate the storm sewer system.

(5) Driveway entrances shall be located at least 30 feet from the right-of-way line of the intersection of any public streets.

(6) Any car wash that also dispenses gasoline shall meet all applicable requirements of gasoline stations herein.

B. Vehicle sales and service.

(1) New and used vehicle sales and service establishments shall be limited to those establishments that are factory authorized dealerships or that have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership, provided that the used car sales are part of and immediately adjacent to an establishment that sells new vehicles.

(2) The minimum lot area shall be one acre, and all vehicle sales establishments shall have at least 1,000 square feet of lot space for every one vehicle displayed on the premises.

(3) The property shall have frontage on and direct vehicular access to an arterial or collector street.

(4) The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six inches in depth or other surfacing of equivalent or superior character as approved by the Borough Engineer.

(5) The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (PADEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PADEP permits shall be a violation of this code and shall be subject to the enforcement provisions of this code.

(6) All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot that has not less than 2,000 square feet of gross floor area where all sales, servicing, repair and customer car washing shall be performed.

(7) Customer car washing areas shall discharge into public sanitary sewers.

(8) No vehicle offered for sale shall be parked on adjacent property or in any public street right-of-way.

(9) No vehicle shall be displayed or offered for sale that does not have a current registration and inspection sticker and all of the mechanical and body components necessary for the safe and lawful operation

thereof on the streets and highways of the commonwealth.

(10) All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be shielded and reflected away from adjacent streets and properties.

(11) No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.

(12) No strings of lights or flags, flashers or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may be otherwise allowed by Article V of this chapter.

(13) All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

(14) Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area in the rear yard that is screened by a six-foot-high compact hedge or opaque fence.

(15) A buffer shall be provided along all property lines adjoining a residential use or zoning classification.

C. Service station.

(1) All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

(2) All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a minimum four-foot-high opaque fence.

(3) 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 right-of-way.

(4) All fuel, oil and similar substances shall be stored at least 25 feet from any property line.

(5) The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (PADEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PADEP permits shall be a violation of this code and shall be subject to the enforcement provisions of this code.

(6) A buffer shall be provided along all property lines adjoining a residential use or district where a residential use is a permitted principal use.

D. Gasoline stations.

(1) No gasoline or petroleum dispensing pump shall be located within 15 feet of a public right-of-way, or within 25 feet of any zoning district with a permitted residential use, except where such pump is located within an enclosed building.

(2) Canopies may be erected over service station pump islands, provided that no canopy shall be closer than 10 feet to the public right-of-way and provided that vertical supports for the canopy shall not be closer than 15 feet to the public right-of-way.

(3) Canopies located in a required yard shall not exceed 18 feet from ground level.

E. Vehicle repair garage.

(1) A vehicle repair garage shall not be located within 100 feet of any residential dwelling or any zoning district that has a residential use as a listed permitted use.

(2) A buffer shall be provided along all property lines adjoining a residential dwelling or any zoning district that has a residential use as a listed permitted use.

(3) Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area that is screened by a six-foot-high, compact, dense evergreen hedge or opaque fence.

(4) There shall be no more than four vehicles displayed for sale on the premises at any one time.

(5) All repair work shall be performed within an enclosed building that has adequate ventilation and fire protection provisions in accordance with the Borough Building Code.

(6) All towed vehicles shall be stored on the premises, and no vehicle shall be stored or dismantled on any public street.

(7) The premises shall be kept clean and shall be maintained so as not to constitute a nuisance or menace to public health or safety.

(8) Storage, handling and disposal of hazardous materials, as defined by federal or state statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PADEP) and the United States Environmental Protection Agency (EPA).

F. Public or private parking lot or parking garage.

(1) All public or private parking lots or parking garages, other than a public parking lot for residential use only in a zoning district that has a residential use as a listed permitted use, shall be designed to have direct vehicular access to an arterial or collector street.

(2) All public or private parking lots or parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking facility.

(3) The design of any parking garage proposed to be located on property that adjoins a zoning district that has a residential use as a listed permitted use shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing a zoning district that has a residential use as a listed permitted use that are compatible with the residential character of adjoining properties.

(4) Any parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

(5) Any private parking lot that is reserved for the customers or employees of a specific use and is not available to the general public shall be located within 500 feet of the specific use that it is intended to serve.

(6) Any public parking lot in a zoning district that has a residential use as a listed permitted use, that is established for the use of residents of the area, shall be screened by a minimum four-foot-high, compact, dense evergreen hedge along all property lines that adjoin a residential use or any zoning district that has a residential use as a listed permitted use. Driveway access to such a parking lot shall be designed to minimize conflict with any existing private driveway serving a residential lot and any existing on-street parking.

G. Reverse vending machines or minor recycling facilities.

(1) The reverse vending machine or minor recycling facility shall be located on the site of an existing commercial establishment or an existing public use or nonprofit community organization.

(2) The reverse vending machine or minor recycling facility shall not obstruct vehicular or pedestrian circulation on the site and shall not occupy any required parking spaces, loading berths or driveways or other maneuvering areas required for the existing principal use on the site.

(3) The reverse vending machine or minor recycling facility shall be constructed and maintained with a durable waterproof and rustproof material and shall be maintained in a clean, litter-free condition daily.

(4) As a minimum, the reverse vending machine or minor recycling facility shall maintain the same operating hours as the existing principal use on the site.

(5) The area shall be clearly marked to identify the type of materials to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the facility is inoperative.

(6) The area shall be illuminated for safe operation if the operating hours include any time after dusk.

(7) All materials shall be stored in a completely enclosed container.

(8) No power-driven processing equipment, other than the reverse vending machines, shall be permitted.

(9) Such use shall not be located within 300 feet of any residential dwelling in an R-A or R-S Zoning District.

(10) At least two off-street parking spaces shall be provided on the site in addition to the parking spaces required for the existing principal use. These two spaces shall be located within 50 feet of the reverse vending machine or minor recycling facility and shall be marked for that use.

§ 210-311 **Wholesale sales (PC).**

A. The area devoted to wholesale sales shall have an approved loading area that is designed to minimize

congestion on adjacent streets.

B. All materials and equipment shall be stored within a completely enclosed structure.

C. No shipping or receiving shall be permitted within 300 feet of any property in any zoning district that has a residential use as a listed permitted use between the hours of 7:00 p.m. and 7:00 a.m.

D. All shipping and receiving facilities adjoining a residential use or any zoning district that has a residential use as a listed permitted principal use shall be screened by a six-foot hedge or opaque screening fence.

E. Wholesale sales that involve on-site storage shall be accessory to a lawful retail use and shall not exceed 25% of the gross sales of the retail business.

F. The gross floor area devoted to wholesale sales that involves on-site storage shall not exceed the gross floor area devoted to the retail business.

G. The storage or handling of hazardous or potentially hazardous materials shall not be permitted.

§ 210-312 **Wireless telecommunications facilities (SE).**

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

B. Construction standards. All wireless telecommunication facilities and support structures shall be certified by an engineer licensed in the Commonwealth of Pennsylvania to be structurally sound and, at a minimum, in conformance with all applicable building codes.

C. Natural resource protection standards. The location of the wireless communication facility shall comply with all natural resource protection standards established either in this code or in other applicable regulations, including those for floodplain, wetlands, groundwater protection, and steep slopes.

D. Color and appearance standards. All wireless telecommunication facilities shall be painted a noncontrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by historical or architectural standards imposed under this code. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Borough.

E. Advertising prohibited. No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.

F. Artificial lighting restricted. No wireless communication facility shall be artificially lit except as required by the Federal Aviation Administration.

G. Co-location. All wireless telecommunication facilities shall be subject to the co-location requirements set forth in this code.

H. Abandonment. All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in this code.

I. Security enclosure required. All towers and equipment shelters shall be enclosed either completely or individually. The Borough and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.

J. Existing vegetation and buffer plantings. Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Board. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.

K. Access control and emergency contact. "No trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency. Contact information must be kept current.

L. Jurisdictional study of potential public sites. In order to encourage the location of a wireless telecommunication facility on publicly owned property, the Borough shall undertake an identification of publicly owned properties that the Borough determines are suitable for such use. The Borough shall regularly update such identification and make the results of such available to the public.

M. Exemption of proof of co-location availability. Persons locating a wireless telecommunication facility upon a publicly owned property identified in the study mentioned above shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunication facility on publicly owned property shall continue to be subject to the requirements (co-location design required) below.

N. Co-location design required. No new tower shall be constructed in the Borough unless such tower is capable of accommodating at least one additional wireless telecommunication facility owned by another person.

O. Technically suitable space. Authorization for a tower shall be issued only if there is not technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.

P. Application requirements. With the permit application, the applicant shall list the location of every tower, building, or structure within a reasonable proximity that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure within such area. If another tower owned by another person within such area is technically suitable, the applicant must show that an offer was made to the owner of such tower to co-locate an antenna on a tower owned by the applicant or reciprocal terms within the Borough, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available. The Borough Administrator shall determine specific application requirements from time to time. Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

Q. Cessation of use.

(1) All providers utilizing towers shall present a report to the Borough notifying it of any tower facility located in the Borough whose use will be discontinued and the date the use will cease. Such report shall be filed with the Borough 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Borough Manager (or their designee) may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility and of the property will receive written notice from the Borough Manager (or their designee) and be instructed to either reactivate use of the facility within 180 days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Borough will either remove the facility or will contract to have the facility removed and assess the costs to the private property owner.

(2) The Borough must provide the wireless telecommunication facility owner and the private property owner 30 days' notice and an opportunity to be heard before the Zoning Hearing Board before initiating such action. After such notice has been provided, the Borough shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

(3) The Borough shall provide the wireless telecommunication facility owner and the private property owner with the right to a public hearing before the Zoning Hearing Board. All interested parties shall be allowed an opportunity to be heard at the public hearing.

(4) After a public hearing is held pursuant to Subsection **Q(3)**, the Borough may order the abatement or demolition of the tower. The Borough may require the private property owner to pay for all expenses necessary to acquire or demolish the tower.

§ 210-313 **Small cell facilities (SE).**

A. Intent. These standards are intended to:

(1) Establish a clear, defined aesthetic standard for small cell antenna facility development throughout the Borough;

(2) Establish a menu of design options;

(3) Minimize unnecessary quantities of new poles by encouraging co-location of small cell facilities;

B. Applicability. These standards apply to all small cell antenna facilities for placement on Borough-owned and non-Borough-owned poles in the public right-of-way.

C. Application requirements.

(1) Drawings. The applicant must submit fully dimensioned site plans, elevation drawings and structural calculations prepared, sealed, stamped and signed by a professional engineer licensed and registered by the Commonwealth of Pennsylvania.

(2) Drawings must depict any existing wireless facilities, with all existing transmission equipment identified; other improvements; the proposed facility with all proposed transmission equipment and

other improvements; and the boundaries of the area surrounding the proposed facility and any associated access or utility easements and setbacks.

(3) Photo simulations. For all applications, photo simulations from at least three reasonable line-of-sight locations near the proposed project site are required as an appendix to the application. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic. The angle between the viewpoints of the photo simulations must be at least 90° or greater and provide a full profile depiction.

(4) Equipment specifications. For all equipment depicted on the plans, the applicant must include:

(a) The manufacturer's name and model number;

(b) Physical dimensions, including, without limitation, height, width, depth, volume and weight with mounts and other necessary hardware; and

(c) Technical rendering of all external components, including enclosures and all attachment hardware.

D. Standards for all small cell antenna facilities.

(1) Location.

(a) Small cell antenna facilities may be attached to existing utility and/or light poles.

(b) Small cell antenna facilities may be installed as integrated components of new poles.

(c) A new pole is only permitted to be installed on the public right-of-way if more than 100 feet from any existing utility and/or light pole or as a replacement of an existing utility and/or light pole.

(d) The Borough desires and encourages co-locations between limited numbers of multiple separate wireless service providers on the same support structure whenever feasible. If the applicant chooses not to co-locate when options appear available, demonstrative proof must be provided as to why co-location is not feasible.

(2) Obstructions. Any new small cell antenna facility and other improvements associated with a new facility must not obstruct:

(a) Access to any aboveground or underground infrastructure for traffic control, streetlight or public transportation, including, without limitation, any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, or barricade reflectors;

(b) Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop, including, without limitation, bus stops, streetcar stops, and bike share stations;

(c) Access to aboveground or underground infrastructure owned or operated by any public or private utility agency;

(d) Access to any fire hydrant;

(e) The flow of pedestrian traffic in regards to appropriate sidewalk spacing and applicable regulations of the Americans with Disabilities Act;

(f) Access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right-of-way; and/or

(g) Access to any fire escape.

(3) Antenna. The antenna must be top-mounted and concealed within a radome that also conceals the cable connections, antenna mount, and other hardware. GPS antennas must be placed within the radome or directly above the radome not to exceed six inches. The radome or side-mounted antenna and GPS antenna must be nonreflective and painted or otherwise colored to match the existing pole.

(4) Concealment. Applicants must conceal elements into the proposed design. Concealment will include approved camouflage or shrouding techniques.

(5) Utility lines. New service lines must be routed underground whenever possible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.

(6) Lights. Unless otherwise required for compliance with FAA or FCC regulations, the facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. This subsection is not meant to prohibit installations on poles also mounted by streetlights or installations of luminaires or additional streetlighting on new poles when required by the Borough.

(7) Generally applicable health and safety regulations. All facilities shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety standards, regulations, and laws, including without limitation all applicable regulations for human exposure to electromagnetic emissions.

E. Standards for small cell antennas mounted on existing poles.

(1) All equipment, other than the antenna(s), electric meter and disconnect switch, must be concealed within an equipment shroud not to exceed 24 inches in diameter by 60 inches in height.

(2) The equipment shroud must be installed no lower than 15 feet above ground level.

(3) The equipment shroud must be nonreflective and painted, wrapped, or otherwise colored to match the existing pole.

(4) If mounted on the crown of an existing pole, new equipment may not cause an increase in the height of the existing pole of more than five feet.

(5) It is preferred that equipment shrouds be mounted flush to the pole, subject to the pole owner’s approval. Standoff mounts are permitted for the equipment shroud but may not exceed six inches and

must include metal flaps or wings to conceal the space between the shroud and the pole.

(6) Cabling traversing the pole shall be covered using minimum two inches in diameter U-guard of steel or aluminum construction. Cabling entering and exiting the radio shroud must be adjacent to the pole.

F. Standards for small cell antennas mounted within new and replacement poles.

(1) Height.

(a) New and/or replacement poles may have ground-mounted cabinets for small cell antenna equipment.

(b) New and/or replacement poles may have elevated equipment areas.

(c) New and/or replacement poles shall not exceed 115% of the height of the existing pole to be replaced, 100% of the height of adjacent existing poles, or 39 feet, whichever is least.

(2) Diameter. New and replacement poles may not exceed 24 inches in diameter.

(3) Poles.

(a) The provider shall purchase the new or replacement pole and shall be responsible for the maintenance of the pole during the period of occupancy by the service provider; ownership of the pole will be vested with the Borough.

(b) New and replacement poles must match adjacent poles in style and form (round, octagonal, fluted, tapered, etc).

(c) New and replacement poles must be constructed of aluminum or steel.

(d) New and replacement poles should be black in color, using Gloss Black No. 17038 per Federal Color Standard 595, unless another color and/or texture better imitates the existing pole.

(e) New and replacement poles must include blank connections (handholds and J-hooks) for Borough-permitted uses, such as cameras, food truck connections, wi-fi, and wayfinding signage or banners. Smart poles are considered to be a suitable replacement for both ornamental and wood poles.

(4) Streetlighting.

(a) Where an existing pole includes a streetlighting luminaire, the replacement pole must include a streetlighting luminaire that matches the style of adjacent streetlighting luminaires and is approved by the Borough.

(b) The replacement luminaire must direct light on the sidewalk and/or roadway, as appropriate, and not cause nuisance glare beyond the right-of-way.

(c) The lamp should be of a correlated color, temperature, brightness, and lifespan approved by the Borough.

Standard	Towers	Antennas
Zoning districts where permitted	C District; also permitted on a public property in any zoning district	C District; permitted on any public property in any zoning district; permitted on any nonresidential building in any zoning district; permitted on any residential building of 4 or more stories in any zoning district
Permitted types	Monopoles, lattice towers, and guyed towers,	Roof-mounted only
Maximum height	120 feet	15 feet
Minimum setback	200 feet from any zoning district that has a residential use as a listed permitted use	15 feet from the roof edge or building parapet wall
Accessories	Equipment shelter house must meet all standards for an accessory use in the C Zoning District	None permitted
Access	Vehicular access to the equipment shelter shall be provided via existing circulation system on the property and be paved with asphalt or concrete	Access required to rooftop

Article IV
Generally Applicable Regulations

§ 210-401 **Performance standards.**

In order to determine whether a proposed use will conform to the requirements of this article, the Council or the Zoning Hearing Board may require a qualified consultant whose credentials are acceptable to the Council or the Zoning Hearing Board to testify, whose cost for services shall be borne by the applicant.

A. Fire prevention and fighting equipment that conforms to the requirements of the Uniform Construction Code shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

B. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

C. No operation or activity shall cause or create noise in excess of the sound levels prescribed below. The noise shall be measured on an A-weighted scale of a sound-pressure-level meter that conforms to the standards prescribed by the American National Standards Institute (ANSI), New York, New York, in Specifications for Sound Level Meters, S1.4-1971, or latest revised edition.

D. At no point beyond the boundary of any lot within any district shall the exterior noise level resulting from any use or activity located on such lot exceed a 60 dBA for more than four hours during any twenty-four-hour period.

E. Any violation of the above standards shall be a violation of this article and shall be subject to the enforcement remedies and penalty provisions of this chapter; however, other intermittent noises, except those exempted herein, may be determined to be a nuisance by the Borough Zoning Officer and shall be

subject to penalties and enforcement remedies for a public nuisance.

F. The following uses or activities shall be exempted from the noise regulations:

(1) Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.

(2) Noises caused by safety signals, warning devices and other emergency-related activities or uses.

(3) Noises emanating from public or private recreational uses between 7:00 a.m. and 11:00 p.m., excluding those produced by amplification, motorized vehicles or other mechanical sources.

(4) Noises emanating from the delivery of public services such as street maintenance or snow removal.

G. In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable county regulations.

H. Whenever the regulations contained herein are at variance with any other lawfully adopted, the more restrictive shall govern.

I. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

J. No malodorous gas or matter shall be permitted that is discernible on any adjoining lot or property. There shall be no emission of any malodorous gas or matter that violates the regulations of the Allegheny County Health Department.

K. There shall be no emission at any point for longer than five minutes in any hour of visible gray or other color smoke with a shade darker than No. 3 on the Standard Ringelmann Chart issued by the United States Bureau of Mines, nor shall there be any emission at any point from any source that can cause damage to health, to animals or vegetation or other forms of property or that can cause excessive soiling at any point.

L. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. For purposes of interpreting this subsection, "glare" shall be defined as direct or indirect light from any source that exceeds 1/2 footcandle on any adjoining property.

M. In all zoning districts, all lighting devices located within 100 feet of a property line adjoining a residential use or any zoning district that has a residential use as a listed permitted use shall be designed with shields, reflectors or refractor panels that direct and cut off light at a cutoff angle that is less than 90°. "Cutoff angle" is defined as the angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

N. No erosion by wind, water or other source shall be permitted that will carry objectionable substances onto neighboring properties. All activities shall be subject to Chapter **101**, Erosion and Sediment Pollution Control, of the Code of the Borough.

O. Water pollution shall be subject to the standards established by the PADEP.

P. Determination of compliance with performance standards.

(1) During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues, and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.

(2) The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Council, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to comply with the performance standards, said costs shall be borne by the Borough.

(3) If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Article VII below and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this all result in the revocation of the occupancy permit for the facility or use.

§ 210-402 **Yard landscaping and buffering.**

A. The standards of this section shall apply to all new construction or expansions of existing buildings by more than 20% of gross floor area within the C Zoning District or any mixed-use or multistory residential buildings meeting such criteria located in any other zoning district.

B. Prior to receiving a site plan or building permit, a landscaping plan shall be submitted to and approved by the Borough Manager or their designee in accordance with all instructions, the payment of all fees associated, and compliance with all standards set forth in this Article **IV**. The landscaping plan shall include all of the following:

(1) All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub by type and size), drawn to scale and identifying the height and width of any proposed mounds.

(2) All required planting independent of any buffer area requirements (identifying each tree, bush or shrub by type and size, the use of sod or seeding, etc.), drawn to scale.

(3) Any existing trees or vegetation that is to be preserved, accurately identifying type, size and their relative location.

(4) Any existing trees or vegetation that will be removed, accurately identifying their type, size and relative location.

C. All landscaping required to be installed herein shall be maintained in accordance with an approved landscape plan with landscaped areas maintained with plantings in good health and free of refuse and debris. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the

discontinued growth of the required trees, shrubs and bushes.

D. A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Borough in the amount of 15% of the total cost of landscaping shown on the approved landscaping plan for a period of two years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

E. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within 30 days after construction activities are completed, unless those activities are completed between a time period of November 1 through April 1. In such case, the required sodding or seeding must occur within 30 days of April 1.

F. In addition to any and all other landscaping and buffering requirements herein, for nonresidential development on lots of a total area of 21,780 square feet or more, at least one deciduous tree shall be planted for every 5,000 square feet of gross floor area.

G. In addition to any and all other landscaping and buffering requirements herein, for residential developments on lots of a total area of 21,780 square feet or more, at least one deciduous tree shall be planted for every 10 dwelling units thereon.

H. All proposed plant material shall be:

(1) Noninvasive species;

(2) Not more than 30% of any single plant genus; and

(3) Living, disease free, undamaged, and free of material defects.

I. The preservation of plants and trees that exist on a site shall count toward the requirements of this code, provided that:

(1) Existing preserved trees must be greater than a six-inch diameter caliper;

(2) Existing vegetation is clearly indicated on the landscaping plan;

(3) Existing vegetation is not an invasive species; and

(4) Existing vegetation is in good health or can reasonably be brought into good health.

J. Street trees.

(1) Street trees shall be planted at a rate of one tree per 20 linear feet of frontage. Trees shall be planted in the tree lawn or front yard not closer than three feet from the front lot line.

(2) Tree plantings shall not be placed in the sight clearance for visibility triangle.

K. Buffering.

(1) Buffer areas may be located within applicable side and rear yard setbacks along at least 80% of the length of any lot line creating the boundary between a C zoning district and any other zoning district and any mixed-use or multistory residential buildings in any zoning district.

(2) Buffer yards shall have a minimum depth of 10 feet as measured from the property line.

(3) Buffer yards shall be landscaped with a combination of grass and mulched landscape beds, and shall be comprised of one row of planted landscape elements containing no fewer than the following buffer landscape elements:

[Image]

(a) A mixture of 30% deciduous trees and 70% evergreen trees spaced with the row 10 feet apart, measured from the vertical center lines of each adjacent tree, each of at least six feet in height as measured from the ground to the top of the tree, and a two-inch caliper diameter measured at a point one foot above the ground at planting; and

(b) A continuous row of horizontal evergreen shrubs or hedges of at least three feet in height.

(4) In lieu of the continuous row of horizontal evergreen shrubs or hedges, earthen mounding shall be constructed in the buffer area.

(5) Buffer yards may include a 100% opaque fence in accordance with applicable fence regulations in this code.

(6) In instances where an existing structure houses the principal use of the property and is located within any required buffer area, a buffer area of not less than the minimum distance from the existing structure to the property line shall be required. This reduced buffer area width shall apply only to the yard area upon which the existing structure encroaches. If the existing structure is located within the required buffer area on one side of the building, the required buffer area shall apply on all other yard areas. All planting requirements shall be met regardless of the buffer area width.

(7) When required by Chapter **179**, Stormwater Management, of the Code of the Borough, stormwater management facilities and structures may be located within a buffer area; however, the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements in the buffer area.

§ 210-403 **Fences, walls and screens.**

These regulations govern the erection, maintenance and replacement of all fences and screens on all property in the Borough:

A. Fences.

(1) A fence permit shall be obtained from the Borough Manager or their designee for the installation of all fences. A fence permit shall be required to change, alter or replace an existing fence.

(2) The Borough's approval of a fence shall in no way make it liable to a property owner or create any responsibility on the part of the Borough relative to the erection of a fence on, over, or within any easement.

(3) Fences may be constructed on a lot line. All fences shall be constructed with structure elements (e.g., posts, beams) facing toward the property on which the fence is located and away from the lot line; provided, however, that if both property owners agree that the structural elements will face away from the property on which the fence is located and toward the lot line, then a letter signed by both property owners shall be provided to the Borough prior to approval.

(4) Unless located on property used for commercial agriculture, or unless otherwise approved by the Zoning Hearing Board, no fence shall contain an electric charger or contain Constantine or barbed wire. Notwithstanding the foregoing, barbed wire, but not Constantine wire, may be included on fences in the side and rear yards of a property located in the C District.

(5) All fences shall be mounted to the ground and no fence shall be mounted to the roof, parapet wall, or any other portion of a building; provided, however, that a ground-mounted fence may be attached to the wall of a building at its terminus.

(6) Fences may be of any fencing material, which may include recycled materials, but shall not include sheathing, pallets, or items not originally intended to be used for fencing, in the rear and side yards of a lot.

(7) Fences in the side and rear yards shall be no taller than six feet from the natural grade. In the C District, side and rear yard fences may be a maximum of eight feet in height as measured from the natural grade.

(8) In front yards, fences may be no taller than four feet, shall be no more than 50% opaque, and shall be made only of wood (limited to cedar, redwood, southern pine, teak, or other similar wood species naturally resistant to decay or insects or treated with a preservative to effect a resistance to decay or insects), iron, or powder-coated aluminum.

(9) No fence shall be located within or interfere with the sight triangle for vision clearance as set forth in the Borough's Engineering Standards.

(10) Signage is not permitted on any fencing except for a metal placard no greater than eight inches by eight inches in total and placed by the manufacturer or installer.

(11) Temporary fences erected for a specific function and limited time duration shall be maintained in good condition and shall not require a permit. No temporary fencing material shall be used for permanent fencing.

(12) Snow fencing shall not exceed four feet in height; shall be limited to plastic mesh or wood slat fencing.

(13) Construction and/or demolition fencing to enclose an active construction or demolition site is permitted for the duration of the construction or demolition period.

B. Screens and enclosures.

(1) All trash storage and collection areas on property used for other than a one-unit residential or two-unit residential use must be screened by a 100% opaque wood and/or masonry fence of a height at least 12 inches above the vertical height of the trash receptacle and in accordance with the Borough's Engineering Standards for such enclosures.

(2) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or a fully opaque wall of shrubs, or they shall be so located as not to be visible from any public ways.

§ 210-404 **Parking lot landscaping.**

A. Any property containing a surface parking area containing 50 or more parking spaces shall include interior parking lot landscaping as follows:

(1) At least 5% of the surface parking area shall be landscaped with plantings to include one deciduous tree for every 10 parking spaces in accordance with the tree requirements herein.

(2) All interior landscaping shall be contained in landscape island that shall be installed below the level of the parking lot surface to allow for runoff capture; and

B. Any property containing a surface parking area abutting a public street shall contain a minimum five-foot-wide planting strip between the entire length of the surface parking area and the public street planted and maintained with shrubbery, trees or other landscape or decorative elements, in order to prohibit vehicle access except at approved ingress and egress points, provide a barrier between public pedestrianways and the vehicular parking, and to improve the aesthetics of the street frontage.

(1) Planting strip planting shall include a minimum of one tree and three shrubs must be planted for every 35 feet of linear feet of planting.

(2) The required five-foot landscaped area may be reduced to three feet when a three-foot high masonry wall, wrought iron or wood picket fence is erected.

[Image]

§ 210-405 **Steep slope and subsurface conditions.**

A. An application for approval of an addition to or new construction of any principal use, other than a one-unit or two-unit dwelling, shall contain adequate information regarding natural and finished slopes on the site to show compliance with these regulations.

B. All applications for grading, filling or construction on slopes in excess of 25% shall be accompanied by a geotechnical report and a certification by a registered soils engineer regarding the feasibility of the proposed grading, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation and stormwater runoff and potential impacts on adjacent properties. The consultant selected to prepare the geotechnical report shall have credentials acceptable to the Borough, and the cost of preparation of the report shall be borne by the applicant.

C. When required by the Borough Engineer, based on evidence from readily available sources that there may be development limitations associated with undermining, strip mining, landslide-prone soils or

other geologic hazards on the site, a geologic report by a qualified registered professional soils engineer regarding soils and subsurface conditions and the probable measures needed to be considered in the design of the development, site grading, location of structures and design of foundations, if any, shall be submitted with the application. The consultant selected to prepare the geotechnical report shall have credentials acceptable to the Borough, and the cost of preparation of the report shall be borne by the applicant.

D. Only 50% of the total area of any lot that has natural slopes or finished slopes in excess of 25% shall be included in any calculation of the minimum lot area, maximum lot coverage or maximum dwelling unit density required in the zoning district in which the property is located.

E. Restoration of all slopes from which cover has been removed shall be finished and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to mean within 30 days after grading and/or construction activities are completed, unless those activities are completed between November 1 and April 1. In such cases, the required sodding or seeding shall occur within 30 days of April 1. In all cases, temporary erosion and sediment control measures shall be maintained on the site until permanent vegetative cover or other unerodable cover is accomplished.

F. In the case where natural cover has been removed incidental to imminent development, the finishing and seeding shall not be required until grading and construction are completed. "Imminent development" shall mean development that is reasonably expected to commence based on approved plans and permits within 30 days of the clearing and grubbing of the site, said construction to be undertaken on a regular work schedule of a minimum of eight hours per day, 40 hours per week.

G. In all cases where replacement of cover cannot be accomplished immediately upon completion of clearance activities, erosion and sedimentation control measures required by the Borough Engineer during clearance and construction shall be maintained on the site until the replacement of cover can be accomplished.

§ 210-406 **Outdoor lighting.**

A. The following applies to all outdoor lighting on a property, whether or not attached to a building or affixed to the ground. The Borough is committed to achieving as close to "dark sky" compliance as practicable on all outdoor lighting.

B. The following exterior lighting is exempt from the requirements of this section:

(1) FAA-mandated lighting associated with a utility tower or airport;

(2) Lighting for the United States flag, Pennsylvania flag, a county or Borough flag, or any other flag not considered a flag sign;

(3) Customary decorative lighting during the months of November, December, and January, provided that the lighting does not create unsafe glare on street rights-of-way;

(4) Battery-powered emergency lighting;

(5) Architectural lighting of 10 fixtures or fewer of 1,000 lumens or less per fixture;

(6) Public safety lighting;

(7) Streetlighting in the public right-of-way, provided that the streetlighting has a correlated color temperature of 2,500 Kelvins or less, except when employed specifically to illuminate a crosswalk, and provided that the fixtures are glare-free fully shielded; and

(8) Residential garage, porch, and landscape accent lighting.

C. A photometric plan showing compliance with these standards shall be submitted along with all site plans. The photometric plan may be incorporated into the site plan if all photometric plan components are included. The lighting plan shall include all of the following:

(1) All structure(s), parking spaces, building entrances, traffic areas (both vehicular and pedestrian);

(2) Vegetation that might interfere with lighting;

(3) Adjacent uses that might be adversely impacted by the lighting;

(4) All exterior lighting, including but not limited to, architectural, building-entrance, landscaping, flag, accent, etc.; and

(5) A layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type.

D. The following sets forth the measurement of light level:

(1) Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.

(2) Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

E. All light fixtures shall meet the following requirements:

(1) The maximum light level of any light fixture cannot exceed 0.5 footcandle measured at the property line of any zoning district that has a residential use as a listed permitted use, 2.0 footcandles measured at the property line of any zoning district that does not have a residential use as a listed permitted use, and 2.5 footcandles at the property line of a parking lot.

(2) Lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.

F. All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development. Service connections for all freestanding lighting fixtures must be installed underground.

G. The following regulations apply specifically to parking and pedestrian areas:

(1) Light fixtures within parking, vehicular, and pedestrian areas may be no higher than 15 feet.

(2) Light fixtures located within 50 feet of a property line of any zoning district that has a residential use as a listed permitted use may be no higher than 15 feet.

(3) Light fixtures in parking and vehicular display areas must be full cutoff.

[Image]

H. In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet the following:

(1) Decorative, noncutoff fixtures can be used when the maximum initial lumens generated by each fixture does not exceed 9,500 lumens;

(2) If the unshielded fixture has all metal halide, fluorescent, induction, white high-pressure sodium and color-corrected high-pressure sodium lamps, the outer lamp envelope must be coated with an internal white frosting to diffuse light;

(3) All metal halide fixtures equipped with a medium base socket must use either an internal refractive lens or a wide-body refractive globe; or

(4) All noncutoff fixture open-bottom lights must be equipped with full cutoff fixture shields.

(5) To the extent possible, as determined by the Zoning Officer, internal light sources within structured parking shall not be visible from the adjacent public right-of-way. Rooftop lighting for parking facilities shall be no more than 15 feet above the rooftop parking surface and shall be mounted a minimum of 15 feet in from the edge of the structure.

I. The following regulations apply to floodlights and lamps:

(1) Floodlight fixtures must be either aimed down at least 45° from the horizontal.

(2) Any floodlight fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15°.

(3) All floodlamps emitting 1,000 or more lumens must be aimed at least 60° down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.

J. Lighting under canopies must be designed to prevent glare off-site. Acceptable lighting designs include the following:

(1) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the canopy surface;

(2) Lighting fixture incorporating shields or is shielded by the edge of the canopy itself;

(3) Surface-mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution;

(4) Surface-mounted fixture measuring no more than two feet by two feet, with a lens cover that contains at least 2% white fill diffusion material; or

(5) Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided that the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.

K. Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:

(1) Sport field lights shall not exceed 60 feet in height.

(2) All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

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

§ 210-407 **Off-street parking.**

A. Off-street parking requirements are intended to prevent the crowding or the creation of traffic hazards on the public streets. Property abutting a public right-of-way with adjacent on-street parking or within 1,000 feet of a public parking facility shall not be required to provide or maintain a specific number of off-street parking spaces. All other properties shall be required to provide the following number off-street parking spaces as follows:

(1) One parking space for every two residential dwelling units on the property.

(2) One parking space for every 500 square feet of GFA of nonresidential use on the property; except that industrial, manufacturing, or warehouse uses shall be required to provide and maintain one parking space for every 2,500 square feet of GFA.

B. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with 1/2 or more counted as an additional space. Where multiple uses exist on the same lot, the required parking minimum will be the sum of the required parking for each use.

C. Off-site parking located within 600 feet of a property and under common ownership or subject to a recorded easement agreement may be used to satisfy the above parking space count requirements. Parking may be provided at a rate that exceeds the required minimum number of parking spaces. However, if the amount of parking provided exceeds 175% of the required parking minimum, additional perimeter tree planting will be required at a rate of one tree with a minimum caliper diameter of three inches at the time of planting for every eight parking spaces that exceed 175% of the minimum required number of parking spaces.

D. To reduce the number of curb cuts along neighborhood sidewalks, improve safety for pedestrians, individuals with disabilities, and other users of the Borough’s streets and sidewalks, single- and two-unit residential buildings are encouraged to share a common driveway and curb cut.

E. All driveways, parking, and loading areas for all uses shall be paved with a material such as concrete, asphalt, or pavers. All open off-street parking facilities shall be provided with adequate drainage facilities as approved by the Borough Engineer. Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in clearly visible condition.

F. In parking areas that contain five or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures, walkways, roadways or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

G. Parking spaces and drive aisles shall conform to the following minimum dimensions:

Parking Space Angles (one-way travel unless otherwise stated)	**Minimum Width (feet)**	**Minimum Length (feet)**	**Minimum Drive Aisle Width (feet)**
Parallel parking	10	22	12
Parallel parking (two-way travel)	9	22	22
90°	9	19	22
60°	9	20	16
45°	9	18	12

[Image]

§ 210-408 **Bicycle parking.**

Bicycle parking is required to be provided for all new construction in the C and TO Zoning Districts as follows:

A. Bicycle parking areas shall be designed so that, when fully occupied, bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or other pedestrianway.

B. Bicycle parking spaces shall be near the main entryway into the primary structure or located inside the primary structure.

C. Bicycle parking spaces shall be provided at a rate of one bicycle parking space per 20 off-street parking spaces. No more than 10 bicycle parking spaces shall be required for any primary structure.

§ 210-409 **Commercial off-street loading and unloading facilities.**

A. The requirements for commercial off-street loading facilities shall be provided in accordance with the following standards for any new structure that requires the receipt or distribution of materials or merchandise by trucks or similar commercial vehicles. All commercial buildings of a minimum of 15,000 square feet gross floor area shall have at least one loading and unloading berth and one additional loading and unloading berth for each 15,000 square feet of gross floor area thereafter.

B. The following requirements shall pertain to the location of loading berths:

(1) All required loading berths shall be located on the same lot as the use served.

(2) In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into or maneuver within a public right-of-way or overhang adjacent property.

(3) A plan shall be submitted and approved during the review process that shows how the loading will occur.

(4) No permitted or required loading berth shall be located within 50 feet of the nearest point of intersection of any two streets.

(5) Loading or unloading may not interfere with or encroach on fire and emergency vehicle lanes, parking areas, sidewalks, bike lanes, drive aisles or queuing areas.

(6) Loading areas are not permitted within 100 feet of a residential dwelling.

(7) Loading areas may not block required parking, or the associated circulation for required parking.

(8) Loading areas must be located to the side or the rear of the building and may not be placed between the street and the building or any front facade of a building.

C. Unless otherwise specified, a required off-street loading berth shall be as follows:

(1) For local pickup and delivery trucks: 12 feet in width by 30 feet in length with a forty-five-foot maneuvering apron and shall have a vertical clearance of at least 12 feet. The maneuvering apron shall be at least 20 feet from the center line of the street.

(2) For over-the-road tractor-trailers: 12 feet six inches in width by 60 feet in length with a seventy-foot maneuvering apron and shall have a vertical clearance of at least 15 feet. In no case, shall the loading berth be less than 145 feet from the center line of the street.

D. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement.

E. All off-street loading berths shall be surfaced with concrete or other appropriate material meeting the durability requirements. Bituminous asphalt may be used on the portions of the apron outside of the landing/parking space.

F. Loading spaces that are constructed below grade shall have a stormwater drainage system that complies with Borough engineering standards.

G. Space allocated for off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

H. Uses for which off-street loading facilities are required herein, but that are located in buildings of less floor area than the minimum prescribed, shall provide adequate receiving facilities accessible by motor

vehicles off any adjacent alley, service drive, or open space on the same lot.

I. Vehicle loading areas shall be screened from adjacent uses with a twenty-five-foot buffer area that is inclusive of the setback distances required in this code. Within the required setback, the buffer area shall consist of a six-foot-high landscaped earthen berm planted with eight trees and 15 shrubs per 100 linear feet of buffer or a six-foot-tall opaque fence. A minimum of 50% of the buffer area plants shall be evergreen.

J. The overnight parking of semi-trucks shall be permitted in designated areas in the rear or side yard of a building in the C Zoning District, provided that the such overnight parking shall not be located closer than 50 feet from the front lot line.

§ 210-410 **Commercial drive-throughs.**
The following standards apply to all new or expanded drive-through, and the addition of drive-through facilities on existing properties:

A. Drive-throughs may not be located within 100 feet of a district that allows one-unit dwellings or any one-unit dwelling no matter the zoning district.

B. If within 200 feet of a district that allows one-unit dwellings, drive-throughs may not operate between the hours of 12:00 a.m. and 5:00 a.m.

C. The entire drive-through lane, including stacking areas, must be paved with concrete.

D. Drive-through stacking space requirements are intended to provide for queuing of vehicles in line for drive-through services provided by an establishment where drive-throughs are permitted in this code.

E. Stacking spaces are measured in twenty-foot increments to provide for adequate space between vehicles and to ensure that queuing vehicles are not spilling into public rights-of-way or easements and causing congestion therein. All queuing vehicles at all times shall be located on the lot on which the drive-through services are being provided and shall not interfere with on-site parking or circulation.

F. Drive-through stacking lanes shall adhere to the following standards:

(1) All stacking spaces must have a minimum width of 10 feet along straight segments, 12 feet along curved segments, and the stacking space length must be a minimum of 20 feet.

(2) Drive-through lanes must be separated by striping and may not interfere with off-street parking or the lanes utilized for maneuvering in and out of off-street parking spaces.

(3) Establishments with drive-throughs must provide a bypass lane whereby vehicles may circulate around drive-through lanes.

(4) There must be one trash receptacle provided per drive-through lane.

(5) Pedestrian walkways shall be clearly visible and be emphasized by enhanced paving or markings where they intersect drive-in or drive-through aisles.

(6) The following regulations shall apply to menu boards and directional signage within drive-through facilities:

(a) A maximum of two menu boards per drive-through aisle are permitted.

(b) Associated access sign that give directions to vehicles through the parking lot and drive-through are permitted and may not be used for advertising purposes.

(c) Menu boards may internally illuminate for the sole purpose of lighting menu writing or graphics and may not flash or have any visible bulbs or Led lighting. External lighting is prohibited.

(d) All menu boards must be oriented toward the drive-through aisle that it is serving.

(e) Drive-through speakers shall not emit more than 50 decibels and shall not be audible above ambient noise from adjacent properties.

(f) Drive-through speakers shall not be used for outdoor music.

§ 210-411 **Accessory uses and structures.**
The following accessory uses are permitted or conditionally permitted as shown in the Use Table above:

A. Accessory structures.

(1) No accessory structure shall be erected or constructed prior to the erection or construction of the principal building, except for a temporary building incident to construction of the principal building.

(2) No accessory buildings shall be located closer than three feet to a side or rear lot line.

(3) A detached accessory building shall only be permitted in the rear yard. An accessory building connected by a breezeway or similar structure not less six feet in length shall be permitted in the side or rear yard. Accessory buildings shall be at least six feet from any dwelling situated on the same lot and shall not, in the aggregate, occupy more than 30% of the required rear yard.

(4) An accessory structure may not exceed 1,000 square feet in total gross floor area unless all of the following are satisfied:

(a) The property has a total area of five acres of larger.

(b) The accessory structure meets the setback requirements applicable to a principal structure on the lot.

(c) The gross floor area of the accessory structure is not more than 80% of the gross floor area of the principal structure.

(5) Nonbuilding accessory structures, such as public utility installations, walks, driveways, curbs, retaining walls, mailboxes, nameplates, lampposts, bird baths, flagpoles, and structures of a similar nature, are permitted in any front, side or rear yard.

B. Accessory dwelling unit (ADU).

(1) An accessory dwelling unit (ADU) may be established only through new construction, conversion of an existing structure, addition to an existing structure, or conversion of an existing house to an ADU while simultaneously constructing a new primary dwelling on the site where there is adherence to all zoning regulations for both structures. A permit is required for the construction or addition of an ADU. The following standards apply to ADUs.

(a) Only one ADU is allowed on a lot.

(b) Exterior finish materials must visually match in type, size and placement the exterior finish materials of the primary dwelling.

(c) The property owner must permanently reside in either the principal unit or the accessory unit.

(d) The maximum size of a detached ADU is 800 square feet of floor area and the maximum height must adhere to the accessory dwelling height maximum for the respective district. All other requirements for an accessory structure must be met.

(e) If the ADU is located within the principal unit, the principal structure must be at least 1,000 square feet and the accessory unit cannot exceed 1/3 of the total floor area of the structure. If the principal structure has more than one story, the maximum floor area of an ADU may be equal to that of the first floor, but shall be less than or equal to 50% of the total floor area of the structure.

(f) There must be a sidewalk from the street to the primary entrance of a detached accessory unit.

(2) An accessory unit on the upper floors of the principal structure shall have an interior stairway to the primary entrance of the accessory unit. Secondary stairways may be located on the exterior, but not on the front exterior of the building.

(3) Provided that the parking requirement is met for the principal one-unit dwelling, no additional parking is required.

(4) All utilities extended to serve the ADU must be located underground.

C. Private swimming pool. Private aboveground or below-ground swimming pools may be constructed as an accessory use to any primary use. The following standards apply:

(1) A permit is required prior to the construction of all below-ground swimming pools with a depth greater than two feet.

(2) Swimming pools are permitted in the side or rear yards only and must be set back at least 10 feet from side and rear property lines.

(3) Every swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to land on which the pool is located, or in the general vicinity.

(4) Swimming pools with a depth of more than two feet must be enclosed by a protective fence at least four feet in height. The fence must include self-closing, lockable gates or entrances when the pool is not

tended by a lifeguard or an adult occupant of the primary residential structure. Openings in the barrier shall not allow passage of a four-inch or greater diameter sphere. Solid barriers, that do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacings between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

(5) Maximum mesh size for chain-link fences shall be a square of 2.25 inches unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than 1.75 inches.

(6) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.

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

(8) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

(a) The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or

(b) All doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches above the threshold of the door; or

(c) Other means of protection, such as self-closing doors with self-latching devices, that are approved by the Building Inspector, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Subsection **C(8)(a)** or **(b)** described above.

D. Overnight lodging, private transient occupancies (PAC).

(1) Within the R-A, R-S, and R-C Districts, the proprietor of a unit used for overnight lodging, private transient occupancies must also have their primary residence on the property on which the said unit is located.

(2) No more than six guests over the age of 18 shall be allowed to stay on any property at any given time,

irrespective of the number of units on the property.

(3) All units must have operational fire extinguishers, smoke detectors and carbon monoxide detectors.

(4) Guest stays within units shall not exceed 30 consecutive days.

(5) No unit shall be used for overnight lodging, private transient occupancies for more than 25% of a calendar year.

§ 210-412 **Building design standards.**

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

B. The building design standards herein shall apply to any expansion of an existing structure by an amount greater than or equal to 30% of the GFA.

C. Allowed exterior materials are determined by building elevation. Additional design standards specific to certain building elevations and circumstances may also apply as set forth herein.

D. These standards are in addition to the development standards applicable in each district. Where there is a conflict between the development standards in each zoning district and these building design standards, the building design standards herein shall govern and control.

E. Concrete block shall not be permitted on any exterior elevation. Split-faced concrete block shall not be used on any front elevation but may be used on a side and rear elevation of a building containing a commercial use so long as the elevation does not face a street or public way.

F. PVC piping, plastics, pressboard, cardboard, or veneers or panels for interior applications shall not be permitted on any building elevation.

G. Glass block shall not be used on any front or side elevation except at the basement level.

H. An applicant shall provide a sample of all proposed materials to be reviewed and approved by the Zoning Officer for compliance with the standards set forth herein.

I. All materials shall be rated and certified for exterior usage and shall be fully compliant with all applicable building and fire codes, regulations, and ordinances.

J. A material other than those permitted herein may be proposed by an applicant and approved by the Zoning Officer if all of the following are satisfied:

(1) The material is present on at least 50% of the total area of front elevations of all existing buildings within 1,000 feet of the subject building located along the same street frontage and the existing buildings were not constructed as part of a subdivision or common development scheme; and

(2) The material is existing on more than one building located in the same district that has been constructed, expanded, or altered within the five-year time period immediately preceding the application.

§ 210-413 **General yard regulations.**

A. On through lots in any R-A, R-S or R-C Zoning District, a front yard is required on each street.

B. In any R-A, R-S or R-C Zoning District where a reversed interior lot abuts a corner lot or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall be set back from the side street as far as the dwelling on the reversed interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four inches closer to the side street line, but in no case closer than five feet.

C. Side yard width may be varied where the side wall of the building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than 1/2 the otherwise required least width or narrower than three feet in any case.

[Image]

§ 210-414 **Projections into required yards.**

A. The minimum front setback for steps, walks, terraces and open porches is eight feet less than the minimum front setback for the principal structure. The minimum front setback for architectural appurtenances, such as cornices, canopies and eaves, is two feet less than the minimum front setback for the principal structure. Wrap-around porches may extend up to 10 feet into the required setbacks at the front or side of a primary structure.

B. The minimum side setback for architectural appurtenances, such as cornices, canopies and eaves, is two feet less than the minimum side setback for the principal structure. The minimum side setback for open and lattice-enclosed fire escapes or fireproof outside stairways is four feet less than the minimum side setback of the principal structure.

C. The minimum rear setback for a deck that projects from a principal structure is 100% less than the minimum rear setback for that principal structure.

D. The minimum rear setback for steps, walks, terraces and open porches is five feet less than the minimum rear setback for the principal structure. The rear setback for architectural appurtenances, such as cornices, canopies and eaves, is two feet less than the minimum rear setback for the principal structure.

[Image]

A	8 feet maximum
B	5 feet maximum
C	4 feet maximum
D	2 feet maximum
E	35% width of principal street, maximum
F	35% of minimum rear setback, maximum

§ 210-415 **Inclusionary zoning requirements.**

A. The general intent of the provisions in this section is to promote the public health and welfare by increasing the supply of affordable housing for a range of family sizes and promoting economic integration within the Borough. Specifically, the intent is to encourage quality, economically balanced development by:

(1) Encouraging diverse and balanced housing available for households of all income levels and ensuring that when developing the limited supply of developable land, housing opportunities for persons of variety of income levels are provided; and

(2) Utilizing sites in a TO District as opportunities to build mixed-income developments. Because remaining land appropriate for residential development within in the TO District is limited, it is essential that a reasonable proportion of such land be developed into housing units affordable to low- and moderate-income people.

B. The provisions of this section shall apply to any new construction in the TO District containing a total of 15 or more residential dwelling units.

C. Not fewer than 15% of the dwelling units (rounded up to the nearest whole unit) within the participating residential development shall be affordable to households with an income not to exceed 80% of the area median income (AMI) for the Pittsburgh MSA as determined annually by the U.S. Department of Housing and Urban Development. Participating residential developments including or consisting of multi-unit dwellings shall provide affordable housing units as rental units in the same proportion that the multi-unit dwellings comprise a portion of the total residential development.

D. Eligible households. Households whose income does not exceed 50% of AMI as adjusted for household size are eligible to rent an affordable unit and households whose income does not exceed 80% of AMI as adjusted for household size are eligible to purchase an affordable dwelling. In order to purchase or rent an affordable housing unit, the income-eligible household must receive a certificate of qualification issued by the Borough evidencing that the household has met said eligibility requirements.

E. Unit requirements. Affordable units may be places anywhere in the building except for any floor that is partially underground, and shall be substantially similar in size, quality of finishes and access to amenities as at least 51% of the market-rate units in the building.

Article V
Signs

§ 210-501 **Purpose and intent.**
While signs are an available means of individual expression, their time, place, and manner can create visual disorder, leading to a diminution of aesthetic quality, property values, and public safety. Therefore, the regulation of signs within the Borough based on time, place, and manner, is intended to protect the residents, property owners, visitors of the Borough, and others from nuisances and safety risks associated with signs.

§ 210-502 **Applicability.**
The provisions of this article shall apply to all signs erected within the Borough that are directed to be viewed from any outdoor space(s). All erection, construction, reconstruction, enlargement, moving, altering or converting of signs in the Borough shall be performed in compliance with the requirements of this chapter.

§ 210-503 **General regulations and standards for all signs in all districts.**
In this section, standards that apply to all signs in all districts are described.

A. Measuring sign dimensions.

(1) Sign height. The height of a sign shall be the difference between the 1) elevation of the highest point of

the sign, including the bracket, supports, and sign face surrounds, and 2) the elevation of the finished grade at the base of the sign or the elevation of the crown of the adjacent public street, whichever is highest.

(2) Measuring sign area.

(a) For signs that include a sign frame or background around or behind the sign letters, designs or symbols, the sign area shall mean the area of the frame or background and contents therein, such as six square feet in the case of a two-foot-by-three-foot vinyl temporary yard sign.

(b) For sign elements mounted directly on a principal or accessory structure's architectural surface, such as in the case of letters mounted without a frame or background into a building's brick facade, the sign area shall mean the area of the smallest rectangle that encompasses all of the letters, designs, and symbols of a sign.

(c) The sign area shall not include any supporting framework or bracing that is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

(d) When two identical sign faces are placed back-to-back so that both faces 1) cannot be viewed from any one point at the same time, 2) are part of the same sign structure, and 3) are not more than 24 inches apart, the sign area shall be computed as the sign area of one of the faces.

[Image]

B. Sign location and safe movement.

(1) Sight triangle for vision clearance. No sign may obstruct the sight triangle of an intersection along a public right-of-way. The sight triangle for vision clearance is defined in this chapter's glossary.

(2) Traffic signs and signals.

(a) No sign may, by its color, shape, positioning, or nature, obstruct the view of a traffic sign or traffic signal.

(b) A sign may not use a color, shape, positioning, or message that could reasonably cause confusion with pedestrian or vehicular traffic directives.

(c) No red, green, or yellow illuminated sign may be located within 300 feet of any traffic signal.

(3) A sign shall not be located in a manner that interferes with the movement or visibility of pedestrians, cyclists, motorists, or other such users of the right-of-way.

(4) A sign and its supporting structures shall not interfere with public utility equipment or communications lines or equipment that are either above or below grade.

C. Consent. No sign may be permitted without the consent of the property owner or their authorized agent. If it is determined that a sign is or was erected without proper consent of the property owner or their authorized agent, the permit for such a sign shall be revoked.

D. Public property.

(1) A sign on public property may not project over a roadway or into a utility easement airspace.

(2) A new permit for a sign located on public property will only be granted for a sign of the projecting sign type or of the sandwich board sign type.

(3) A projecting sign must be affixed to a legal structure and affixed to a structure's elevation that is set back less than five feet from a lot line abutting public property.

(4) No sign is permitted on public property in the PA District.

E. Conditional uses. For conditional uses in any district: sign types, sizes, location, and manner may be allowed or prohibited in association with such conditional use as determined by this chapter or by the Board of Zoning Appeals.

F. Lots with multiple street frontages. For a lot with multiple street frontages, any sign allowance that allows sign counts or area based on street frontage shall apply to each street frontage. In this case, a frontage with a public alleyway does not constitute a street frontage.

G. Changeable copy and electronic digital message sign features.

(1) Changeable copy and electronic digital message signs are permitted only where indicated in the Sign Table.

(2) No video, animation, scrolling, noise, or flashing features are permitted.

H. Sign maintenance. All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this chapter at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of erected signs. If any sign does not comply with the above maintenance and repair standards, the Borough shall require its removal.

I. Removal of unsafe, unlawful, or abandoned signs.

(1) Upon written notice by the Borough, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, becomes so deteriorated that it no longer serves a useful purpose of communication, is determined by the Borough to be a nuisance, or is unlawfully erected in violation of any of the provisions of this article.

(2) The Borough may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event the owner or the person or firm maintaining the sign has not complied with the terms of the notice within 30 days of the date of the notice. In the event of immediate danger, the Borough may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

J. Building Code compliance. To the extent that it is not inconsistent with this chapter, the present edition of the Standard Building Code, National Electric Code and other building and construction codes as

adopted and modified by the Borough and the Commonwealth of Pennsylvania are incorporated as a part of this chapter as if fully restated herein for the same purposes stated in the purpose and intent subsection hereof and for the same purposes for which the International Building Code was promulgated and enacted, which purposes are expressly incorporated therein.

K. Permits.

(1) Every person desiring to erect a sign shall first obtain a sign permit and all other permits required for the desired structure.

(2) Any sign of the following type(s) does not require a permit:

(a) Temporary yard signs.

(b) Entranceway sign.

(3) Applications for temporary sign permits shall be located within the Building & Zoning Department.

§ 210-504 **Exempt sign types.**
The following signs shall be exempt from the regulations in this article:

A. Memorial/historical plaques, as defined herein.

B. Signs authorized by the Borough Council or erected by a governmental agency, including street signs, official traffic signs and public art when approved by the Borough Council.

§ 210-505 **Prohibited sign types.**
The following sign types are prohibited in all districts:

A. Portable or wheeled signs;

B. Inflatable display devices of any kind;

C. Searchlights, oscillating signs, moving signs, flashing signs;

D. Signs on trees, signs on utility poles, signs on official traffic control devices;

E. Signs that imitate traffic control devices;

F. Strings of lights, flashers, pennants, or other display paraphernalia, except those displays specifically authorized by this article;

G. Freestanding signs, other than monument signs and access signs;

H. Signs on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading, or rendering a service at any location, that are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property; and

I. All sign types not expressly listed as permitted.

§ 210-506 **Sign types.**
The table below defines each sign type.

A. Freestanding monument sign: a monument sign that contains only one distinct signage area within the sign face.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	NP	NP	NP	NP	P (with site plan only)	P
Count	—	—	—	—	1	1
Sign area (maximum) (square feet)	—	—	—	—	24	36
Sign height (maximum) (feet)	—	—	—	—	6	8
Sign base materials	—	—	—	—	Brick or rock	Brick or rock
Illumination	—	—	—	—	Direct	Direct
Setback from right-of-way (minimum feet)	—	—	—	—	9	10

B. Wall (including marquee) sign: any sign attached parallel/flat to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one sign surface. No wall sign shall extend more than 14 inches from any wall, building, or structure.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	P	P	P only for accessory home occupations accessible from alley	NP	P	NP
Count	—	—	—	—	—	—
Sign area (maximum) (square feet) (aggregate)	10% of the portion of the front façade that corresponds to the portion of the building occupied by the applicant. The height of the sign shall not exceed 35% of the height of the building,	10% of the portion of the front façade that corresponds to the portion of the building occupied by the applicant. The height of the sign shall not exceed 35% of the height of the building,	1	—	10% of the portion of the front façade that corresponds to the portion of the building occupied by the applicant. The height of the sign shall not exceed 35% of the height of the building,	—

	measured from bottom to top of message.	measured from bottom to top of message.			measured from bottom to top of message.	
Materials	Mounted on a raceway; painted directly on wall; supports and wiring components concealed from public view	Mounted on a raceway; painted directly on wall; supports and wiring components concealed from public view	Mounted on a raceway; painted directly on wall; supports and wiring components concealed from public view	—	Mounted on a raceway; painted directly on wall; supports and wiring components concealed from public view	—
Illumination	Gooseneck or shadow	Gooseneck or shadow	None	—	Gooseneck or shadow	—
Location and setback	Flush with wall not protruding more than 24 inches from wall (48 inches if marquee sign)	Flush with wall not protruding more than 24 inches from wall (48 inches if marquee sign)	Flush with wall abutting alleyway	—	Flush with wall not protruding more than 24 inches from wall (48 inches if marquee sign)	—

C. Projecting sign: any sign that projects outward from a building or other structure and extends more than 24 inches horizontally from the plane of the building wall. The signage area must not be parallel to the building.

[Image]

	District					
Regulations	**TO**	**C**	**R-A**	**R-S**	**R-C**	**PA**
Permitted	P	P	NP	NP	P	P
Count (per principal building)	1	1	—	—	1	1
Location (minimum clearance above grade) (feet)	9	9	—	—	9	9
Height (maximum) (feet)	18	18	—	—	18	18
Extension beyond building facade (maximum) (feet)	3	3	—	—	3	3
Angle at facade (degrees)	90°	90°	—	—	90°	90°
Sign area (maximum) (square feet)	6	6	—	—	6	6
Materials	Wood; metal	Wood; metal	—	—	Wood; metal	Wood; metal
Illumination	Yes	Yes	—	—	Yes	Yes

D. Roof sign: a sign attached to or supported by the roof of a building, or a sign that extends into and/or above the immediately adjacent roofline of the building irrespective of attachment point, or a sign that wholly or partially encroaches upon any roofline of a building, or a sign attached to, encroaching into or extending above the sloping phase of a mansard roof or faux mansard roof, or any combination thereof.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	P	P	NP	NP	NP	NP
Sign height from base of sign frame to top of sign frame (maximum) (feet)	Equivalent to least floor-to-ceiling height of any floor in principal building	Equivalent to least floor-to-ceiling height of any floor in principal building	—	—	—	—
Width (maximum) (feet)	40	40	—	—	—	—
Illumination	Gooseneck or direct	Gooseneck or direct	—	—	—	—
Setback from edge of roof (feet)	3	3	—	—	—	—

E. Window sign (including doors sign): any sign that is placed on, in or intrudes over a window opening or upon the panes of glass, either inside or outside the building, and is oriented to be viewed from the exterior of the structure. Customary displays of merchandise behind a store window are not considered window signs. Any sign within 24 inches of the inside surface of a window and facing the outside will count toward the allotment of total permitted window signage.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	P	P	NP	NP	NP	NP
Front facade window coverage (maximum) (percentage of total front facade glazing)	15%	15%	—	—	—	—
Decals	NP	NP	—	—	—	—
Painted window signs	15%	NP	—	—	—	—
Illumination	NP	NP	—	—	—	—

F. Painted mural: a large picture/image (including but not limited to painted art) that is painted, constructed, or affixed directly onto a vertical building wall, that may or may not contain text, logos, and/or symbols.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	P	P	NP	NP	P	NP
Off-site advertising permitted	NP	NP	—	—	NP	—
Sign area (maximum) (square feet)	1/8 of the total facade wall area not including the area of glazing	1/8 of the total facade wall area not including the area of glazing	—	—	1/8 of the total facade wall area not including the area of glazing	—
Illumination	Indirect	Indirect	—	—	Indirect	—

G. Sandwich board: a single or double-faced, hinged or unhinged, temporary sign designed to be used on a

sidewalk or pedestrianway.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	P	P	NP	P	P	P
Sign area (maximum aggregate) (square feet)	6	6	—	6	6	6
Board width (maximum) (inches)	24	24	—	24	24	24
Board height (maximum) (inches)	36	36	—	36	36	36
Materials	Wood; metal	Wood; metal	—	Wood; metal	Wood; metal	Wood; metal
Duration (maximum) (hours per day)	12	12	—	12	12	12
Illumination	NP	NP	—	NP	NP	NP

H. Awning sign: any sign painted on, or applied to, an awning. Lettering, logos, or symbols are permitted on the valance and sloping portion.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	P	P	NP	NP	P	NP
Count (per entrance)	1	1	—	—	1	—
Sign area (maximum) (as percentage of awning area)	75% valance; 25% sloping portion	75% valance; 25% sloping portion	—	—	75% valance; 25% sloping portion	—
Materials	Metal supports; vinyl face	Metal supports; vinyl face	—	—	Metal supports; vinyl face	—
Lettering height (inches)	16 valance; 8 sloping portion	16 valance; 8 sloping portion	—	—	16 valance; 8 sloping portion	—
Illumination	Direct	Direct	—	—	Direct	—

I. Temporary sign: a nonpermanent sign that may be erected for identification purposes for a new business for 90 days prior to the installation of a permanent sign.

[Image]

Regulations	District					
	TO	C	R-A	R-S	R-C	PA
Permitted	P	P	NP	NP	NP	P
Sign area (maximum aggregate) (square feet)	12	12	—	—	—	12
Sign height (maximum) (feet)	6	6	—	—	—	6
Materials (sign and	Vinyl face;	Vinyl face;	—	—	—	Vinyl face; metal

supports)	metal supports	metal supports				supports
Setback from right-of-way (minimum) (feet)	3	3	—	—	—	3
Duration (maximum number of consecutive days displayed)	90	90	—	—	—	90
Illumination	NP	NP	—	—	—	NP

J. Access sign: signs that direct traffic or pedestrians towards a point of interest that are visible from a public right-of-way.

[Image]

	District					
Regulations	**TO**	**C**	**R-A**	**R-S**	**R-C**	**PA**
Permitted	P	P	NP	NP	NP	P
Count (maximum) (per vehicular access point)	1	1	—	—	—	1
Sign area (maximum) (square feet) (per sign)	4	4	—	—	—	4
Sign height (maximum) (feet)	3	3	—	—	—	3
Setback from right-of-way (maximum) (feet)	4	4	—	—	—	4
Illumination	P	P	—	—	—	P

K. Entranceway sign: a sign that is located on a wall immediately adjacent to the primary entrance of a building.

[Image]

	District					
Regulations	**TO**	**C**	**R-A**	**R-S**	**R-C**	**PA**
Permitted	P	P	P	P	P	P
Count (maximum) (per primary exterior entranceway)	1	1	1	1	1	1
Sign area (maximum) (square feet) (per sign)	1	1	1	1	1	1
Position	Must be positioned on entry door or within 3 feet of such door	Must be positioned on entry door or within 3 feet of such door	Must be positioned on entry door or within 3 feet of such door	Must be positioned on entry door or within 3 feet of such door	Must be positioned on entry door or within 3 feet of such door	Must be positioned on entry door or within 3 feet of such door
Illumination	P	P	NP	NP	NP	NP

§ 210-507 **Sign illumination types.**

The following sign illumination types are permitted in specific districts:

Sign Illumination Type	Definition	Example Graphic
Direct: channel letters	An illumination technique that lights a sign's translucent front surface with internal lamps that are housed within the sign's characters, follow the paths of the sign's characters, and project light in the direction of the viewer	[Image]
Direct: box lit	An illumination technique that lights a sign's translucent front surface panel with lamps behind the sign's face. Signs with this type of illumination are typically box shaped.	[Image]
Indirect: shadow/halo	An illumination technique that lights the wall area behind a sign, which creates a silhouette of the sign's characters or images. In some instances, lighting that creates a shadow/halo effect may be located on the interior of dimensional characters; this location of the light source is permissible if light is not emitted through the front face of sign characters or images.	[Image]
Indirect: gooseneck	An illumination technique that casts light on the front face of the sign from a light source external to, and independent of, the sign. In gooseneck indirect illumination, the lamp is housed in one or multiple outstretched, curved, gooseneck-like supports, and light is not projected upwards.	[Image]
Indirect: other	An illumination technique that casts light on the front face of the sign from a light source external to, and independent of, the sign. The lamp is housed in other-than-gooseneck-like fixtures, and light is not projected upwards.	[Image]

§ 210-508 **Changeable copy features.**

A. Changeable copy features are categorized as either 1) channel letter features or 2) electronic message center features.

(1) Channel letter changeable copy features are signs or portions thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign.

(2) Electronic message center (EMC) features are signs or portions thereof designed so that the characters, letters or illustrations can be changed or rearranged automatically on a lamp bank.

B. A sign with changeable copy features contributes to the total allowable sign area for that sign type.

C. A changeable copy feature may not exceed 30 square feet on any sign.

D. Video, scrolling, noise, and flashing features are prohibited.

E. Changeable copy features may only be located on monument signs in the following districts:

	District					
Changeable Copy Feature	Transit-Oriented (TO)	Commercial (C)	Residential Alley-Loaded	Residential Street-Loaded	Residential Collector Streets	Public Amenities

			(R-A)	(R-S)	(R-C)	(PA)
Channel letter	P	P	NP	NP	NP	P
Electronic message center (EMC)	P	P	NP	NP	NP	P

Article VI
Nonconformities

§ 210-601 **Applicability.**

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

§ 210-602 **Continuation.**

A. Where, at the effective date of adoption or amendment of this code, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful.

B. Unlawful use of land or buildings. An unlawful use of land or buildings existing at the time of adoption of this chapter shall remain illegal and unlawful subject to all of the provisions and penalties of this chapter, even if located in a district where such use is permitted under the terms of this chapter, unless such use meets all of the area and bulk regulations, off-street parking regulations and all other regulations applicable to that use for the district in which it is located.

§ 210-603 **Enlargement or expansion.**

A. No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this code, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the zoning district in which it is located.

B. No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this code.

C. Any nonconforming use may be extended throughout any part of a structure that was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy another structure, unless that structure was located on the same lot at the time the use became nonconforming and has not been relocated.

D. No residential structure that is a legal nonconforming use in any zoning district shall be altered to add additional dwelling units unless all of the area and bulk regulations, off-street parking provisions and all other regulations applicable thereto in the district are met with respect to proposed additional dwelling units.

§ 210-604 **Change of use.**

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

A. The new nonconforming use shall be equal to or better than the existing nonconforming use. In determining whether the new use is equal to or better than the existing nonconforming use, the Zoning Hearing Board shall consider whether the new use is listed as an authorized permitted use, conditional use or use by special exception in the most restrictive zoning district that allows the existing nonconforming use. In addition, the Board shall consider the following:

(1) The number of employees, if any, proposed in the new use compared with the existing use.

(2) The type of activities, products, equipment and processes and magnitude of walk-in trade, if any, in the new use compared with the existing use.

(3) The comparative impact on the environment of the new use.

(4) The ability of the new use to comply with the performance standards of this code as compared with the existing use.

B. The new use shall be in keeping with the character of the neighborhood in which it is located.

C. The new use shall conform to the off-street parking requirements of this code for the new use. In authorizing the new use, the Zoning Hearing Board may grant a parking exemption, utilizing the applicable criteria of this code.

D. The new use shall be subject to the area and bulk regulations of the district in which the new use is located.

E. The new use shall be subject to the buffer area requirements of this code for C Zoning District uses if the use is an authorized use in the C Zoning District.

F. The new use shall be subject to any applicable standards and criteria of the use, if the use is authorized as a conditional use or use by special exception in the most restrictive zoning district classification where such use is authorized.

G. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

H. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

§ 210-605 **Abandonment.**

When a nonconforming use of a structure and/or lot is discontinued or abandoned for six consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located.

§ 210-606 **Damage or destruction.**

A. In the event that damage or destruction of a structure in which a nonconforming use is conducted involves 50% or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is diligently and visibly pursued under a valid building permit within 18 months of the date of such damage or destruction.

B. In the event that a structure in which a nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than 50% of the gross floor area of the structure, repairs or reconstruction to the original footprint may be authorized by the Zoning Officer. New construction or alteration of the existing footprint may be authorized as a use by special exception by the Zoning Hearing Board, with the following standards and criteria:

(1) Off-street parking shall be provided in accordance with the requirements of this code for the use. The Zoning Hearing Board may grant a parking exemption, utilizing the applicable criteria of this code.

(2) The repair or reconstruction shall conform to the requirements of the Borough Building Code and Fire Code and to all applicable requirements of the Pennsylvania Department of Labor and Industry.

(3) In approving the reconstruction of a nonconforming residential building, the Zoning Hearing Board may approve a reduction in the number of dwelling units or in the size of the building without making the findings necessary to authorize a use variance and, if approved, shall direct the issuance of a revised certificate of occupancy and revision to the registration of the nonconforming use to reflect the new terms and conditions of the approval.

(4) The reconstruction shall comply with all applicable regulations of the zoning district, other than use, unless the structure is nonconforming and/or a variance is granted to the applicable regulations upon demonstration of physical hardship.

(5) Any proposed change of use shall be further subject to § 210-604.

(6) The repair or reconstruction shall comply with all applicable buffer area requirements of this code.

(7) If the nonconforming use is governed by any express standards and criteria in this code for conditional uses or uses by special exception, the repair or reconstruction shall comply with all applicable express standards and criteria, unless the Zoning Hearing Board grants a variance to the applicable regulations upon demonstration of physical hardship.

(8) Approval of the repair or reconstruction of the structure housing the nonconforming use shall be conditioned upon the repair or reconstruction being diligently and visibly pursued under a valid building permit within 18 months of the date of the decision by the Zoning Hearing Board or, if the Board's decision is appealed, within 18 months of the final adjudication.

C. Structural alteration.

(1) No such structure may be enlarged or structurally altered in a way that increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structures.

(2) Damage or destruction. Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction is diligently and visibly pursued under a valid building permit within 18 months of the date that the original structure was damaged or destroyed.

(3) Moving. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.

§ 210-607 **Nonconforming signs.**

A. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made that increase the gross surface area of the sign; however, nonconforming signs that are damaged or destroyed to an extent of more than 50% of the area of the structure at the time of destruction shall not be reconstructed except in conformity with the provisions of this chapter. Nonconforming signs that are damaged or destroyed to an extent of less than 50% of the area of the structure may be repaired or reconstructed, provided that such restoration is completed within 30 days of the damage or destruction.

B. Nonconforming signs 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.

C. Repair or maintenance. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by the Borough Building Inspector or any other official charged with protecting the safety of the public.

§ 210-608 **Nonconforming lots.**

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

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

§ 210-609 **Registration of nonconformity.**

A. The owner of a nonconforming use shall make an application for registration of the nonconforming use, and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this chapter or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by Allegheny County Assessor’s block and lot number as a legal nonconforming use.

B. In the course of administering this chapter and reviewing applications for zoning certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

Administration Procedures and Enforcement

Summary of Application Requirements			
Application Type	**Zoning Officer**	**Planning Commission**	**Zoning Hearing Board**
Key	A = Administrative decision X = Responsible for application intake and determination of completeness	L = Quasilegislative decision LS = Legislative decision	J = Quasijudicial decision
Administrative Determinations of this code			
Submit to:	X		
Decision by:	A		
Appeal to:			J
Variances			
Submit to:	X		
Decision by:	A		J
Appeal to:			
Building/zoning permits			
Submit to:	X		
Decision by:	A		
Appeal to:			J
Special exceptions			
Submit to:	X		
Decision by:			
Appeal to:			J
Zoning text amendments			
Submit to:	X		
Decision by:		L	
Appeal to:			
Zoning Map amendments			
Submit to:	X		
Decision by:		L	
Appeal to:			
Zoning complaints/violations			
Submit to:	X		
Decision by:	A		
Floodplain/Flood Hazard Ordinance			
Submit to:	X		
Decision by:	A		
Appeal to:			J

§ 210-701 **Intent.**

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

§ 210-702 **Zoning Officer.**

A. The Zoning Officer shall be appointed by the Borough Council and shall hold no elective office in the Borough. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.

B. The Zoning Officer shall have all the powers and duties conferred on them by this chapter and the

Pennsylvania Municipalities Planning Code. The Zoning Officer shall administer this code in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use that does not conform to this chapter. The Zoning Officer's duties shall include the following:

(1) To institute civil enforcement proceedings herein as a means of enforcement when acting within the scope of their employment.

(2) To receive applications for any new use or change of use prior to the start of construction or establishment or change of the use by any landowner or lessee. Such application shall describe the proposed activity in sufficient detail to determine whether it meets the requirements of this chapter and other applicable Borough ordinances. Applications for uses by special exception, conditional uses and variances shall be filed as set forth herein as applicable and shall be forwarded by the Zoning Officer to the appropriate decisionmaking body. In addition, the Zoning Officer shall receive and forward all applications for appeals to the Zoning Hearing Board.

§ 210-703 **Permits.**

A. It shall be unlawful to use or change the use of any structure or lot or erect, structurally alter or enlarge any structure without obtaining a building/zoning permit or certificate of occupancy.

B. It shall be unlawful to structurally alter, enlarge, move, remove or construct any structure without obtaining a building/zoning permit. All applications shall be submitted as set forth herein. The Zoning Officer shall review all applications for compliance with applicable codes and ordinances and shall issue a building/zoning permit or a written decision denying the permit that contains references to the ordinance requirements that have not been met within 90 days of receipt of the application.

C. Permits for temporary structures authorized by this article may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six months. The permit may be renewed for an additional six-month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction. Permits for all other temporary structures shall be subject to the requirements of this article.

§ 210-704 **Expiration of approvals and permits.**

A. If, after approval of conditional use or a use by special exception, an application for a building/zoning permit to undertake work described in that application has not been submitted within 12 months of the date of granting of approval by the Borough, approval of the conditional use or use by special exception shall expire automatically without written notice to the applicant, unless the Borough Council or the Zoning Hearing Board, as the case may be, extends the approval upon written request by the applicant prior to its expiration.

B. No building/zoning permit for the erection, demolition, alteration or removal of buildings or structures shall be valid after six months from the date of issuance thereof, unless the work authorized by such permit shall have been substantially commenced within six months from the date of issuance and proceeded with, with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by virtue of any reasonable cause and not due to their own negligence, the permit may be renewed by the Zoning Officer without additional cost to the applicant.

C. If, after commencement of construction, the work is discontinued for a period of three months without reasonable cause outside the applicant's or contractor's control, such permits shall be void, and work shall not be commenced until a new permit shall have been issued.

§ 210-705 **Revocation of permits.**

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

§ 210-706 **Inspections.**

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

§ 210-707 **Certificate of use and occupancy.**

A. A certificate of use and occupancy shall not be required for any residential dwelling that exists on the date of adoption of this chapter unless a building/zoning permit is issued for the movement, reconstruction or alteration of the dwelling that results in a change in the location of the dwelling, the total lot coverage or the total number of families housed in the dwelling.

B. When a building/zoning permit has been issued for the reconstruction, alteration or movement of any other structure or the construction of any new structure, including dwellings, it shall be unlawful to use or occupy that structure without a certificate of use and occupancy. Upon completion of the construction, reconstruction, alteration or movement of the structure, the holder of the building/zoning permit shall notify the Zoning Officer that the work has been completed and the structure is ready to be used or occupied.

C. Upon inspection and determination that all applicable ordinance regulations and any conditions attached to the issuance of the building/zoning permit have been met, the Zoning Officer shall issue a certificate of use and occupancy.

D. For all uses in the C Zoning District, and for all commercial uses and two-unit and multi-unit dwellings in any zoning district, any change in occupancy from one owner or tenant to another or any change from one use to another of any structure or lot shall require the issuance of a certificate of use and occupancy, whether or not a building/zoning permit is required. Prior to occupying the building or structure in which the change of use or occupancy is established, the landowner or lessee shall be required to make an application for a certificate of use and occupancy. The Zoning Officer shall determine that all applicable regulations of this chapter for the proposed change of use or change of occupancy have been met prior to issuing the certificate of use and occupancy.

E. Issuance of all certificates of use and occupancy shall be subject to payment of the required fee established from time to time by resolution of the Borough Council.

F. Certificate of use and occupancy for adult businesses.

(1) Any person who operates an adult business, as herein defined, without a valid certificate of use and occupancy issued by the Borough shall be in violation of this chapter. In addition to the requirements for obtaining a certificate of use and occupancy specified above, all of the following requirements shall be met:

(a) An application for a certificate of use and occupancy to operate an adult business shall be made on a form provided by the Zoning Officer. The application shall be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of the gross floor area proposed to be occupied by the adult business. The sketch or diagram need not be prepared by an engineer, architect or surveyor, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Parking facilities shall be specifically identified and shall comply with the applicable requirements of this chapter. Nonconforming structures that do not have the required parking spaces shall not be issued permits unless the adult business was in existence as a lawful use prior to October 1992.

(b) The premises shall be inspected and found to be in compliance with all applicable codes and ordinances by the Borough Fire Marshal and the Borough Code Enforcement Officer. The Borough Code Enforcement Officer and Borough Fire Marshal shall complete their certification that the premises are in compliance or are not in compliance within 20 days of receipt of the application by the Borough Zoning Officer.

(c) If the applicant for an adult business is an individual, the individual shall sign the application for a certificate of use and occupancy as the applicant. If the applicant is other than an individual, each individual who has an interest of 10% or greater in the business shall sign the application for a certificate of use and occupancy as the applicant. If a corporation is listed as the owner of an adult business or as the entity who wishes to operate the adult business, each individual having a direct or indirect interest of 10% or greater in the corporation shall sign the application for a certificate of use and occupancy as the applicant.

(d) The fact that an applicant possesses other types of Borough permits shall not exempt the applicant from the requirement of obtaining a certificate of use and occupancy to operate an adult business in accordance with the requirements of this subsection.

(2) Issuance of a permit under this subsection shall be subject to a finding that none of the following factors exist:

(a) An applicant is under 18 years of age or any person performing, acting or depicted in any manner in the performance of such activity may or will be under the age of 18.

(b) An applicant or applicant’s spouse is overdue in their payment to the Borough of taxes, fees, fines or penalties assessed against or imposed on them in relation to any adult business in the Borough.

(c) An applicant has failed to provide information reasonably necessary for issuance of the certificate of use and occupancy or has falsely answered a question or request for information on the application form.

(d) An applicant is residing with a person who has been denied a certificate of use and occupancy in the Borough to operate an adult business within the preceding 12 months or is residing with a person whose

certificate of use and occupancy to operate an adult business has been revoked within the preceding 12 months.

(e) The fee required for a certificate of use and occupancy by this article has not been paid.

(f) An applicant of the proposed adult business establishment is in violation of or is not in compliance with any of the provisions of this article.

(g) An individual applicant or any individual holding a direct or indirect interest of 10% or greater of a corporate applicant, if the applicant is a partnership or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including but not limited to prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania, if such conviction shall have occurred within two years of the date of application in the event of a misdemeanor and within five years of the date of application in the event of a felony.

(3) The certificate of use and occupancy, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult business. The certificate of use and occupancy shall be posted in a conspicuous place at or near the entrance to the adult business so that it may be easily read at any time.

(4) The annual fee for an adult business permit shall be as set from time to time by resolution of the Borough Council.

(5) An applicant or holder of a certificate of use and occupancy shall permit representatives of the Police Department, Fire Marshal, Code Enforcement Officer, Zoning Officer or other Borough departments or agencies to inspect the premises of an adult business for the purpose of ensuring compliance with the law at any time that the adult business is occupied or open for business.

(6) Any person who operates an adult business or their agent or employee shall violate this article if they refuse to permit such lawful inspection of the premises at any time it is occupied or open for business.

(7) The certificate of use and occupancy shall not be transferable to another person or any other property or adult business.

(8) Each certificate of use and occupancy shall expire one year from the date of issuance and may be renewed only by making application as provided in this subsection. Application for renewal shall be submitted to the Borough Zoning Officer at least 30 days before the expiration date and, when made less than 30 days before the expiration date, the pendency of the application shall not prevent expiration of the certificate of use and occupancy.

(9) If the Zoning Officer denies renewal of a certificate of use and occupancy, the applicant shall not be issued a certificate of use and occupancy for one year from the date of denial, except that after 90 days have elapsed since the date of denial, the applicant may be granted a certificate of use and occupancy if the Zoning Officer finds the basis for the denial of the renewal of the certificate of use and occupancy

has been corrected or abated.

(10) The Zoning Officer shall suspend a certificate of use and occupancy for a period not to exceed 30 days if they determine that the holder of a certificate of use and occupancy or an employee of the holder of the certificate of use and occupancy or an occupant of the premises has:

(a) Violated or is not in compliance with any provision of this chapter.

(b) Engaged in excessive use of alcoholic beverages while on the premises of the adult business.

(c) Knowingly allowed possession, use or sale of controlled substances on the premises.

(d) Refused to allow an inspection of the adult business premises as authorized by this chapter.

(e) Knowingly permitted gambling or prostitution by any person on the adult business premises.

(f) Knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation or other explicit sexual conduct to occur in or on the premises.

(g) Failed to man managers' stations and/or maintain viewing rooms as set forth in this chapter.

(11) The Zoning Officer shall revoke a certificate of use and occupancy if a cause of suspension set forth in this article occurs and the permit has been suspended within the preceding 12 months.

§ 210-708 **Registration of nonconforming uses, structures and lots.**
The Zoning Officer shall prepare and keep up-to-date a register of all nonconforming uses, structures and lots in accordance with the procedures specified in this chapter.

§ 210-709 **Responsibilities of applicants.**
It shall be the responsibility of the applicant to apply for and secure all permits and certificates required by this article. The applicant shall be obligated to contact the Zoning Officer and secure a certificate of use and occupancy after the completion of development and/or prior to the occupancy of any structure or lot. Failure to secure necessary permits or certificates or failure to apply for the same in a timely fashion shall constitute a violation of this article and shall be subject to the penalties for violation specified herein.

§ 210-710 **Application procedures.**
A. All applications shall be submitted in a form and manner acceptable to the Borough. All applications shall be accompanied by the required fee established from time to time by resolution of the Borough Council and which schedule of fees is available to the public in the office of the Borough Manager. All applications to be referred to the Planning Commission shall be filed at least 30 calendar days prior to the regular meeting of the Planning Commission at which the application is to be considered.

B. Applications for conditional uses. All applications for conditional use approval shall be submitted and shall be processed in accordance with the requirements herein.

C. Applications for uses by special exception. All applications for uses by special exception shall be submitted and shall be processed in accordance with the requirements herein.

D. Applications for approval of a land development. All applications that require approval of a land

development plan shall be submitted and processed in accordance with the requirements of Chapter **183**, Subdivision and Land Development.

E. Application for building/zoning permits.

(1) All applications shall be made in writing to the Zoning Officer on forms provided by the Borough and shall be accompanied by the required fee. All applications shall include, as a minimum, a plot plan, as defined by this chapter, in duplicate and drawn to scale on a property survey that is current and sealed by a licensed land surveyor who is registered by the commonwealth, showing all of the following:

(a) Drawn to scale, preferably at a scale of one inch equals 20 feet (smaller scale may be accepted in special circumstances if required data can be clearly shown). Photostatic reductions are acceptable if reduced to a scale of not less than one inch equals 100 feet and if legible. When used, a photostat must contain a graphic scale;

(b) The entire lot for which application is being made;

(c) A North point;

(d) Title and date, including the name of the owner of the concerned lot;

(e) The dimensions of the lot;

(f) The names and widths of all streets and ways upon which the lot is located;

(g) Where the property is not on a corner, the distance in feet to the nearest intersection and the name of the intersecting street (not including ways);

(h) The location and size of all existing and proposed structures on the lot, including any porches, roof or other overhangs, stoops, chimneys and any other obstructions of open space;

(i) Location and size of all structures (that are on other lots) within 25 feet of the concerned lot;

(j) Any parking areas and their dimensions;

(k) The distance between structures and parking areas;

(l) The distance from the property lines to the structures and parking areas;

(m) The plan of lots and lot numbers, if any, of the involved and abutting properties; if not in a plan of lots, show block and lot numbers from the Allegheny County Block and Lot System;

(n) The name of the plan of lots, if any;

(o) The Plan Book volume and page where recorded; where there is no plan of lots, so state on the plot plan;

(p) Screening (type and height) and type of surfacing of parking areas and driveways; and

(q) For all applications other than one-unit and two-unit dwellings, the Pennsylvania Department of Labor and Industry file number.

(2) In addition to the required data listed above, there shall be such other information as may be deemed by the Building Inspector as necessary in specific cases to judge the plan in accord with the objectives indicated; omission of specific items may be accepted by the Building Inspector by written decision when superfluous to the particular evaluation.

F. The Borough Council shall establish a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this code. The schedule of fees shall be posted in the office of the Borough Manager.

§ 210-711 **Text and Map amendments (rezoning).**

A. The Borough Council may introduce and/or consider amendments to this code and to the Zoning Map as proposed by a member of the Borough Council, the Planning Commission, or a petition of a landowner of property within the Borough.

B. Petitions for amendments shall be filed with the Planning Commission at least 30 calendar days prior to the meeting at which the petition is to be heard. The petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule fixed by resolution of the Borough Council. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council.

C. Any proposed amendment presented to the Borough Council without written findings and recommendations from the Planning Commission and the Allegheny County Planning Commission shall be referred to these agencies for review at least 30 days prior to public hearing by the Borough Council. The Borough Council shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of 30 days from the date of referral.

D. If the proposed amendment involves a Zoning Map change, a minimum of two notices of the public hearing shall be conspicuously posted on the property at least seven days prior to the date of the public hearing.

E. Before acting upon a proposed amendment, the Borough Council shall hold a public hearing thereon. Public notice, as defined by this chapter, shall be given and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

F. If, after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land previously not affected by the amendment, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

G. Publication, advertisement and availability.

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

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

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

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

H. Within 90 days of the date when the public hearing on the proposed amendment is officially closed, the Borough Council shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, the Borough Council shall re-advertise in one newspaper of general circulation in the Borough a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments, at least 10 days prior to enactment.

I. Within 30 days after enactment, a copy of the amendment to this code shall be forwarded to the Allegheny County Planning Commission.

J. The Borough Council may offer the mediation option as an aid in completing proceedings authorized by this section. The Borough and the mediating parties shall meet the stipulations and follow the procedures set forth in this article.

§ 210-712 **Landowner curative amendments.**

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

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

C. If the Borough Council determines that a validity challenge has merit, the Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or map.

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

(5) The impact of the proposal on the preservation of agriculture and other land uses that are essential to public health and welfare.

D. If the Borough does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire article, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.

§ 210-713 **Zoning Hearing Board.**

A. The membership of the Zoning Hearing Board shall consist of five residents of the Borough appointed by the Borough Council. The terms of office of the five-member Board shall be five years and shall be so fixed that the term of office of one member of the five-member Board shall expire each year. The members of the three-member Board currently in office as of the date of this provision's enactment shall continue in office until their terms of office are set to expire. Borough Council shall appoint two additional members to the Board, with one member's initial term scheduled to expire in four years, and the other member's term scheduled to expire in five years. The Board shall promptly notify the Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

B. The Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this article and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to this section.

C. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially

appointed until the Board has made a final decision on the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

D. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

(1) Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Borough Council.

(2) 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.

(3) 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.

(4) Applications for variances from the terms of this chapter and the Flood Hazard Ordinance or such provisions within a land use ordinance pursuant to **§ 210-714**.

(5) Applications for special exceptions under this chapter or the Floodplain or Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to **§ 210-715**.

(6) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

(7) Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development.

§ 210-714 **Variances.**

A. The Board, upon appeal, shall have the power to authorize variances from the requirements of this chapter and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this chapter. A variance may be granted if all of the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such unnecessary hardship 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, nor be detrimental to the public welfare; and

(5) That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and protect the public health, safety and welfare.

§ 210-715 **Special exception uses.**

The Board shall have the power to hear and decide on applications for uses by special exception that are determined to be in harmony with its general purpose and intent and in accordance with the standards set forth in Article **III**, § **210-302**, above. The Board shall approve a use by special exception only if it meets all applicable requirements of Article **III**, § **210-302**, above. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this chapter, as it may deem necessary to properly implement this chapter and protect the public health, safety and welfare.

§ 210-716 **Hearings and decisions of Zoning Board.**

A. A public hearing shall be held on any appeal filed under this chapter within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this chapter. In addition to the public notice, at least one week prior to the hearing, the Board shall post at least one copy of the notice on the affected property and shall mail a copy of the notice by regular mail to each adjoining property owner, including those located across a street right-of-way. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247, as amended) regarding conduct of the public hearing and rendering a decision.

B. Where the Board fails to render a decision within the required forty-five-day period or fails to hold the required hearing within 60 days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

C. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to the court.

§ 210-717 **Mediation option.**

A. Parties to proceedings authorized in this article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this article once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

(1) Funding mediation;

(2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;

(3) Completing mediation, including time limits for such completion;

(4) Suspending time limits otherwise authorized in this article or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided that there is written consent by the mediating parties and by an applicant or Borough decisionmaking body, if either is not a party to the mediation;

(5) Identifying all parties and affording them the opportunity to participate;

(6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and

(7) Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decisionmaking body pursuant to the authorized procedures set forth in this article.

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§ 210-718 **Zoning Hearing Board fees and expenditures.**

A. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

B. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

C. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

§ 210-719 **Time limitations; appeals.**

A. No person shall file any proceeding before the Zoning Hearing Board later than 30 days after a preliminary or final application for development 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 they had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to their interest after such approval, they shall be bound by the knowledge of their predecessor in interest.

B. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days' after notice of the determination is issued.

§ 210-720 **Stay of proceeding.**

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

B. All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by Subsection 908 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

§ 210-721 **Enforcement; violations and penalties.**

A. Failure to comply with any provision of this chapter or to secure a building/zoning permit prior to the erection, construction, extension, alteration or addition to a building or failure to secure a certificate of use and occupancy for the use or change of use or occupancy of structures or land shall be a violation of this chapter.

B. Enforcement notice. The enforcement notice shall contain the following information:

(1) The name of the owner of record and any other person against whom the Borough intends to take action;

(2) The location of the property in violation;

(3) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this chapter;

(4) The date before which the steps for compliance must be commenced and the date before which the steps

must be completed;

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter; and

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

C. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees, incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Borough.

D. The court, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

F. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or structure or land is used in violation of this chapter or of any ordinance or other regulation made under authority conferred hereby, the Borough Council or, with the approval of the Borough Council, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to prevent the occupancy of any building, structure or land, or to prevent any illegal act, conduct, business or use that constitutes a violation.

Article VIII
Glossary of Terms

§ 210-801 **Use terms.**

A. Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT (ADU)

A residential dwelling unit, but not a mobile home, located on the same lot as a detached one-unit dwelling, either within the same building or in a detached building. The accessory dwelling unit must be subordinate and incidental to the principal unit.

ADULT ARCADE

Any place where the public is permitted or invited wherein coin-operated, slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

ADULT BOOKSTORE/VIDEO STORE

Any commercial establishment in which more than 5% of the inventory offered for sale or rental to the public consists of books, publications, films or other media that depict nudity or sexual conduct.

ADULT ENTERTAINMENT BUSINESS

An adult arcade, adult bookstore/video store, adult live theater, adult motel, adult movie theater or movie house, as defined herein.

ADULT LIVE THEATER

Any commercial establishment that features live shows for public viewing in which all or some of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

ADULT MOTEL

A hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas, as defined herein; and offers sleeping rooms for rent four or more times in the calendar day during five or more calendar days in any continuous thirty-day period.

ADULT MOVIE THEATER OR MOVIE HOUSE

Any movie theater, including mini theaters or any other establishment, that shows films rated "X" by the Motion Picture Coding Association of America or that shows adult films depicting sexual conduct, as defined herein.

ANTIQUE SHOP

Any premises used for the sale or trading of articles of which 80% or more are over 30 years old or have collectible value. Antique shop does not include a thrift or secondhand store or any outdoor storage.

ART STUDIO

Workspace for one or more artists or artisans, including the accessory private sale of art produced on the premises, and shall not be open to the public.

ARTS CENTER

Nonprofit, public, or commercial facility for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest, that may include the sale of the objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of public and private meetings and social events.

BEVERAGE SALES, LIQUOR, BEER OR WINE STORE

An establishment for the sale of beer, wine and general alcoholic beverages, including the sale of distilled spirits or hard liquor, for off-premises consumption, but not including the incidental sale of convenience items such as, without limitation, prepackaged snacks, nonalcoholic beverages, personal care items, clothing, household items and/or cigarettes.

BEVERAGE, BREWING AND DISTILLING

An establishment where beer, malt beverages or spirits are made on the premises and then sold or distributed, either by wholesale or retail, that may include incidental on-premises consumption.

BEVERAGE, DISTRIBUTION

A facility for storage and wholesale distribution of alcoholic beverages, but not including retail sales.

BEVERAGE, NONALCOHOLIC PRODUCTION

Production of nonalcoholic beverages made on-premises and then sold or distributed off-site either by wholesale or retail.

BOARDINGHOUSE

Any dwelling unit in which four or more sleeping units are rented for compensation and where meals may or may not be provided. The term "boardinghouse" shall include a rooming house or lodging house but shall not include any group living arrangements otherwise defined by this article, such as a group residence, group care facility, transitional dwelling or personal care boarding home.

CAR WASH

A facility, whether automatic, semiautomatic or manual, for washing vehicles.

CEMETERY

Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

CLINIC

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

CLINIC, VETERINARY

An establishment where animals are examined and treated by veterinarians and that may include kennels for temporary boarding of animals during treatment.

COLLECTION AND RECYCLING FACILITY

A center for the collection and/or processing of recyclable materials, but not including storage

containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

COMMUNITY CENTER

A facility where activities are programmed for children, adults, or seniors by a public or not-for-profit entity. Activities must be community-oriented and may be located indoors or on associated playfields.

COMMUNITY PARK

A public park containing at least 20 acres located no farther than three miles from every resident of the Borough.

DRIVE-IN BUSINESS

Any principal use or accessory use that provides services to persons while they remain in their vehicles, including but not limited to drive-in restaurants, drive-in banking windows, automated teller machines (ATMs), drive-through car washes, drive-up vehicle services, such as lubrication and oil change and the like.

DRUGSTORE

A retail establishment that sells prescription drugs, patent medicines, surgical and sickroom supplies and that also may sell cosmetics, household goods and a limited selection of food products.

DWELLING UNIT

One or more rooms that are used as living quarters and that have permanent facilities for sleeping, kitchen facilities, as defined herein, as well as sanitary facilities. Also, "residential."

ESSENTIAL COMMUNICATIONS FACILITY

Any antenna and associated structures designed for transmitting or receiving radio, television or telephone communications that is operated by a public utility or by any entity regulated by the Public Utilities Commission (PUC) or the Federal Communications Commission (FCC) or operated by any agency, franchisee or authority of the Commonwealth of Pennsylvania, Allegheny County or Dormont Borough or by any police, fire, medical or emergency management agency.

EVENT CENTER

A facility that accommodates small-scale events, conferences, or weddings.

FARM ANIMAL KEEPING, SMALL

The keeping of any animal, other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, or exhibition.

FARMERS' MARKET

An occasional or periodic market held in an open area or in a structure where more than one individual sells, with transient business licenses issued by the commonwealth and carrying liability insurance, offers for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site. All necessary and applicable

permits shall be obtained prior to operation within Borough boundaries.

FINANCIAL INSTITUTION

Any building, property, or activity of which the principal use or primary purpose is the provision of financial services, including, but not limited to, banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.

FITNESS FACILITY/GYM

A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, organized fitness class or other customary and usual recreational activities operated for profit or not-for-profit.

FOOD SALES, LARGE GROCERY

A retail establishment that sells primarily food and produce for off-site consumption; products for personal grooming and day-to-day maintenance of a household and personal health are also permitted. A principal use Large Grocery may possess a retail sale liquor license issued by the commonwealth.

FOOD SALES, SMALL GROCERY

A retail establishment that primarily sells food, but also may sell other convenience and household goods. A section for fresh fruits and vegetables no less than 40 square feet must be visible within the retail area of the establishment, and that may have a retail sale liquor license issued by the commonwealth.

FOOD SERVICE, COMMISSARY/BAKERY

An establishment primarily engaged in the retail sale of baked products for consumption off-site that may be prepared either on-or off-site and may include incidental food service and shall not have a liquor license issued by the commonwealth.

FOOD SERVICE, DELI

An establishment where food is sold for consumption off-premises and no counters or tables for on-premises consumption of food are provided but excludes groceries and supermarkets and shall not have a liquor license issued by the commonwealth.

FUNERAL HOME

A facility for a) embalming and the performance of other services used in the preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; d) the storage of funeral vehicles; and e) facilities for cremation, that may include a funeral chapel, gathering and/or event spaces.

GARDEN CENTER

An establishment where retail and wholesale products and produce are sold directly to the consumer, and that may include a nursery and/or greenhouse, and that may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils, and where outdoor storage is incidental to the sale of goods.

GROUP HOME

A dwelling unit where room and board are provided to not more than eight permanent residents who are mentally or physically handicapped persons of any age, excluding any adult or juvenile assigned by order of Juvenile or Criminal Court, and who are in need of supervision and specialized services and no more than two supervisors on any shift who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any nonprofit social services corporation licensed or certified by the Pennsylvania Department of Public Welfare, and the facility shall meet all minimum requirements of the sponsoring agency. A group home, as defined herein, shall be considered a one-unit dwelling and shall be authorized wherever a one-unit dwelling is permitted, subject to the requirements of the district applicable to one-unit dwellings.

HOME OCCUPATION

An accessory use of a service character carried on entirely within a dwelling unit by the residents thereof, that is clearly incidental and secondary to the use of the building for dwelling purposes and that does not change the residential character thereof.

HOME OFFICE

See "no-impact home-based business."

HOSPITAL

An establishment that has an organized medical staff and provides equipment and services primarily for inpatient care to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy or other disability, but not including narcotics addiction or those found to be criminally insane.

KENNEL

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

LIBRARY

A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

MANUFACTURING, ARTISAN

The on-site production of goods by hand manufacturing conducted wholly within an enclosed building of less than 5,000 square feet of gross floor area that involves the use of hand tools and small-scale equipment.

MANUFACTURING, LIGHT

The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building, that may include research and development facilities, and may include the temporary outdoor storage of finished or semifinished products.

MASSAGE AND PHYSICAL THERAPY

An establishment that provides therapeutic or medical massage of a nonsexual nature provided by a

licensed practitioner.

MOBILE VENDOR

A person or business licensed and permitted to provide goods and services, who offers such goods or services, not including food, for sale to the public not within a structure but out of a mobile vehicle/trailer, tent or canopy.

MOTORCYCLE SALES AND SERVICE

An enclosed establishment for the retail sale and displays of motorcycles, parts, and associated retail merchandise, that does not include outdoor sales.

NO-IMPACT HOME-BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than persons residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, that is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

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

NURSING HOME

A facility licensed to operate as such by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care or both levels of care to two or more patients who are unrelated to the nursing home administrator for a period exceeding 24 hours.

OFFICE, BUSINESS AND PROFESSIONAL

A building containing the office or offices of a business or businesses engaged in providing professional

services, including, but not limited to, the following: accounting; auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices, including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside the home, but not including medical offices or offices that are incidental and accessory to another business or retail sales activity in the building.

OUTDOOR DISPLAY

A commercial use of open land in which retail goods, wares and merchandise permitted for sale on the premises are kept.

OUTDOOR STORAGE FACILITY

The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

OVERNIGHT LODGING, BED-AND-BREAKFAST

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

OVERNIGHT LODGING, BOUTIQUE HOTEL

A small-scale hotel in an historic structure, or a structure with a facade made of a high-quality material such as wood, brick, masonry, tile, stone, granite, limestone, or another natural material, that has fewer than 30 rooms accessed from an interior hallway.

OVERNIGHT LODGING, HOTEL

Any structure consisting of one or more buildings containing any combination of more than five guestrooms that meet the requirements for transient sleeping rooms or extended stay temporary residence dwelling units where all rooms/units are accessed from an interior hallway, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise meet the definition of "overnight lodging, bed-and-breakfast," and does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

OVERNIGHT LODGING, PRIVATE TRANSIENT OCCUPANCIES

Any residential property offered to the public for rent on an internet hosting platform or application with an intended occupancy of fewer than 30 consecutive days and is not used for any other overnight lodging use as defined in this code.

PARK

Property owned by the Borough of Dormont or Keystone Oaks School District devoted to open space and public recreation.

PARKING FACILITY

An open or enclosed facility for temporary off-street parking of five or more motor vehicles, located on publicly or privately owned property.

PARKING GARAGE, PRIVATE

A privately-owned structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

PARKING GARAGE, PUBLIC

A publicly-owned structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

PARKING LOT, PRIVATE

A parking area on the surface of a lot that is the principal use on the lot and that is operated by a private entity, whether for profit or not, for use by the owners or tenants of the lot and their invited guests only and that is not available to the general public.

PERSONAL SERVICES

An establishment that accommodates two or more clients at one time providing nonmedically related services, including, but not limited to, beauty salons, barbershops and tanning salons by licensed professionals, that may also include accessory retail sales of products related to the services provided.

PORTABLE STORAGE UNIT

Any enclosed unit of whatever type construction or material, designed for permanent or temporary storage, that can be transported by a vehicle and left on-site.

PRIVATE CLUB

A public, commercial, or nonprofit establishment that provides membership for the participation in, or use of, shared space, programming, or social activities, and may not include any form of adult entertainment business or retail sales.

PRIVATE GARAGE

A detached accessory building or a portion of the principal building used for the storage of four or fewer automobiles or trailers by the owner(s) or tenant(s) of the lot or by persons other than the owner(s) or tenant(s) of the lot by lease agreement with the owner(s) or tenant(s) of the lot. The owner(s) or tenant(s) of a private garage may repair, maintain and service motor vehicles between the hours of 9:00 a.m. and 9:00 p.m.; provided, however, that any repair, maintenance and service on a commercial basis is prohibited and no parts, supplies or other indicia of vehicle repair, including, but not limited to, the vehicles under repair, shall be placed outside of the private garage unless someone is actually working in or otherwise supervising the private garage, and further provided that all parts, supplies and other indicia of vehicle repair, including, but not limited to, the vehicles under repair, must be placed inside

the private garage and the doors of said garage closed between the hours of 9:00 p.m. and 9:00 a.m., except for the limited purposes of ingress and egress. Nothing in this definition shall be construed to prohibit the storage of personal property inside a private garage, including, but not limited to, lawn mowers of any type or kind, or the right of the owner of a private garage to repair, maintain and service motor vehicles as herein provided with all garage doors open; provided, however, that someone is actually working in or otherwise supervising the private garage during the times that the repair, maintenance and/or service of motor vehicles is being performed.

PUBLIC UTILITY BUILDING

Any administrative, maintenance or service building operated by a public utility or any transmission facility of a public utility that does not meet the definition of an "essential service."

RECREATION FACILITIES

An enterprise operated by other than a public entity for profit for indoor recreation and/or leisure activities, including dance studios, health and/or fitness clubs, martial arts and gymnasiums.

RELIGIOUS ASSEMBLY

A use located in a permanent building and providing regular organized religious worship and related incidental activities, except child day-care center, primary, secondary, college/university, vocational schools, community facility, active and outdoor recreation, and enterprise, indoor and outdoor.

RESEARCH/LABORATORY FACILITY

A building or group of buildings for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

RESIDENTIAL

See also, "dwelling unit."

RESTAURANT, DRIVE-IN

An eating establishment where motor vehicles are parked and food that is ordered is delivered to the parked vehicle, either separately or in conjunction with an indoor sit-down dining area. Eating establishments that have drive-up, pick-up or carry-out windows shall not be considered as drive-in restaurants.

RESTAURANT, FULL SERVICE

A food service establishment with incidental alcohol consumption whereby servers bring food and beverages that are prepared in a kitchen or at a bar on-site, that may have a liquor license issued by the commonwealth.

RESTAURANT, LIMITED SERVICE

A self-service food service establishment whereby meals are served at a faster rate than a full-service restaurant and food offerings are more extensive in variety than a fast-food restaurant, that may have a liquor license issued by the commonwealth.

RESTAURANT, QUICK SERVICE

A food service establishment devoted to the preparation and offering of food and beverage for sale to

the public for consumption via a counter or drive-through on or off the premises generally in disposable containers, and that offers standardized menus, ingredients, food preparation, decor, uniforms, architecture, or similar standardized features.

RETAIL GASOLINE AND CONVENIENCE

A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer, which may include the sale of hot beverages, fountain-type beverages, beer, and pastries, and shall not have a retail liquor license other than for the sale of beer.

RETAIL STORE

A commercial establishment selling consumer goods, clothing, and other dry goods.

REVERSE VENDING MACHINE

An automated mechanical device for the redemption of recyclable beverage containers that accepts at least one type of empty beverage container, including but not limited to aluminum cans, bimetal cans, glass and plastic bottles, and that issues a cash refund or redeemable credit slip and that may include machines that sort and process containers mechanically, provided that the entire process is enclosed within the machine.

SCHOOL

A place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocation or postsecondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

SCHOOL, COLLEGE/UNIVERSITY

A postsecondary institution, licensed by the commonwealth, for higher learning that grants associate or bachelor's degrees and may also have research facilities, and/or professional schools that grant master and doctoral degrees, which may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

SERVICE STATION

A retail place of business, engaged primarily in the sale of motor fuels or supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including one or more of the following: the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, excluding such repairs as spray-painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires. A service station may also include the operation of a convenience food store.

SKILLED CARE FACILITY

Professionally supervised nursing care and related medical or other health services provided for a period exceeding 24 hours to an individual who is not in need of hospitalization, but whose needs are such that they can only be met in a nursing home on an inpatient basis and who needs the care because of age,

illness, disease, injury, convalescence or physical or mental infirmity. This term includes the provision of daily inpatient services that are needed on a daily basis by the patient, ordered by a physician, that require the skills of and are furnished directly by or under the supervision of technical or professional personnel, including but not limited to registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

SOLAR FACILITY

An integrated assembly of solar panels with a support structure or foundation and other components.

STANDALONE EMERGENCY FACILITY

An emergency room facility that accepts patients by ambulance and other vehicular means and provides emergency medical services and is not contained within or physically connected to a full-service hospital.

STORAGE FACILITY, INDOOR

A personal storage building that is subdivided by permanent partitions into individual spaces, and each space has an independent entrance within an enclosed building under the exclusive control of the tenant, with one or more exterior entrances to the building, and that is used for storage of personal belongings and not for any commercial or industrial purpose, and that may include outdoor storage of recreational vehicles.

SWIMMING POOL

A receptacle for water, or artificial basin of water, either above ground, below ground, or partly above and partly below ground, having a depth at any point in excess of 18 inches or a surface area exceeding 150 square feet and intended for use by persons for the purpose of immersion, partial immersion, or swimming, and including all appurtenant equipment.

THEATER

A public, private, or nonprofit indoor or outdoor theater or stage used for theatrical, musical, or artistic live productions attended by an audience.

TRANSITIONAL DWELLING

A dwelling unit occupied on a short-term basis by persons assigned by a court of law or public or nonprofit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration or other court-ordered treatment and other such short-term supervised assignments.

VEHICLE REPAIR GARAGE

The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential, incidental body and fender work, minor painting and upholstering service to automobiles and trucks not in excess of 7,000 pounds gross weight.

VEHICULAR SALES AND SERVICE

An establishment for the storage and displays for sale of more than two passenger vehicles and where repair or body work is incidental to the operation of the new or used vehicle sales, which include motor

vehicle retail or wholesale sales.

WAREHOUSE

An enclosed storage facility that is used to store goods or parts, or for any part of the shipping process.

WIRELESS SERVICE FACILITY

A public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless telecommunications, including commercial earth stations for satellite-based communications, which may include antennas, commercial satellite dish antennas, and equipment buildings, but do not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

§ 210-802 **Nonuse terms.**

A. Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESS

The physical access of property to a publicly dedicated street not including lot frontages that abut a highway but have no driveway affording physical access to such highway.

ACCESS DRIVE

A privately owned, constructed and maintained surface providing vehicular access to and between parking areas for two or more parking spaces within a land development or any drive servicing one or more units of occupancy on a single lot.

ACCESSORY STRUCTURE

A building or structure that is on the same lot with, but detached from, the principal building and that is customarily incidental and subordinate to the principal building, including but not limited to private garages, storage sheds, swimming pools and the like.

ACCESSORY USE

A use of property on the same lot with, and of a nature customarily incidental and subordinate to, in terms of size, intent, and/or purpose, the principal use of the property, and that does not alter or change the character of the property.

ADEQUATE COVERAGE

Coverage is considered to be adequate within that area surrounding a wireless telecommunication facility where the predicted or measured median field strength of transmittal signal is greater than or equal to -95dbm for at least 75% of the intended coverage area. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the wireless telecommunication facility. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of

adequate coverage, however, is that location past which the signal does not regain strength of greater than or equal to -95dbm.

ADJACENT

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

AISLE

That portion of the off-street parking and loading area that provides access to parking, queuing or loading spaces, exclusive of driveways and parking and loading spaces.

ALLEY

A public or private right-of-way that has a width of 15 feet or less and that is designed to provide secondary access to a lot or lots.

ANIMAL, DANGEROUS

(1) Any mammal, amphibian, fish, reptile, or fowl of a species, insect or arachnid that, due to size, vicious nature, or other characteristics, would constitute a danger to the physical well-being of human life or animals.

(2) Any animal having a known disposition or propensity to attack, bite, or injure any person or animal without provocation. Where the official records of an Animal Control Officer, Borough Clerk, Police Department, or Clerk of the Municipal Court indicate that an animal has bitten or attacked any person or animal, it shall be prima facie evidence that said animal is a dangerous animal.

(3) Any animal owned or kept primarily or in part for the purpose of fighting or any animal trained or bred for fighting.

(4) Any animal that is urged by its owner or keeper to attack, or whose owner or keeper threatens to cause such animal to attack any law enforcement officer while such officer is engaged in the performance of official duty and when such animal has the apparent ability to cause injury or harm to such officer.

ANIMAL, HOUSEHOLD PET

Animals that are customarily kept for the personal use or enjoyment within the home. "Household pets" includes but shall not be limited to domestic dogs, domestic cats, domestic birds, fish and rodents.

ANTENNA

Any exterior apparatus (including an antenna dish) used for transmitting and receiving, mounted on a tower, antenna tower, antenna tower alternative structure, building or structure and used in personal wireless services.

ANTENNA SUPPORT STRUCTURE

Any building or other structure other than a tower utilized as a location for personal wireless service facility.

ANTENNA TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for personal wireless services. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. The term also includes the structure and any support thereto.

ANTENNA TOWER ALTERNATIVE STRUCTURE

Human-made trees, clock towers, bell steeples, and similar alternative-design mounting structures that substantially camouflage or conceal the presence of antennas or towers such that one would not identify the structure as an antenna tower.

ANTENNA TOWER HEIGHT

When referring to a tower or other structure within the provisions of this chapter, the distance measured from the average grade plane of the antenna tower base to the highest point on the tower or other structure, including any antenna and additional height required for co-location. Lightning rods up to six feet in length and 1.25 inches in diameter may extend above the maximum height measured. When roof-mounted, antenna tower height shall be measured from the average grade plane of the building to the highest point on the tower or other structure, including any antenna and additional height required for co-location.

APPLICANT

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

APPROVAL AUTHORITY

An official, organization, or group designated to review and approve/disapprove stormwater pollution prevention plans.

APPROVING AGENCY

The Borough Manager’s Office and Borough Council or its duly appointed representative.

ARRAY

Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

ARTERIAL ROAD

A public street that serves large volumes of high-speed and long-distance traffic. The street classified as an "arterial road" in the Borough is West Liberty Avenue.

AS-BUILT SURVEY

A drawing that represents the true size and location of what is being measured or has already been built in the field.

ASSURANCE OF COMPLETION

A contract secured by a performance bond or other guarantee or security satisfactory to the Borough and/or other public entity guaranteeing completion of the public improvements that are required by these regulations.

AVERAGE GRADE

A reference plane representing the average of finished ground level adjoining the structure or building at all exterior surfaces.

AWNING

A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year; also known as the "100-year frequency flood."

BASEMENT

A story, the floor of which is more than 12 inches, but not more than 1/2 its clear height below the average level of the adjoining ground. A basement, when used as a dwelling, shall be counted as a half-story for purposes of height measurement and for purposes of minimum side yard determination.

BEGINNING OF CONSTRUCTION

The utilization of labor, equipment and materials for the purpose of erecting or altering a structure.

BEST MANAGEMENT PRACTICES (BMPS)

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BIKEWAY or BICYCLE PATH

An area specifically for bicycling that is physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

BILLBOARD

Any off-premises sign that advertises an establishment, activity, person, product or service that is unrelated to or unavailable on the premises where the sign is located.

BLOCK

A parcel of land bounded on all sides by a street or streets, railways or water routes.

BLOCK

The property abutting on one side of a street between two intersecting streets or a street and a railroad right-of-way or watercourse.

BLOCK FRONTAGE

Property having frontage on one side of a street and lying between the two nearest intersecting, intercepting or intercepting extended streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or another barrier.

BOARD

The Zoning Hearing Board established by this code.

BOAT AND BOAT TRAILER

Includes boats, jet skis, canoes, kayaks, catamarans, racing shells, floats, rafts, and similar motorized and nonmotorized vessels and watercraft, plus the enclosed and unenclosed trailers used to transport or store the same and related parts, accessories and equipment.

BOND

Any form of financial guaranty, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Borough.

BOROUGH

The Borough of Dormont, Allegheny County, Pennsylvania.

BOROUGH COUNCIL

The Borough Council of the Borough of Dormont, Allegheny County, Pennsylvania.

BRIDGE

A structure, 20 feet or greater in length (span), built over a depression, drainageway.

BUFFER AREA

A landscaped area of a certain depth specified by this chapter that shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier that duplicates the effect of the required buffer area.

BUILDABLE LOT AREA

The portion of a lot remaining after required yards have been provided.

BUILDING

A structure used for sheltering any use or occupancy.

BUILDING ELEVATION

The front, rear or side exterior surface of a building as viewed in a flat scale drawing.

BUILDING FRONT

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

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs, provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height, provided that they do not project more than 20 feet above the roof. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

BUILDING LINE

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

BUILDING PERMIT

A building permit approved by the Borough Manager or their designee stating that a proposed improvement complies with the provisions of this Zoning Code.

BUILDING SETBACK LINE

See "setback line."

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING-MOUNTED SYSTEM

A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the municipality and that is either the principal structure or an accessory structure on a recorded lot or parcel. This system also includes any solar-based architectural elements.

BULK

The size of lots; the size and placement of buildings or structures, and the location of same with respect to one another, and includes the following:

(1) Size and height of buildings;

(2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;

(3) Floor area ratio;

(4) All open spaces allocated to buildings; and

(5) Amount of lot area and lot width provided per dwelling unit.

BUSINESS

Engaging in 1) the purchase, sale, barter or exchange of goods, wares, merchandise or services; 2) the maintenance or operation of offices; or 3) a recreational and amusement enterprise for profit.

CALIPER

The American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for a caliper size greater than four inches.

CAMPING AND RECREATIONAL EQUIPMENT

For the purposes of this code, shall include the following:

(1) Boat and boat trailer;

(2) Folding tent trailer;

(3) Motorized home;

(4) Pickup camper;

(5) Travel trailer; and

(6) Utility trailer.

CANOPY

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.).

CARPORT

A roofed structure that may be enclosed on no more than three sides designed to house or protect parked motor vehicles.

CELL

The smallest basic solar electric device that generates electricity when exposed to light.

CERTIFICATE OF OCCUPANCY

A certificate approved by the Borough Manager stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this code.

CHANNEL

The segment of the radiation spectrum from an antenna that carries one signal. An antenna may radiate on many channels simultaneously.

CLEAN WATER ACT

The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CO-LOCATION

The use of personal wireless service facilities by more than one personal wireless service licensee.

COLLECTOR STREET

A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as "collector roads" in the Borough for the purposes of interpreting this chapter are Broadway Avenue, McFarland Road, McNeilly Road, Pioneer Avenue, Potomac Avenue and Scott Road.

COMMISSION

The Borough of Dormont Planning Commission.

COMMON AREA

Any land area, and associated facilities, within a planned unit development that is held in common ownership through a homeowners' association, community association or other legal entity.

COMMONWEALTH

The Commonwealth of Pennsylvania.

COMPLETELY ENCLOSED BUILDING

A building that has four walls and a roof designed so that all the walls are solid from the ground to the roof, containing no openings other than windows and doors.

COMPREHENSIVE PLAN

The Comprehensive Plan of the Borough that guides the physical development of the Borough and that consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

CONCEALED DESIGN

Any personal wireless service facility that is designed to blend into the surrounding environment. Examples of concealed facilities may include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antennas and monopoles surrounded or obscured by existing and/or proposed trees and landscaping and antenna structures designed to look like light poles.

CONCEALED PERSONAL WIRELESS SERVICE FACILITY

A facility that is either:

(1) Virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or

(2) Camouflaged so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna.

CONSTRUCTION ACTIVITY

Activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of five acres or more. Beginning in March 2003, NPDES stormwater Phase II permits will be required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

CONSTRUCTION TRAILER

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

CONTIGUOUS

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

CONVERSION APARTMENT

A dwelling unit created within an existing dwelling in accordance with all applicable requirements of this chapter.

CORNICE

The uppermost section of moldings along the top of a wall or just below a roof.

COUNCIL

See "Borough Council."

COUNTY

The County of Allegheny, Pennsylvania.

COURT

An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

COVENANT

A written promise or pledge.

COVERING

Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or makeup, or any substance designed to simulate the appearance of the anatomic area beneath it.

CRITICAL STORM

A storm that is calculated by means of the percentage increase in volume of runoff by a proposed earth-disturbing activity or development area. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a site.

CROSSWALK

Any portion of roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CUL-DE-SAC

A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

CULVERT

A closed conduit for the passage of surface drainage under a street, driveway, or other embankment.

CUT

An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.

CUT AND FILL SLOPES

A portion of land surface or area from which soil material is excavated and/or filled forming a slope or embankment.

DBM

Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one milliwatt.

DEAD-END STREET

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

DECAL

Painted or vinyl transfers designed to be affixed to glass.

DECK

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

DENSITY

A unit of measurement, the number of dwelling units per acre of land, to be used in road design and not to be confused with sanitary sewer and water design density.

DENSITY, GROSS

The number of dwelling units that are allowed on an area of land, usually an acre, which area of land shall be permitted to include dedicated streets contained within the development.

DETENTION FACILITY

A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

DETENTION/RETENTION

The term "detention/retention basins" refers to the use of a stormwater storage facility that will store stormwater and release it at a given rate. The objective of a detention/retention facility is to regulate the rate of runoff and control the peak discharges to reduce the impact on the downstream drainage system. Types of stormwater storage facilities:

(1) Detention basin or dry basin. Dry basins are surface storage areas created by constructing a typical excavated or embankment basin. A detention basin may be designed for multi-uses, such as parks or playgrounds.

(2) Detention basins or ponds. Retention basins are permanent ponds where additional storage capacity is provided above the normal water level.

(3) Parking lot storage. Parking lot storage is a surface storage facility where an inlet is undersized causing shallow ponding to occur in specific graded areas of the parking lot.

(4) Subsurface storage. Subsurface storage is a structure constructed below grade for the specific purpose of detaining stormwater runoff.

DEVELOPER

Any landowner or agent of such landowner who makes or causes to be made an application for development.

DEVELOPMENT

The division of land; also, the construction of any new building or structure, or the making of any material change in the use or appearance of any existing building or structure above or below grade through activities of construction, erection or alteration.

DEVELOPMENT AREA

Any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for nonfarm commercial, industrial, residential, or other nonfarm purposes upon which earth-disturbing activities are planned or underway.

DEVELOPMENT PLAN

A graphic and written presentation of a planned residential development, including a plat of subdivision and all provisions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space and public facilities.

DEVELOPMENT STANDARDS

The standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

DITCH

An excavation either dug or natural for the purpose of drainage or irrigation with intermittent flow.

DOMESTIC PETS

See "animal, household pet."

DORMER

A window that is set vertically on a sloping roof. The dormer has its own roof that may be flat, arched, or pointed.

DRAINAGEWAY

An area of concentrated water flow other than a river, stream, ditch, or grassed waterway.

DRIVEWAY

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

DUMPING

Grading, pushing, piling, throwing, unloading, or placing.

EARTH MATERIAL

Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

EARTH-DISTURBING ACTIVITY

Any grading, excavating, fitting or other alteration of the earth's surface where natural or man-made ground cover is destroyed, and that may result in or contribute to erosion and sediment pollution.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property.

EAVE or EAVES

The edge of a roof. Eaves usually project beyond the side of the building.

ELECTROMAGNETICALLY ABLE

The determination that the new signal from and to the proposed new antennas will not significantly interfere with the existing signals from and to other facilities located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interferences shall be considered when making this determination.

ELECTRONIC MESSAGE CENTER

A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g., electronic or digital signs).

EMPLOYEE

A person who is employed to work for a wage or salary.

ENGINEER

Any person registered to practice professional engineering by the commonwealth.

EQUIPMENT SHELTER/BUILDING/BOX

The structure in which the electronic receiving and transmission equipment associated with a personal wireless service facility is housed.

EROSION

(1) The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.

(2) Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

(3) Erosion includes:

(a) **ACCELERATED EROSION**Erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.

(b) **FLOODPLAIN EROSION**Abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.

(c) **GULLY EROSION**The erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.

(d) **NATURAL EROSION (GEOLOGIC EROSION)**Wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.

(e) **NORMAL EROSION**The gradual erosion of land used by man that does not greatly exceed natural erosion.

(f) **RILL EROSION**An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.

(g) **SHEET EROSION**The removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

(h) **EROSION AND SEDIMENT CONTROL**A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

EROSION AND SEDIMENT CONTROL PLAN

An erosion and sediment control strategy or plan to minimize erosion and prevent off-site sedimentation by containing sediment on-site or bypassing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of these regulations. The erosion and sediment control plan may be referred to as a sediment control plan.

EXISTING BUILDINGS

Any building and structures for which the start of construction commenced before the effective date of the Borough's first ordinances or standards.

EXOTIC ANIMALS

Wild animals/reptiles not indigenous to the commonwealth, such as lions, tigers, elephants, alligators, crocodiles, etc., or recognized as a legitimate agricultural use.

FAA

The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

FACADE

That portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

FCC

The Federal Communications Commission and any legally appointed, designated or elected agent or

successor.

FENCE

Any structure erected in such a manner and positioned to permanently enclose, partially enclose, or create a barrier on any premises or part of any premises. Hedges, trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position to enclose any premises or part of premises shall be included within the definition of the word "fence."

FILL

Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINAL APPROVAL

The ultimate approval of a planned residential development granted by the Borough Council that follows tentative approval and filing of an application for final approval, all granted in accordance with this chapter.

FINAL PLAN

A formal subdivision plan containing all necessary information including construction documents and specifications as required for the Planned Residential District, which no longer exists within the Dormont Development Code.

FINAL PLAT

A plat of a subdivision containing all necessary information as required in Chapter 183 Subdivision and Land Development chapter of the Borough of Dormont General Provisions, signed by the appropriate authorities and recorded in the office of the County Recorder.

FLAGPOLE

A pole used to fly a flag.

FLOOR AREA

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

FLOOR AREA, GROSS (GFA)

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

FLOOR AREA, GROUND

The square foot area of a building or structure within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breezeways, terraces and garages.

FOLDING TENT TRAILER

A canvas folding structure, mounted on wheels and designed for travel and vacation uses.

FORCE MAJEURE

A strike, acts of God, acts of public enemies; administrative, judicial or regulatory orders or regulations of any kind of the United States of America and/or the commonwealth or any of their departments, agencies or political subdivisions; riots, epidemics and pandemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent that the disabled party notifies the other party as soon as practicable regarding such force majeure.

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, that does not involve any land development.

FRONT OF BUILDING

See "building front."

GABLE

The triangle formed by a sloping roof. A building may be front-gabled or side-gabled. Porches and dormers may also be gabled.

GARAGE SALES

The sale or offering for sale to the general public six or more items of personal property on any portion of a lot, either within or outside of a structure. Garage sales include patio, basement, yard, or block sales.

GFA; GROSS FLOOR AREA

See "floor area, gross."

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GRADE OF SERVICE

A measure of percentage of calls that are able to connect to the basic station during the busiest hour of the day. Grade of service is expressed as a number, such as p.05-, which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

GRADING

Earth-disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

GRASSED WATERWAY

A broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

GREENBELT

A strip of land parallel to and extending inwardly from the lot lines or right-of-way lines.

GROSS VEHICLE WEIGHT

The weight of the vehicle plus its manufacturer's rated load capacity. For example: one-half-ton rating shall be 1,000 pounds. Three-quarter-ton rating shall be 1,500 pounds. One-ton rating shall be 2,000 pounds.

GROUND-MOUNTED SYSTEM

A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

HABITABLE SPACE

Areas within a dwelling unit that are used for living, sleeping, eating or cooking. Living or habitable space includes bathrooms, toilet compartments and other sanitary facilities and halls, but does not include closets, crawl spaces, garages and other storage and uninhabitable areas. Also referred to as "livable space."

HAZARD

Any danger to public health, welfare or safety, including exposure to risk or damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. Hazards can include, but are not limited to, flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire and disease.

HAZARDOUS MATERIALS

Any material, including any substance, waste, or combination thereof, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HEDGE

A row of bushes or small trees planted close together, especially when forming a barrier or boundary.

HEIGHT

See "building height" and "height of structure."

HEIGHT OF STRUCTURE

The vertical distance measured from the average finished grade level around the structure to the highest point of a structure, other than a building. (See also "building height.")

HISTORICAL SIGNIFICANCE

Any structure or area that provides evidence for a fact of history or the source of history.

HOMEOWNERS' ASSOCIATION

A private organization established for the care and maintenance of stormwater and detention facilities and other common areas.

HVAC

Equipment used to heat, cool or ventilate a structure.

ILLEGAL DISCHARGE

Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this code.

ILLICIT CONNECTIONS

Either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

IMPERVIOUS SURFACE

Any material that prevents the absorption of stormwater into the ground, including concrete, asphalt, stone, brick, block or other paving material or a roof or awning.

IMPERVIOUS SURFACE RATIO

A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot.

IMPROVED SURFACE

Concrete, asphalt, aggregate base, subbase, asphalt concrete, brick or such other unenclosed surfaces as approved by the Chief Building Official and Borough Engineer.

IMPROVEMENT

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, and other related matters.

INCIDENTAL

An object or use necessarily found in connection with the principal structure or use, but subordinate and secondary thereto.

INDUSTRIAL ACTIVITY

Activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

INSTITUTIONAL PROPERTY

Property owned or used by institutions such as churches, parks, libraries, municipal government, hospital and utilities.

INTERCONNECTION

The technical and practical link between the solar generator and the grid providing electricity to the greater community.

JUNK

Old or scrap copper, brass, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked motor vehicles or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous materials that are not held for sale or remelting purposes by an establishment having facilities for processing such materials.

KILOWATT (KW)

A unit of electrical power equal to 1,000 watts that constitutes the basic unit of electrical demand. A "watt" is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. One thousand kW is equal to one megawatt (mW).

LAND DEVELOPMENT

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure, including any change of use or structural alteration that results in additional land coverage by structures and/or paving; or

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

LAND DEVELOPMENT PLAN

A plan prepared in accordance with the application requirements of Chapter **183**, Subdivision and Land Development, for approval of a land development, as defined herein.

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 they are authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

LANDSCAPED AREA

An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

LANDSCAPING

The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, or other vegetation.

LANDSCAPING PLAN

A plan prepared by a registered architect or registered landscape architect identifying each tree and

shrub by size, type and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved.

LANDSLIDE

The rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

LAP DANCE

Also known as a "straddle dance," "face dance," or "flash dance." The use by an employee, whether clothed or partially or totally nude, of any part of their body to touch, massage, rub, stroke, caress, or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic area of any employee by a person while at the establishment. It shall be a lap dance regardless of whether the touch or touching occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a lap dance regardless of whether the touch or touching is direct or through a medium.

LATTICE

A framework consisting of an ornamental design made of strips of wood or metal.

LIVESTOCK

Cattle, horses, mules, burros, sheep, swine, llamas and goats, regardless of use, and any animal, except dogs and cats, that are used for working purposes on a farm or ranch, and any animal that is raised for food or fiber production.

LOADING AND UNLOADING BERTH

The off-street area required for receiving or distributing materials or merchandise by vehicles. In this Zoning Code this area is a twelve-foot by forty-five-foot loading span with a fourteen-foot height clearance. However, if more than one berth is provided, the minimum dimensions are 10 feet by 45 feet with a fourteen-foot height clearance.

LOADING SPACE

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials; and that abuts upon a street, alley or other appropriate means of access.

LOCAL STREET

A street primarily for providing access to residential, commercial, or other abutting property.

LOOP STREET

A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one-hundred-eighty-degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.

LOT

A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal

instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

LOT AREA

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

LOT COVERAGE

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

LOT LINE, FRONT

In the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

LOT LINE, REAR

A lot line that is opposite and most distant from the front lot line and, in case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front line.

LOT LINE, SIDE

Any lot boundary not a front lot line or a rear lot line.

LOT LINES

The property lines bounding the lot. Also, "property line."

LOT OF RECORD

Any lot that, individually or as a part of a subdivision, has been recorded in the office of the Recorder of Deeds of Allegheny County.

LOT WIDTH

The straight line distance between the points of intersection of the building line with the side lot lines.

LOT, CORNER

A lot at the intersection of and fronting on two or more street rights-of-way. The front yard of a corner lot will be determined by the street address of the property and is also the yard most adjacent to the architecturally dominant entry to the building.

LOT, DEPTH

The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

LOT, GROUND LEVEL

For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; for buildings having no wall

adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

LOT, INTERIOR

A lot other than a corner lot or through lot.

LOT, REVERSED INTERIOR

The first lot to the rear of a corner lot, the front lot line of which is a continuation of the side lot line of the corner lot and fronting on the street that intersects the street upon which the corner lot fronts and/or that faces the street upon which the side of a corner lot abuts. The corner lot is considered abutting even though separated from the interior lot line by an alley.

LOT, THROUGH

A lot having frontage on two streets at opposite ends of the lot and may also be known as a "double frontage lot."

MANUFACTURED HOME

A factory-built, one-unit structure that is manufactured under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation; but that is not constructed with a permanent hitch or other device allowing transport of the unit, other than delivery to a permanent site, and that does not have wheels or axles permanently attached to its body or frame.

MANUFACTURED HUD UNIT

A permanently sited, occupancy-ready manufactured residential housing unit as defined under 24 CFR 3280.2 of the Department of Housing and Urban Development regulations establishing manufactured home construction and safety standards.

MARGINAL ACCESS STREET

A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Also, "frontage street."

MASSAGE

A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

MEDIATION

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

MODULAR HOUSING

An assembly of materials or products comprising all or part of a total residential structure that, when constructed, is self-sufficient and contains plumbing, wiring and heating at the point of manufacture, and that, when installed, constitutes a dwelling unit except for necessary on-site preparations for its

placement.

MODULE

The smallest protected assembly of interconnected PV cells.

MONITORING PROTOCOL

An approved testing protocol as defined in the most current FCC regulations.

MONOPOLE

A single pole with no aboveground lateral support from secondary structural members in either tension or compression.

MONUMENT

A permanent concrete or iron marker used to establish definitely all lines of the plat of a subdivision, including all lot corners, and points of change in street alignment.

MOTORIZED HOME

A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. Also, "camper."

MULTI-USE PATH OR TRAIL

An area physically separated from motorized vehicle traffic by open space or a barrier and either within the highway right-of-way or within an independent right-of-way.

MUNICIPAL OR GOVERNMENTAL BUILDING

A facility for administrative activity conducted by a governmental entity. Typical uses include Borough Hall, social security office, or special district headquarters.

MUNICIPALITIES PLANNING CODE

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

Stormwater discharge permit. A permit issued by the EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NEIGHBORHOOD PARK

A public park containing at least five acres located in an area where at least 2,000 persons reside no farther than 1/2 mile from the park.

NET LEASABLE FLOOR AREA

The total floor area of a building designed for tenant occupancy, excluding halls, corridors, stairwells, elevator shafts, equipment rooms, restrooms, interior vehicular parking and loading areas and other areas used in common by tenants of the building, expressed in square feet and measured from the center line of joint partitions and exteriors of outside walls.

NET METERING AGREEMENT

An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

NON-STORMWATER DISCHARGE

Any discharge to the storm drain system that is not composed entirely of stormwater.

NONCONFORMING LOT

Any lot that does not comply with the applicable area and bulk provisions of this chapter or an amendment hereafter enacted, that lawfully existed prior to the enactment of this chapter or any subsequent amendment.

NONCONFORMING STRUCTURE

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

NONCONFORMING USE

A use, whether of land or of a structure, that does not comply with the applicable use provisions in this chapter or an amendment hereafter enacted, that lawfully existed prior to the enactment of this chapter or any subsequent amendment.

NONPROFIT

Not conducted or maintained for the purpose of making a profit.

NONSTRUCTURAL CONTROLS

Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

NUDITY, STATE OF NUDITY, OR NUDE

The showing of the human male or female genitals, pubic areas or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

OCCUPANCY PERMIT

A permit for the use or occupancy of a building, structure or lot indicating compliance with all provisions of this chapter.

OPAQUE

Impervious to light; obscuring visibility.

OPEN SPACE

Land presently devoted to, or that is later designated as, conservation or recreational purposes and/or

land designated by a municipality to remain undeveloped (may be specified on a Zoning Map).

ORIENTATION

The direction a building face. Most buildings squarely face a street, with their principal facade and entrance in full view.

OUTFALL

An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure that is impacted by the velocity of flow in the structure.

OUTLOT

Property shown on a subdivision plat outside of the boundaries of the land that is to be developed and that is to be excluded from the development of the subdivision.

PAD

A building site or parking area improvement prepared by artificial means, including, but not limited to, grading, excavation or filling or any combination thereof.

PADEP

The Pennsylvania Department of Environmental Protection or any successor agency or agencies.

PARAPET

A low wall projecting from the edge of a platform, terrace, or roof. Parapets may rise above the cornice of a building or form the upper portion of a defensive wall on a castle. In mission style homes, rounded parapets are often used as decorative features.

PARCEL

Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.

PARKING AREA

A paved area, other than a parking pad, including two or more parking spaces, aisles and driveways, that is accessory to the principal use of the lot.

PARKING PAD

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

PARKING SPACE

A durable, solid-surfaced area, enclosed or unenclosed, sufficient in size to store one motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

PARKING SPACE, OFF-STREET

An area adequate for parking an automobile with room for opening doors on both sides together with properly related access to a public street or alley and maneuvering room but shall be located totally outside of any street or alley right-of-way.

PASSENGER VEHICLE

A road motor vehicle, other than a motorcycle, intended for the carriage of passengers and designed to seat no more than nine persons (including the driver).

PATIO

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

PEAK RATE OF RUNOFF

The maximum rate of water runoff from a defined geographic area for a twenty-four-hour precipitation event of a given intensity.

PERFORMANCE BOND or SURETY BOND

An agreement by a subdivider or developer with the Borough for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERFORMANCE STANDARD

A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

PERMITTED OR LICENSED PREMISES

Any premises that requires a license and/or permit and that is classified as an adult entertainment business.

PERMITTEE and/or LICENSEE

A person in whose name a permit and/or license to operate an adult entertainment business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

PERSON

Any natural person, firm, partnership, association, or corporation, but this definition does not include governmental units.

PERSONAL SERVICES

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

PERSONAL WIRELESS SERVICE FACILITIES

Facilities for the provision of personal wireless services as such term is defined in 47 U.S.C. § 332 of the Telecommunications Act of 1996 and further includes towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes and/or any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC that a person seeks to locate or have installed upon a tower or antenna support structure. The term "personal wireless service facilities" shall not include the following, which shall be exempted from regulation under this code:

(1) Any satellite earth station antenna two meters or less in diameter that is located in an area zoned industrial or commercial;

(2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or

(3) Antennas used by amateur radio operators or those used for television reception on residential homes.

PERSONAL WIRELESS SERVICES

Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as such term is defined in 47 U.S.C. § 332 of the Telecommunications Act of 1996.

PHOTOVOLTAIC (PV)

A semiconductor-based device that converts light directly into electricity.

PICKUP CAMPER

A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use for travel, recreational, or vacation uses.

PLACE

An open, unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

PLANNED MIXED-USE DEVELOPMENT

An area of land controlled by a single landowner and developed as a single entity for a combination of two or more authorized uses in the C Zoning District where the several uses share a common means of access, common parking areas, common signage and other common design features.

PLANNED RESIDENTIAL DEVELOPMENT

An area of land controlled by a single landowner and developed as a single entity for a number of dwellings or a combination of residential and nonresidential uses, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this chapter.

PLANNING COMMISSION

The Dormont Borough Planning Commission, Allegheny County, Pennsylvania.

PLAT

The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the Planning Commission for approval and, after such approval, to the County Recorder (final) for recording.

PLAT OF SURVEY

A land survey performed by a professional surveyor that identifies a minor subdivision or lot split.

PLAY EQUIPMENT

An area used for outdoor play or recreation, especially by children, and often containing recreational

equipment such as slides and swings.

PLAYHOUSE

Any temporary building or structure made specifically for the recreational enjoyment of the tenant's children. Such structures will be under 200 square feet and can be easily removed from the property.

PLOT PLAN

A drawing used in connection with an application for occupancy permit for the purpose of identifying the intended use or occupancy of a particular lot and to facilitate administrative review for zoning compliance, drawn accurately and legibly on durable material (such as blue, black or brown line prints, photostats, etc., but not including blueprints, duplication machine copies on thin paper or pencil drawings), sheet size 8 1/2 inches by 14 inches.

POLLUTANT

Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PONDS

An area that is designed to permanently hold water for personal enjoyment.

POOL HOUSE

A building where swimmers change clothes or other associated activities to a residential swimming pool.

POOL, STORABLE

Any private pool that is constructed on or above the ground and is capable of holding water to a maximum depth of 42 inches, or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

PORCH

An attached structure accessory to a dwelling, constructed either on or above the ground, with or without an enclosed foundation and that either has flooring that is completely impervious or is covered by a roof or awning.

PORCH, ENCLOSED

A roofed structure, usually attached to or part of and with direct access to or from a building. Different than an open porch in that it is fully enclosed in vertical walls or glazing for more than half of the year.

PORCH, OPEN

A roofed open structure that projects from the front, side or rear wall of a building that is unenclosed for more than half of the year, except possibly for screens, by anything higher than 36 inches above the

floor except for roof and roof supports.

PORTABLE STORAGE UNITS

Any enclosed unit of whatever type construction or material, designed for permanent or temporary storage, that can be transported by a vehicle and left on-site.

PREDEVELOPMENT CONDITIONS

Site conditions as they existed prior to man-made alterations and/or earth-disturbing activities.

PREEXISTING TOWERS AND PREEXISTING ANTENNA

Any personal wireless service facilities for which a building permit has been properly issued prior to the effective date of this section, including permitted personal wireless service facilities that have not yet been constructed so long as such approval is current and not expired.

PRELIMINARY PLAT

The drawing depicting a proposed subdivision that is intended to provide the Borough Manager's Office and the Planning Commission with pertinent information regarding the development of a subdivision. The plat must contain all necessary information as required herein.

PREMISES

Any lot or combination of contiguous lots held in single ownership, together with the development thereon; a condominium complex constitutes one premises.

PRINCIPAL BUILDING

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

PRINCIPAL STRUCTURE

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

PRINCIPAL USE

The primary or predominant use of land or structures, as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.

PRIVATE

Owned, operated or controlled by any person, partnership, corporation, association or entity other than a federal, state, county or local government agency.

PRIVATE CLUB

A nonprofit association of persons who are bona fide members paying periodic dues, that either owns or leases a building and/or premises, the use of which is restricted to members and their guests.

PRIVATE PERFORMANCE

The display or exposure of any specified anatomical area by an employee at an adult entertainment business to a person other than another employee while the person is in an area within the establishment not accessible during such display to all other persons in the establishment, or while the person is an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the establishment.

PRIVATE STREET

A roadway that has not been dedicated to the Borough and is completely maintained by the adjoining property owners. A private street is not maintained by the Borough nor is it required to meet Borough standards. It is owned entirely by the property owners who use it.

PROPERTY LINE

See also, "lot line."

PROPORTION

The relationship of the dimensions of building elements, such as windows and doors, to each other and to the elevations. Often, proportions are expressed as mathematical ratios, particularly for buildings based on Greek, Roman and Renaissance architecture.

PROTECTED PUBLIC WATER SUPPLY

A public water system that services at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and having a one-year capture area defined through appropriate hydrologic studies.

PROTECTED USE

For the purpose of regulating adult entertainment business, those uses listed below:

(1) Government administration and court;

(2) Park;

(3) Religious assembly;

(4) Residential district or use;

(5) Primary school or secondary school;

(6) Any overnight lodging use; or

(7) Any establishment that sells alcoholic beverages, either packaged, by the glass, or by other means.

PUBLIC

Owned, operated or controlled by a government agency, federal, state, county or local.

PUBLIC HEARING

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC IMPROVEMENTS

All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to or maintained by the Borough.

PUBLIC MEETING

A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. § 701 et seq.

PUBLIC NOTICE

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

PUBLIC PROPERTY

Real estate owned, leased, or otherwise controlled by a governmental entity.

PUBLIC SAFETY LIGHTING

Lighting, as may be required by any public agency while engaged in the performance of its duties, or for illumination of the path of egress during an emergency.

PUBLIC WATERS

Water within rivers, streams, ditches, and lakes, except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

PUBLIC WAY

An alley, avenue, boulevard, bridge, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or that are dedicated, whether improved or not.

PURLIN

Timber used to support roofing sheets. Usually fixed on top of rafters.

RADIATION PROPAGATION STUDIES OR RADIAL PLOTS

Computer-generated estimates of the radiation emanating from antennas or repeaters sited on a specific tower or structure. The height above ground and above mean sea level, power input and output, frequency output, type of antenna, antenna gain energy dispersion characteristics, and topography of both the site and its surroundings are all considered to create these situations. They are the primary tool for determining whether a site will provide adequate coverage for the personal wireless service facility proposed for that site.

RADIO DISH/ANTENNA

Equipment found on the exterior of a residential property and comprising of the part of the radio receiver by means of which the radio signals are received.

RADIO LICENSED ANTENNA (NONCOMMERCIAL)

An antenna in any zoning district not used in conjunction with a business, commercial enterprise, trade, calling, vocation, profession, occupation, or means of livelihood, including, but not limited to FCC licensed amateur radio stations and standard television receive-only parabolic antennas.

RAFTER

A parallel member of a roof that support battens/purlins and roofing materials.

RAIL

The top and bottom frame member of a door or window that is not the jamb.

RECREATIONAL VEHICLES AND EQUIPMENT

A motor home, house trailer, truck camper, boat, boat trailer, travel trailer and/or any other vehicle that is principally designated and used for recreation purposes.

REGULATED SUBSTANCES

Chemicals and mixtures of chemicals that are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not "regulated substances." "Regulated substances" include:

(1) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure, including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoietic system, and agents that damage the lungs, skin, eyes, or mucous membranes.

(2) Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard.

(3) Mixtures of chemicals that have not been tested as a whole but that contain any chemical that has been determined to be a health hazard and that comprises 1% or greater of the composition on a weight per unit weight basis, and mixtures of chemicals that include a carcinogen if the concentration of the carcinogen in the mixture is 0.1% or greater of the composition on a weight per unit weight basis.

REPLAT

A new recording of a previously recorded subdivision in which the purpose is to modify some portion of the originally recorded plat.

RHYTHM

The spacing of repetitive facade elements, such as projecting bays, storefronts, windows, doors, belt courses and the like.

RIGHT-OF-WAY

An area of land reserved or dedicated for public purposes to provide access across the property of another.

ROOF, MANSARD

A roof with two slopes on each of the four sides. The lower slope is steeper than the upper slope. Dormers are often set in the lower slope. The upper slope is usually not visible from the ground.

RUNOFF

The portion of rainfall, melted snow or irrigation water that flows across the ground surface and is eventually returned to streams.

SANITARY SEWERS

An approved sewage disposal system that provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SANITARY WASTE TREATMENT, ON-SITE

A septic tank or similar installation on an individual lot that utilizes a bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SATELLITE DISH

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish. Such device shall be used only to receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. Satellite dishes include but are not limited to TVROs (television reception only satellite dish antennas) and satellite microwave antennas.

SAVINGS AND LOAN INSTITUTE

See "financial institution."

SCALE

The relationship of the size of a building or object to the size of a human being. Grand or large scale implies a size out of proportion to human size, while small or intimate scale implies the opposite.

SCREENING FENCE

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

SEDIMENT

Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth’s surface above or below sea level.

SEDIMENT BASIN

A barrier, dam, or other suitable detention facility built across an area of water flow to settle and retain sediment carried by the runoff waters.

SEDIMENT CONTROL PLAN

A written description, acceptable to the approving agency, of methods for controlling sediment pollution from accelerated erosion on a development area of five or more contiguous acres or from erosion caused by accelerated runoff from a development area of five or more contiguous acres.

SEDIMENT POLLUTION

Failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for nonfarm commercial, industrial, residential, or other nonfarm purposes.

SEMINUDITY or SEMINUDE CONDITION or SEMINUDE

Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the

female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

SETBACK

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

SETBACK LINE

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

SETTLING POND

A runoff detention structure such as a sediment basin or sediment trap that detains sediment-laden runoff allowing sediment to settle out.

SEWERS, SANITARY, CENTRAL OR GROUP

An approved sewage disposal system that provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, STORM

A sewer that carries stormwater and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastes. Also called a "storm drain."

SEXUAL CONDUCT

Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person is female, breasts.

SHEET FLOW

Overland water runoff in a thin uniform layer.

SIDEWALK

That portion of the road right-of-way outside the roadway that is improved for the use of pedestrian traffic.

SIGHT TRIANGLE FOR VISION CLEARANCE

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

SIGN

Any structure or device used to attract attention by word or graphic display.

SIGN AREA

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 such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one display shall be computed as the total of the exposed exterior display surface area.

SIGN COPY

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

SIGN FACE

The surface of the sign upon, against or through which the message of the sign is exhibited.

SIGN HEIGHT

The height of a sign shall be the difference between the 1) elevation of the highest point of the sign, including the bracket, supports, and sign face surrounds, and 2) the elevation of the finished grade at the base of the sign or the elevation of the crown of the adjacent public street, whichever is highest.

SIGN STRUCTURE

The supports, uprights, bracing or framework for signs.

SIGN, ABANDONED

A sign that is no longer intended to promote an active business or provide any message related to an active use of the property on which it is located.

SIGN, ACCESS

A sign directing vehicular or pedestrian movement onto or within a premises with no identification or advertising on the sign.

SIGN, ADVERTISING

A sign that directs attention to a use, commodity or service not related to the premises on which the sign is located.

SIGN, AWNING, CANOPY OR MARQUEE

A sign that is mounted on or painted on or attached to an awning, canopy or marquee.

SIGN, BANNER

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a "sign, yard."

SIGN, BUILDING

Signs that are attached to the building, including wall signs, projecting signs, awning signs, suspended signs, flag banner signs, and canopy signs.

SIGN, BULLETIN BOARD

A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.

SIGN, CHANGEABLE COPY

A sign designed so that the characters, letters or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as "readerboards." See also the definition of "electronic message center."

SIGN, CONSTRUCTION

A sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure or project.

SIGN, DRIVE-THROUGH

Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

SIGN, ENTRANCEWAY

A sign located on a door of or on an exterior wall or window within three feet of a primary exterior entranceway to the structure.

SIGN, FEATHER

A temporary sign that is constructed of cloth, canvas, plastic, fabric or similar lightweight, nonrigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

SIGN, FLAG BANNER

Any rigid cloth, plastic or canvas sign with no enclosing framework that is mounted to a building at one or more edges or on a pole. Flags with noncommercial speech shall not be considered flag banner signs.

SIGN, FLASHING

Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

SIGN, FREESTANDING

A sign suspended or supported by one or more uprights or braces in or upon the ground surface.

SIGN, GOVERNMENTAL

A sign erected at the side of or above roads to give instructions or provide information to road users.

SIGN, ILLUMINATED

A sign that is lighted by an artificial light source.

SIGN, MONUMENT

A permanent freestanding sign other than a pole sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal

structure. Unless otherwise stated, monument signs shall either be a pole sign or monument sign. A sign that is placed on two posts that are no more than two feet in height to the base of the sign cabinet or sign face shall be considered a monument sign for the purposes of this chapter.

SIGN, MOVING

Any sign that, in part or total, rotates, revolves or otherwise is in motion.

SIGN, NONCONFORMING

Any sign that was erected legally prior to the adoption of this code, but that does not comply with subsequently enacted sign restrictions and regulations or a sign that does not conform to the sign code requirements.

SIGN, PAINTED MURAL

A large picture/image (including but not limited to painted art) that is painted, constructed, or affixed directly onto a vertical building wall, that may or may not contain text, logos, and/or symbols.

SIGN, PERMANENT

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

SIGN, POLE

A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

SIGN, PORTABLE

A sign that is attached to wheels, skids, or other forms of mounting that is not permanently affixed in or to the ground.

SIGN, PROJECTING

A sign suspended from or supported by a building structure, or column and extending therefrom, more than 15 inches.

SIGN, ROOF

Any sign that is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

SIGN, SANDWICH BOARD

A freestanding sign that is ordinarily in the shape of an "A" or some variation thereof, that is readily moveable, and is not permanently attached to the ground or any structure. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established herein.

SIGN, SUSPENDED

A sign that is affixed beneath the roof of a canopy, awning, or outdoor form of a ceiling that maintains the minimum clearance requirements established in this code.

SIGN, TEMPORARY

A banner, pennant, poster display or illustration that is affixed to or painted upon or represented directly

or indirectly upon a building, structure or piece of land and that directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials and that is intended to be displayed for a limited period of time.

SIGN, WALL

A sign that is affixed, painted on or attached to the wall of the building or other structure and that extends not more than 15 inches from the face of the wall.

SIGN, WARNING

Any sign indicating danger or a situation that is potentially dangerous.

SIGN, WINDOW

A sign attached to, in contact with, placed upon or painted on the window or door of a building that is intended for viewing from the outside of such building. This does not include merchandise located in a window.

SIGN, YARD

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

SILL

The framing member that forms the bottom edge of the window opening.

SITE

The original tract of land that exists prior to any subdivision activity and that is the subject of a preliminary application for development, as defined by Chapter **183**, Subdivision and Land Development.

SITE AREA

The total area of all lots, rights-of-way, easements, open space and other features contained within the boundaries of a site.

SITE DEVELOPMENT PLAN

The written document or set of plans meeting the requirements of this code that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth-disturbing activities.

SITE PLAN

A plan, drawn to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land. A site plan shall include a drawing, including a legal or site description, of real estate that shows the location and size of the following, both existing and proposed: all buildings, structures and yards; locations and dimensions of building lines and easements; widths and lengths of all entrances and exits to and from such real estate; and the locations of all adjacent or adjoining streets, service facilities, topography, drainage plan and other improvements, such as planting areas.

SLEEPING UNIT

A habitable room, or a group of two or more habitable rooms, not equipped with self-contained cooking facilities.

SLIP

See "landslide."

SLOPE (RELATED TO ROOFS)

The incline of the roof. Amount of rise for every 12 inches of run.

SLOPE (RELATED TO THE GROUND OR TOPOGRAPHY)

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is usually expressed in a percentage based upon vertical differences in feet per 100 feet of horizontal distance.

SLOUGHING

A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

SOFFIT

A horizontal member that fills the gap between the exterior wall and the fascia.

SOIL LOSS

Soil relocated on or removed from a given site by the forces of erosion and the redeposit of the soil at another site on land or in a body of water.

SOIL STABILIZATION

Vegetative or structural soil cover controlling erosion, and includes permanent and temporary seed, mulch, sod, pavement, etc.

SOLAR PHOTOVOLTAIC (PV) SYSTEM

A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and does not produce excess on-site energy greater than currently permitted by the Pennsylvania Public Utility Commission guidelines.

SOLAR PHOTOVOLTAIC (PV)-RELATED EQUIPMENT

Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR-BASED ARCHITECTURAL ELEMENT

Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules and may or may not include additional solar PV-related equipment.

SPECIAL EXCEPTION

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

SPECIFIED ANATOMICAL AREAS

(1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

(1) Humans genitals in a state of sexual stimulation or arousal;

(2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

STATIC/INSTANT MESSAGE CHANGE

On electronic message centers, when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

STEEP SLOPE

A slope over eighteen-percent grade, that is characterized by increased runoff, erosion and sediment hazards.

STOP-WORK ORDER

An order issued that requires that all work on the site must cease except work associated with bringing the site into compliance with the approved SWP3 or site development plan.

STORM DRAINAGE SYSTEM

Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM FREQUENCY

The average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

STORMWATER

Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER MANAGEMENT

Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

STORMWATER MANAGEMENT PLAN (SMP)

The written document meeting the requirements of this Code that sets forth the plans and practices to be used to minimize stormwater runoff from a site and to safely convey or temporarily store and release post-development stormwater runoff at an allowable rate to minimize flooding and erosion.

STORMWATER POLLUTION PREVENTION PLAN (RELATED TO SEWER)

A document that describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

STORMWATER RUNOFF

See "runoff."

STORY

That portion of a building 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 any floor and the ceiling next above it.

STORY, HALF

That portion of a building under a sloping, gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half story.

STREAM

A body of water running or flowing on the earth’s surface or channel in which such flow occurs. Flow may be seasonally intermittent.

STREET

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

STREET FRONTAGE

The distance for which the front boundary line of the lot and the street line are coincident.

STREET LINE

A dividing line between a lot, tract or parcel of land and a contiguous street.

STREET, ARTERIAL

A major street that provides intracommunity travel and access to the county or regional highway system. Access to an arterial should be provided at collector and local streets.

STREET, COLLECTOR

A street that provides for distribution of traffic between major and local streets and abutting properties, including the principal entrance and circulation routes within residential subdivisions.

STREET, PRIVATE

A street not dedicated to the Borough.

STREET, PUBLIC

A street dedicated to the Borough.

STRUCTURAL ALTERATION

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

STRUCTURAL CONTROLS

Any human-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of stormwater runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.

STRUCTURE

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

STRUCTURE, TEMPORARY

A use or structure permitted for limited duration with the intent that such use will terminate, or the structure will be removed automatically upon expiration of the fixed period of time. A temporary structure is without a foundation or footing.

SUBDIVIDER

See "developer."

SUBDIVISION

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

SUBDIVISION REGULATIONS

Chapter **183**, Subdivision and Land Development, of the Code of the Borough of Dormont.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:

(1) Any improvement to a structure that is considered new construction;

(2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified prior to the application for a development permit by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

(3) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SURFACE AREA OF SIGN

That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area shall not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc. that are not part of the main supports of the sign shall be included in determining the surface area of a sign. For two-sided signs, only one face is counted in computing the surface area. For signs that have poster panels mounted on a supporting structure with space between the poster panels, the area of each panel shall be computed as surface area of the sign, not including the space between the panels.

SURVEYOR

A registered land surveyor in the commonwealth.

SWALE

A low-lying stretch of vegetated land that gathers and carries surface water.

TELEVISION DISH/ANTENNA

Equipment found on the exterior of a residential property and comprising the part of the receiver by means of which the television signals are received.

TEMPORARY USE OR STRUCTURE

Any use or structure that may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for six consecutive months or less.

TEMPORARY VEGETATION

Short term vegetative cover, such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

TENNIS COURT

A rectangular area on which tennis is played, marked with lines and enclosed by a fence.

TENT-TYPE FOLD-OUT CAMPING TRAILER

Any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and that is subject to the following properties and limitations:

(1) A minimum of 25% of the fold-out portion of the top and sidewalls combined must be constructed of canvas, vinyl or other fabric, and form an integral part of the shelter.

(2) When folded, the unit shall not exceed:

(a) Fifteen feet in length, exclusive of bumper and tongue;

(b) Sixty inches in height from the point of contact with the ground;

(c) Eight feet in width; or

(d) One ton gross weight at time of sale.

TENTATIVE APPROVAL

Approval prerequisite to final approval of a planned residential development granted by the Borough Council for Planned Residential Developments, which no longer exist within the Dormont Development Code.

TERRAIN CLASSIFICATION

Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:

(1) **LEVEL**That land that has a cross slope range of 4% or less.

(2) **ROLLING**That land that has a cross slope range of more than 4% but not more than 8%.

(3) **HILLY**That land that has a cross slope range of more than 8% but not more than 15%.

(4) **HILLSIDE**That land that has a cross slope range of more than 15%.

THOROUGHFARE

See "street."

TIME LIMITS

Time limits designated within these regulations shall begin when applications for review are officially accepted or as otherwise stipulated in this chapter.

TOPSOIL

Surface and upper surface soils that presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

TOWER

A self-supporting, monopole, or guyed structure, constructed from grade, that supports personal wireless

facilities. The term "tower" shall not include amateur radio operator's equipment, as licensed by the FCC.

TOWNHOUSES

Two or more dwelling units attached by one or more shared vertical walls, with dwelling units arranged on a side-by-side rather than a stacked configuration. Each individual townhome dwelling unit has front and rear access to the outside.

TRACKING SYSTEM

A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

TRAFFIC ANALYSIS

A report prepared by a qualified traffic engineer that details the nature and extent of trip generation expected to result from a proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers, including the current and projected capacities and levels of service of all streets and intersections within 1,000 feet of the proposed development.

TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT ENTERTAINMENT BUSINESS

Means and includes any of the following:

(1) The sale, lease or sublease of the business;

(2) The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device that transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death a person possessing the ownership or control.

TRANSPARENCY

The amount of glass and other transparent materials used in openings, such as doors and windows, to promote visual interest in storefronts, especially at the pedestrian level.

TRAVEL TRAILER

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.

TREEHOUSE

A structure built in the branches of a tree for children to play in.

TRELLISES

A framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.

TRUCK CAMPER

A non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon

and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and roof but do not have floors and facilities for using same as a dwelling.

UNDERGROUND STORAGE TANK

Any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

USE

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

USE PRINCIPAL PERMITTED

A use that is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Officer, provided that the applicant meets the applicable requirements of the code.

USE, ACCESSORY

See "accessory use."

USE, CHANGE OF

The change of activity of a building, structure or premise.

USE, CONDITIONAL

A use that is permitted in a district only if a zoning certificate therefor is expressly authorized by the Zoning Hearing Board.

USE, NONCONFORMING

Any building, structure, parking area, or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and that does not conform to the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

USE, TEMPORARY

A use that is authorized by this Code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

UTILITY EASEMENT

The easement used for the maintenance of vehicle sight distances, the placement of stormwater drainage, sewer, water, natural gas, electric, telephone, cable television or other facilities or utilities, and for street maintenance.

UTILITY TRAILER

Any single or dual axle nonmotorized vehicle used for transportation of equipment, vehicles, livestock and any other materials.

VARIANCE

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

VICINITY MAP

A drawing located on the plat that sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the Borough in order to better locate and orient the area in question.

WALKWAY

A dedicated public way, for pedestrian use only, whether along the side of a road or not.

WAREHOUSE

A structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others, and whether the same is a public or private warehouse.

WASTEWATER

Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

WATER RESOURCE

All streams, lakes, ponds, wetlands, drainage systems, and all other water bodies or accumulations of surface water, natural or artificial, that are situated wholly or partially or border upon the jurisdiction, except those private waters that do not combine or affect or junction with natural surface waters.

WATERCOURSE

Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto that is subject to inundation by reason of overflow of floodwater.

WATERSHED

The total drainage area contributing runoff to a single point.

WELLHEAD

The source of a spring or stream.

WETLANDS

Surface areas that are inundated or saturated by surface 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 conditions. Wetlands generally include swamps, marshes, bogs and similar areas (1987 Corp of Engineers Wetland Delineation Manual).

YARD

An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward.

YARD, FRONT

A yard extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and a line parallel to the front elevation of the principal structure.

YARD, FRONT (LEAST DEPTH)

The shortest distance, measured horizontally, between any part of the building, and the front lot line.

YARD, FRONT, HOW MEASURED, LEAST DEPTH

Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the thoroughfare plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said thoroughfare plan.

YARD, REAR

A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line to the closest part of a principal building.

YARD, REAR (LEAST DEPTH)

The average distance measured horizontally between any part of a building and the nearest rear lot line.

YARD, REAR, HOW MEASURED, LEAST DEPTH

The average distance measured horizontally between any part of a building, except as hereinafter specified, and the nearest rear lot line.

YARD, REQUIRED

A space between a lot line and the buildable area within which no structure shall be located except as provided in this chapter.

YARD, SIDE

An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.

YARD, SIDE (LEAST DEPTH)

The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.

YARD, SIDE, HOW MEASURED, LEAST WIDTH

Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.

ZONING DISTRICT

Geographic areas within the Borough in which the uses to which land can legally be utilized are designated and for which the boundaries are shown on the Zoning Map, that is part of this chapter.

ZONING HEARING BOARD

The Zoning Hearing Board of the Borough of Dormont, Allegheny County, Pennsylvania. (See also "Board.")

ZONING MAP

The official map delineating the zoning districts of Dormont Borough, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER

The designated official or an authorized representative appointed by the Borough Council whose duty it shall be to administer this chapter.

ZONING PERMIT

The document issued by the Borough Manager or their designee authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

§ 210-803 **Flood zone terms.**

A. Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:

BASE (100-YEAR) FLOOD ELEVATION (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from one to three feet).

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-percent-chance annual flood or 100-year flood.

EXECUTIVE ORDER 11988 (FLOODPLAIN MANAGEMENT)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

FILL

A deposit of earth material placed by artificial means.

FLOOD INSURANCE RATE MAP (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

FLOOD INSURANCE RISK ZONES

The zone designations on FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

(1) **ZONE A**Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

(2) **ZONES A1-30 and ZONE AE**Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

(3) **ZONE AO**Special flood hazard areas inundated by the 100-year flood; with flood depths of one to three feet (usually sheet flow on sloping terrain); average depths are determined.

(4) **ZONE AH**Special flood hazard areas inundated by the 100-year flood; flood depths of one to three feet (usually areas of ponding); base flood elevations are determined.

(5) **ZONE A99**Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations are determined.

(6) **ZONE B and ZONE X (SHADED)**Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.

(7) **ZONE C and ZONE X (UNSHADED)**Areas determined to be outside the 500-year floodplain.

FLOOD INSURANCE STUDY (FIS)

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION ELEVATION (FPE)

The base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

FLOODWAY

A channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area and is usually characterized by any of the following: moderate to high velocity floodwaters, high potential for debris and projectile impacts, and moderate to high erosion forces.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS

An analysis performed by a professional engineer, registered in the commonwealth, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

LETTER OF MAP CHANGE (LOMC)

An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

(1) **LETTER OF MAP AMENDMENT (LOMA)**A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

(2) **LETTER OF MAP REVISION (LOMR)**A revision based on technical data that, usually due to man-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

(3) **CONDITIONAL LETTER OF MAP REVISION (CLOMR)**A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an enclosure below the lowest floor, which is an unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

A federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against

flood loss.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the initial effective date of the Borough Flood Insurance Rate Map, including any subsequent improvements to such structures.

SPECIAL FLOOD HAZARD AREA or AREAS OF SPECIAL FLOOD HAZARD

The land in the floodplain that is subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that area flood-prone and designated from other federal, state or local sources, including but not limited to historical flood information reflecting high watermarks, previous flood inundation areas, and flood-prone soils associated with a watercourse.